# SHERIFF'S PREFACE

To All Clay County Sheriff's Office Employees and CCIS Members:

The Clay County Sheriff's Office is one of the most conspicuous and easily recognized representatives of government to our community. To the majority of people it is a symbol of stability and authority upon whom they can rely. As such it shall be the policy of the Clay County Sheriff's Office to establish and articulate the conduct, behavior and level of productivity that is appropriate for its personnel. The goal is to promote a harmonious work relationship with other members; a positive public image; and, to ensure that our mission, goals and objectives are achieved.

Our profession is one that operates in a dynamic environment which forces employees and members to make discretionary decisions in both normal and adverse conditions. However, we are obligated by our Constitutions and laws to be impartial, objective, transparent, ethical and moral. To achieve this delicate balance our policies provide a framework for proper conduct and behavior. The policies within are derived from law and case law at federal, state and local government levels, as well as best Law Enforcement practices. Our policies are intended to foster accountability and provide protection for the Clay County Sheriff's Office and you. For this reason you must not only understand them but both follow and implement the policies as closely as circumstances permit.

As a living document, this manual will undergo constant change to keep the Sheriff's Office, you and your actions in compliance with new laws, case law, community expectations, Agency changes and current professional standards. This will ensure that we, as the Clay County Sheriff's Office, maintain public safety and order while serving the public at the highest levels possible.

***Paul C. Vescovo III,***

***Sheriff, Clay County, MO***

# LAW ENFORCEMENT CODE OF ETHICS / SHERIFF'S CODE OF ETHICS

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

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

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

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

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

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

**Sheriff's Code of Ethics**

As a constitutionally/statutorily elected Sheriff, I recognize and accept that I am given a special trust and confidence by the citizens and employees whom I have been elected to serve, represent and manage. This trust and confidence is my bond to ensure that I shall behave and act according to the highest personal and professional standards. In furtherance of this pledge, I will abide by the following Code of Ethics.

I shall ensure that I, and my employees, in the performance of our duties, will enforce and administer the law according to the standards of the U.S. Constitution and applicable State Constitutions and statutes so that equal protection of the law is guaranteed to everyone. To that end I shall not permit personal opinions, party affiliations, or consideration of the status of others to alter or lessen this standard of treatment of others.

I shall establish, promulgate and enforce a set of standards of behavior of my employees, which will govern the overall management and operation of the law enforcement functions, court related activities, and corrections operations of my agency.

I shall not tolerate nor condone brutal or inhumane treatment of others by my employees nor shall I permit or condone inhumane or brutal treatment of inmates in my care and custody.

I strictly adhere to standards of fairness and integrity in the conduct of campaigns for election and I shall conform to all applicable statutory standards of election financing and reporting so that the Office of the Sheriff is not harmed by the actions of myself, or others.

I shall routinely conduct or have conducted an internal and external audit of the public funds entrusted to my care and publish this information so that citizens can be informed about my stewardship of these funds.

I shall follow the accepted principles of efficient and effective administration and management as the principle criteria for my judgments and decisions in the allocation of resources and services in law enforcement, court related and corrections functions of my Office.

I shall hire and promote only those employees or others who are the very best candidates for a position according to accepted standards of objectivity and merit. I shall not permit other factors to influence hiring or promotion practices.

I shall ensure that all employees are granted and receive relevant training supervision in the performance of their duties so that competent and excellent service is provided by the Office of the Sheriff.

I shall ensure that during my tenure as Sheriff, I shall not use the Office of Sheriff for private gain.

I accept and will adhere to this Code of Ethics. In so doing, I also accept responsibility for encouraging others in my profession to abide by this Code.

# MISSION STATEMENT

The mission of the Clay County Sheriff's Office is the "protection and service of our citizens in a professional and compassionate manner and the efficient and correct delivery of law enforcement services to the community."

The people that make up the Clay County Sheriff's Office are your friends, neighbors and relatives, we are a part of your community.

With community support, the Sheriff's Office will continue preparing for the future through partnerships, professionalism, performance and pride while consistently completing our daily goals and objectives

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# Chapter 1 - Law Enforcement Role and Authority

# Law Enforcement Authority

## 100.1 PURPOSE AND SCOPE

Law enforcement officers are granted the authority to perform their function based on established legal authority. The Clay County Sheriff's Office does not tolerate abuse of law enforcement authority.

## 100.2 PEACE OFFICER POWERS

Deputies commissioned by the Clay County Sheriff's Office shall be considered peace officers and possess a valid peace officer license pursuant to § 590.020.1, RSMo. A license is not required for licensed members who have continually held a commission as a:

(a) Full time peace officer since December 31, 1978.

(b) Reserve deputy since August 15, 1988.

A license may not be required under the exception provided pursuant to § 590.020.1, RSMo.

The authority of a peace officer and the scope of that authority extends to any place in the State of Missouri for which his/her license is valid, and assigns the scope of his/her duty to preserving the peace within the jurisdiction in accordance with statutory limits and through all lawful means. A peace officer shall perform those duties necessary as part of the regular and permanent performance of the public power, trust or duty, including those functions that may involve the use of force and the arrest or detention of a person.

### 100.2.1 AUTHORITY OUTSIDE OF JURISDICTION

The authority of a peace officer extends to any place in the state of Missouri, as follows:

(a) A deputy of a county of the first classification is granted arrest authority pursuant to (§ 70.820.5, RSMo).

(b) The deputy is in fresh pursuit of a suspect pursuant to (§ 544.157, RSMo).

(c) The deputy sees a person using or threatening physical force involving a risk of death or physical injury to another person or is committing a dangerous felony (§ 70.820.6, RSMo).

(d) Outside the boundaries of the County when (§ 70.820, RSMo):

1. Such authority has been authorized by the governing body of the County and by the governing body of the political subdivision in which an emergency situation is occurring.
2. The deputy has a reasonable belief that an emergency situation involving a crime is about to be committed, is being committed or has been committed.
3. The emergency situation involves injury or threat of injury to any person, property or government interest.
4. The deputy's response is reasonably necessary to prevent, end or mitigate the emergency situation.

## 100.3 INTERSTATE PEACE OFFICER ASSISTANCE

Peace officer authority may be extended within other states:



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(a) As applicable under interstate compacts and memorandums of understanding in compliance with the laws of each state.

(b) When a deputy enters another state in fresh pursuit of a felony subject or a fugitive from justice (Arkansas Code § 16-81-401 et seq.; Illinois Compiled Statutes 725 ILCS 5/107-4; Iowa Code § 806.1 et seq.; Kansas Statutes Annotated § 22-2404; Kentucky Revised Statutes § 431.045; Nebraska Revised Statutes § 29-416 et seq.; 22 Oklahoma Statutes Annotated § 221 et seq.; Tennessee Code § 40-7-201 et seq.).

Any peace officer of another state who enters Missouri in fresh pursuit of a person believed to have committed a felony or driving while intoxicated has the same authority to arrest and hold such person in custody as a peace officer of this state if the other state extends similar authority to Missouri peace officers (§ 544.155.1, RSMo).

## 100.4 FEDERAL PEACE OFFICER POWERS

Any federal peace officer has jurisdiction regarding federal buildings, grounds and property pursuant to 18 USC § 13 and 40 USC § 1315.

A federal peace officer has the same authority as a peace officer of this state where the federal peace officer (§ 70.820, RSMo):

(a) Sees a person committing a dangerous felony.

(b) Sees a person asserting physical force or using forcible compulsion involving a substantial risk of death or serious physical injury.

(c) Renders assistance at the request of any peace officer of this state.

(d) Makes an arrest or provides assistance as part of a bona fide task force or joint investigation in which peace officers of this state are participating.

## 100.5 FEDERAL RESERVATIONS

Peace officer powers extend to Indian reservations pursuant to 18 USC § 1152, except in the following circumstances:

(a) A crime was committed by an Indian against the person or property of another Indian.

(b) An Indian who committed an offense has been punished by the local law of the tribe.

(c) An Indian tribe has been granted exclusive jurisdiction by stipulation of a treaty.

A deputy of the Clay County Sheriff's Office has exclusive jurisdiction over a crime committed on Indian reservations by a non-Indian against another non-Indian absent treaty provisions to the contrary.

## 100.6 CONSTITUTIONAL REQUIREMENTS

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



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# Chief Executive Officer

## 102.1 PURPOSE AND SCOPE

The Missouri Peace Officer Standards and Training Commission (POST) has mandated that all peace officers employed within the State of Missouri shall be licensed by POST (§ 590.020.1, RSMo).

### 102.1.1 SHERIFF REQUIREMENTS

Prior to filing for the office of Sheriff, a candidate shall meet all requirements pursuant to § 57.010, RSMo to qualify for the office of sheriff.

A sheriff who does not hold a valid peace officer license shall not personally participate in arrests, detentions, vehicular pursuits, searches or interrogations but may administer police powers through licensed deputy sheriffs (§ 57.010.2, RSMo).



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# Oath of Office

## 104.1 PURPOSE AND SCOPE

Deputies are sworn to uphold the U.S. and Missouri Constitutions and to enforce federal, state and local laws.

### 104.1.1 OATH OF OFFICE

Prior to assuming the duties of a peace officer, all employees shall be required to affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a peace officer (Missouri Constitution Article VII Section 11).

In addition, all employees shall acknowledge the sheriff's office code of ethics and their responsibility to adhere to it.

The oath shall be as follows:

I, (employee name), do solemnly swear (or affirm) that I will support, protect and defend the Constitution and government of the United States of America, and the Constitution and government of the State of Missouri, against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any state notwithstanding, and that I will well and faithfully perform all the duties of the office of (applicable position or office), on which I am about to enter and to which I have been duly appointed - (if an oath) so help me God - (if an affirmation) under the pains and penalties of perjury.



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# Policy Manual

## 106.1 PURPOSE AND SCOPE

The manual of the Clay County Sheriff's Office is hereby established and shall be referred to as the "Policy Manual". The Policy Manual is a statement of the current policies, procedures, rules and guidelines of the Clay County Sheriff's Office and the Clay County Investigative Squad. All employees/members are to conform to the provisions of this manual. All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, orders and other regulations that have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

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

### 106.1.1 DISCLAIMER

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

## 106.2 RESPONSIBILITIES

The ultimate responsibility for the content of the manual rests with the Sheriff. Since it is not practicable for the Sheriff to prepare and maintain the manual, the following delegations have been made.

### 106.2.1 SHERIFF

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

### 106.2.2 STAFF

The staff shall consist of the following:

- Sheriff
- Undersheriff
- Major



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- The Commander from each division
- Any other employee designated or assigned by the Sheriff

The staff shall review all recommendations regarding proposed changes to the manual.

### 106.2.3 OTHER PERSONNEL

All sheriff's office employees suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Division Commander, who will consider the recommendation and forward it to staff.

## 106.3 FORMATTING CONVENTIONS FOR THE POLICY MANUAL

All written policies will have a header at the top of the page with the subject of the policy and the policy number. Each policy will begin with a purpose statement, a policy statement when appropriate and will conclude with the directive information of that subject. The published date of the document will be printed in the footer of each page.

### 106.3.1 ACCEPTABLE ABBREVIATIONS

The following abbreviations are acceptable substitutions in the manual:

- Agency Directive may be abbreviated as "AD."
- Policy Manual sections may be abbreviated as "Section 106.X" or "§ 106.X."

### 106.3.2 DEFINITIONS

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

**Adult** - Any person 17 years of age or older, except a 17 year old alleged to have committed a status offense (§ 211.021.1(1), RSMo).

**CCIS** - Clay County Investigative Squad

**Child/Juvenile** - Any person under 17 years of age and, any person under 18 years of age alleged to have committed a status offense (§ 211.021.1(2), RSMo).

**County** - The County of Clay County Sheriff's Office

**CFR** - Code of Federal Regulations

**Commission** - When not obviously referring to the POST commission, means a grant of authority to act as a peace officer (§ 590.010(1), RSMo).

**CSR** Missouri Code of State Regulations

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

**Office/CCSO** - The Clay County Sheriff's Office

**DHSS** - Department of Health and Senior Services

**DPS** - The Missouri Department of Public Safety

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



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**Law enforcement officer** - Any public servant having both the power and duty to make arrests for violations of the laws of this state, and federal law enforcement officers authorized to carry firearms and to make arrests for violations of the laws of the United States (§ 556.061(17), RSMo).

**Manual** - The Clay County Sheriff's Office Policy Manual

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

**Member** - Any person employed or appointed by the Sheriff's Office, including full-time or part-time licensed deputies, reserve deputies, civilian employees and volunteers.

**MSHP** - Missouri State Highway Patrol

**MULES** - Missouri Uniform Law Enforcement System

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

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

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

**Peace officer** - A law enforcement officer of the state or any political subdivision of the state with the power of arrest for a violation of the criminal code or declared or deemed to be a peace officer by state statute (§ 590.010, RSMo; § 590.020.1, RSMo). The term includes licensed full-time and reserve peace officers who perform the duties of a peace officer.

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

**RSMo** - Missouri Revised Statutes

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

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

**Supervisor** - A person in a position of authority regarding hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other employees, directing the work of other employees or adjustment of employee grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any supervisor, lead worker, unit leader or other person given responsibility for the direction of work without regard to a formal job title, rank or aspects of compensation established by an employment agreement, the Fair Labor Standards Act or any similar statutes or ordinances related to employment compensation or benefits. On those occasions where a single employee is working, that employee may also be the supervisor, except when circumstances reasonably require the notification or involvement of the employee's off-duty supervisor or an on-call supervisor.

**USC** - United States Code



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### 106.3.3 DISTRIBUTION OF MANUAL

Copies of the Policy Manual shall be distributed to the following:

- Sheriff
- Command Staff
- Training Coordinator
- Field Operations Sergeant's Office
- Detective Sergeant's Office
- Detention Sergeant's Office
- CCIS Sergeant's Office

An electronic version of the Policy Manual will be made available to all employees on the Sheriff's Office network. The electronic version will be limited to the viewing and printing of specific sections. No changes shall be made to the electronic version without authorization.

## 106.4 MANUAL ACCEPTANCE

As a condition of employment, all employees/CCIS members are required to read and obtain necessary clarification of the sheriff's office policies. All employees/CCIS members are required to acknowledge that they have received a copy or have been provided access to the Policy Manual and understand they are responsible to read and become familiar with its contents.

### 106.4.1 REVISIONS TO POLICIES

All employees/members are responsible for keeping abreast of all Policy Manual revisions. All changes to the Policy Manual will be posted on the sheriff's office intranet home page under the title Recent Policy Manual Revisions. The Training Coordinator will forward revisions to the Policy Manual as needed to all personnel via electronic mail. Each employee shall acknowledge receipt by return e-mail and shall review the revisions and seek clarification as needed.

Each commander/manager will ensure that employees under his/her command are aware of any Policy Manual revisions.

### 106.4.2 PERIODIC REVIEW OF THE POLICY MANUAL

At least annually, the Sheriff will cause the entire manual to be reviewed and updated as necessary to ensure the Policy Manual conforms to the actual operation of the Sheriff's Office and complies with Missouri law.



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# Chapter 2 - Organization and Administration

# Organizational Structure and Responsibility

## 200.1 PURPOSE AND SCOPE

The organizational structure of the Sheriff's Office is designed to create an efficient means to accomplish the mission and goals and to provide for the best possible service to the public.

## 200.2 DIVISIONS

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

- Administration Division
- Field Operations Division
- Detention Division
- Judicial/Community Services Division

### 200.2.1 ADMINISTRATION DIVISION

The Administration Division is commanded by the assigned Captain, whose primary responsibility is to provide general management, direction and control for the Administration Division, including management of the sheriff's office budget and the designation of the custodian of records. The Administration Division consists of Technical Services and Administrative Services.

Annually, the Administration Division Captain shall develop and submit to the Sheriff a budget and an inventory of capital property, equipment and assets. Property, equipment and assets with a beginning value of more than $5,000, and other items specifically identified for inclusion regardless of value, are capital property, equipment and assets.

### 200.2.2 FIELD OPERATIONS DIVISION

The Field Operations Division is commanded by the assigned Captain, whose primary responsibility is to provide general management, direction and control for the Field Operations Division. The Field Operations Division consists of Uniformed Patrol, Domestic Abuse Response and Special Operations, which includes Traffic, Sheriff's Aides/Assistants as well as the Investigations Unit and Evidence Room.

### 200.2.3 DETENTION DIVISION

The Detention Division is commanded by the assigned Captain, whose primary responsibility is to provide general management, direction and control for the Detention Division. The Detention Division consists of all commissioned and civilian personnel assigned to the Clay County Detention Center.

### 200.2.4 JUDICIAL/COMMUNITY SERVICES DIVISION

The Judicial/Community Services Division is commanded by the assigned Captain, whose primary responsibility is to provide general management, direction and control for the Judicial/Community Services Division. The Judicial/Community Services Division consists



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of the Fugitive Apprehension Unit,Transport Unit, Civil Process Unit, School Resource Unit, Sexual Offender Registration Enforcement Unit, CCW Unit, Reserves and Court Security Unit .

### 200.2.5 SPECIALIZED UNITS

At various times certain specialized units such as Sheriff's Information Technology and the Cooperative Communications Center will report directly to the Sheriff or Undersheriff as directed. Refer to the current organizational chart for those assignments.

## 200.3 COMMAND PROTOCOL

### 200.3.1 SUCCESSION OF COMMAND

The Sheriff exercises command over all personnel in the Sheriff's Office. During planned absences of the Sheriff the Undersheriff will serve as the acting Sheriff. During planned absences of the Sheriff and the Undersheriff the Major will serve as the acting Sheriff.

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

(a) Appropriate Division Commander or Commander On-Call

(b) Shift/Unit Supervisor

### 200.3.2 UNITY OF COMMAND

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

### 200.3.3 ORDERS

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

### 200.3.4 UNLAWFUL AND CONFLICTING ORDERS

No member is required to obey any order that outwardly appears to be in direct conflict with any federal law, state law or local ordinance. Following an unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or confer with a higher authority. Responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, sheriff's office policy or other directive, shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict are not held accountable for disobedience of the lawful order or directive that was initially issued.



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The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.



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# Agency Directives

## 204.1 PURPOSE AND SCOPE

Agency Directives and Special Orders establish interdepartmental communication that may be used by the Sheriff to make immediate changes to policy and procedure. Agency Directives will immediately modify or change and supersede sections of this manual to which they pertain.

### 204.1.1 AGENCY DIRECTIVE PROTOCOL

Agency Directives will be incorporated into the manual, as required, upon staff approval. Agency Directives will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

All existing Agency Directives have now been incorporated in the updated Policy Manual as of the revision date shown.

Any Agency Directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number "01." For example, 12-01 signifies the first Agency Directive for the year 2012.

Temporary Agency Directives that become inoperative with the passing of the incident or period for which they are written, and are not intended for nor will be included in the manual, should be tracked and acknowledged similar to policy revisions.

## 204.2 RESPONSIBILITIES

### 204.2.1 STAFF

The staff shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by an Agency Directive.

### 204.2.2 SHERIFF

The Sheriff or the authorized designee shall issue all Agency Directives.

## 204.3 ACCEPTANCE OF AGENCY DIRECTIVE

All employees/members are required to read and obtain necessary clarification of all Agency Directives. All employees are required to acknowledge in writing the receipt and review of any new Agency Directive. Signed acknowledgment forms and/or e-mail receipts showing an employee's acknowledgment will be maintained by the Training Coordinator.



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# Emergency Operations Plan

## 206.1 PURPOSE AND SCOPE

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

The County Emergency Operations Plan complies with the State of Missouri Emergency Operations Plan (§ 44.080.1, RSMo). This plan provides guidance for County emergency operations within its borders and outside its borders as may be required.

## 206.2 ACTIVATING THE EMERGENCY OPERATIONS PLAN

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

Upon activation of the plan, the Sheriff or the authorized designee should contact the Missouri State Emergency Management Agency (SEMA) to assist with mutual aid response from local, state and federal law enforcement agencies to provide requested resources to the sheriff's office.

### 206.2.1 RECALL OF PERSONNEL

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

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

## 206.3 LOCATION OF THE EMERGENCY OPERATIONS PLAN

Copies of the County Emergency Operations Plan are available in Administration and the Shift/Unit Supervisor's office. All supervisors should familiarize themselves with the Emergency Operations Plan and the roles personnel will play when the plan is implemented.

The State of Missouri Emergency Operations Plan and additional regional information can be found on the SEMA website at http://sema.dps.mo.gov.

## 206.4 PLAN REVIEW

The Sheriff or the authorized designee shall review the Emergency Operations Plan Manual at least once every two years to ensure that the manual conforms to any revisions made by the National Incident Management System (NIMS), and appropriately address any needed revisions.



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# Training

## 208.1 PURPOSE AND SCOPE

It is the policy of the Clay County Sheriff's Office to administer a training program that will meet the standards of federal, state, local and Missouri Peace Officer Standards and Training (POST) Commission training requirements. It is a priority of the sheriff's office to provide continuing education and training for the professional growth and progressive development of its personnel. By doing so, the Sheriff's Office will ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the public.

## 208.2 PHILOSOPHY

The Clay County Sheriff's Office seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels and legal mandates. Whenever reasonably possible, the Sheriff's Office will use courses certified by the Missouri POST Commission or other regulatory or nationally recognized entities.

## 208.3 OBJECTIVES

The objectives of the training program are to:

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

(b) Increase the technical expertise and overall effectiveness of sheriff's office personnel.

(c) Provide for continued professional development of sheriff's office personnel.

(d) Assist in compliance with statutory requirements.

## 208.4 TRAINING PLAN

It is the responsibility of the Training Coordinator to develop, review, update and maintain a training plan and to ensure that mandated basic, in-service and sheriff's office-required training is completed by all employees. The plan shall include a systematic and detailed method for recording and logging of all training for all personnel. While updates and revisions may be made to any portion of the training plan at any time it is deemed necessary, the Training Coordinator shall review the entire training plan on an annual basis. The plan will include information on curriculum, training material, training facilities, course and student scheduling. The plan will address the state-required, minimum-mandated training of licensed deputies or hiring of civilian employees.

Training listed may be provided in basic training programs. The Training Coordinator is responsible for ensuring members of the Sheriff's Office have been trained as required.

### 208.4.1 MANDATED TRAINING

(a) Federally mandated training:

1. National Incident Management System (NIMS) training (once depending upon position and rank).

(b) State-mandated training:



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1. Licensed members of the Sheriff's Office must successfully complete basic preparatory training before being granted licensed status and performing the duties of a peace officer (§ 590.040, RSMo).
   (a) The basic training requirement may be waived if the employee is eligible for commission by meeting training and licensure standards within the parameters, extensions and exceptions set by POST (§ 590.030.3, RSMo; § 590.040.1(6), RSMo).
   (b) Licensed members of the Sheriff's Office shall complete no less than 48 hours of annual continuing education training as prescribed by POST (§ 590.050, RSMo).
   (c) Deputies who make traffic stops shall complete training concerning racial profiling as required by Missouri law.

### 208.4.2 SHERIFF'S OFFICE TRAINING REQUIREMENTS

Training requirements include, but are not limited to the following:

(a) Emergency Operations Plan (supervisors every two years)
(b) CPR/AED refresher (every two years)
(c) Pursuit driving (all licensed employees yearly)
(d) Firearms training (all licensed employees and Detention Transport Officers yearly)
(e) Defense tactics (all licensed employees and Detention Officers yearly)
(f) Police Legal Sciences (all licensed employees yearly)
(g) TASER, impact weapon, chemical weapon or other control devices (yearly)
(h) All use of force policies (all licensed employees and Detention Officers review yearly)
(i) Search, seizure and arrest (all licensed employees yearly)
(j) Use of body armor (all licensed employees and Detention Transport Officers every two years)
(k) Ethics (all employees every three years)

## 208.5 TRAINING NEEDS ASSESSMENT

The Training Unit will conduct an annual training needs assessment and complete a report of the training needs, including recommendations from the Training Committee. The training needs assessment report will be provided to the Sheriff and staff. Upon review and approval by the Sheriff, the needs assessment will form the basis for the training plan for the following fiscal year.

## 208.6 TRAINING COMMITTEE

The Training Coordinator shall establish a Training Committee, which will serve to assist with identifying training needs for the Sheriff's Office.

The Training Committee shall be comprised of at least three members, with the senior ranking member of the committee acting as the chairperson. Members should be selected based on their abilities at post-incident evaluation and at assessing related training needs. The Training Coordinator may remove or replace members of the committee at his/her discretion.

The Training Committee should review certain incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues



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related to the incident. Specific incidents the Training Committee should review include, but are not limited to:

(a) Any incident involving the death or serious injury of an employee.

(b) Incidents involving a high risk of death, serious injury or civil liability.

(c) Incidents identified by a supervisor as appropriate to review to identify possible training needs.

The Training Committee should convene on a regular basis as determined by the Sheriff or the authorized designee to review the identified incidents. The committee shall determine by consensus whether a training need exists and then submit written recommendations of its findings to the Training Coordinator. The recommendation should not identify specific facts of any incidents, such as identities of employees involved or the date, time and location of the incident, but should focus on the type of training being recommended.

The Training Coordinator will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Sheriff's Office and available resources.

## 208.7 TRAINING PROCEDURES

(a) All employees assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to the following:

1. Court appearances
2. First choice vacation
3. Sick leave
4. Physical limitations preventing the employee's participation
5. Emergency situations

(b) When an employee is unable to attend mandatory training, that employee shall:

1. Notify his/her supervisor as soon as possible but no later than one hour prior to the start of training. The employee will also notify the instructor or training facility of his/her absence, as necessary.
2. Document his/her absence in a memorandum to his/her supervisor.
3. Make arrangements through his/her supervisor and the Training Coordinator to attend the required training on an alternate date.

## 208.8 DAILY TRAINING BULLETINS

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

Personnel assigned to participate in DTBs shall only use login credentials assigned to them by the Training Coordinator. Personnel should not share their password with others and should frequently change their password to protect the security of the system. After each session, employees should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Sheriff's Office.



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

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

## 208.9 TRAINING RECORDS

The Training Coordinator is responsible to manage and distribute training records in compliance with the Personnel Files Policy.

## 208.10 FIELD TRAINING PROGRAM

The Training Coordinator shall establish a field training program for recruit peace officers that is of sufficient duration to provide for the adequate orientation and training of the new peace officer in the lawful operations of the Sheriff's Office. The program shall establish procedures for the selection, appointment and training of Field Training Officers (FTO) and supervisors, the daily evaluation of recruits participating in the program and the rotation of FTO personnel to provide for the objective evaluation of recruit performance.

The Training Coordinator shall also establish a field training program for civilian employees assigned as detention officers and civilian control center operators in the Clay County Sheriff's Office Detention Center. The program shall be of sufficient duration to provide for the adequate orientation and training of the new employee in the lawful operation of the detention center. The program shall establish procedures for the selection, appointment and training of FTO's and supervisors, the daily evaluation of employees participating in the program and the rotation of FTO personnel to provide for the objective evaluation of new employee performance.



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# Electronic Mail

## 212.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the electronic mail (e-mail) system provided by the Clay County Sheriff's Office. E-mail is a communication tool available to employees to enhance efficiency in the performance of job duties. It is to be used in accordance with generally accepted business practices and current law (e.g. Missouri public records laws). Messages transmitted over the e-mail system must only be those that involve official business activities or that contain information essential to employees for the accomplishment of business-related tasks and/or communications directly related to the business, administration or practices of the Sheriff's Office.

## 212.2 E-MAIL RIGHT OF PRIVACY

All e-mail messages, including any attachments, transmitted over the sheriff's office computer network or accessed through a web browser accessing the sheriff's office system are considered sheriff's office records and therefore are the property of the Sheriff's Office. The Sheriff's Office reserves the right to access, audit and disclose for any lawful reason, any message including any attachment that is transmitted or received over its e-mail system or that is stored on any sheriff's office system.

The e-mail system is not a confidential system since all communications transmitted on, to or from the system are the property of the Sheriff's Office. Therefore, the e-mail system is not appropriate for confidential or personal communications. If a communication must be private, an alternative method to communicate the message should be used instead of e-mail. Employees using the sheriff's office e-mail system shall have no expectation of privacy concerning communications transmitted over the system.

Employees should not use personal accounts to exchange e-mail or other information that is related to the official business of the Sheriff's Office. The use of any computer, internet service, phone service or other wireless service to send or receive information that may be related to public business may be subject to review or disclosure.

## 212.3 PROHIBITED USE OF E-MAIL

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the e-mail system is prohibited and may result in discipline.

E-mail messages addressed to the entire Sheriff's Office are only to be used for official business-related items that are of particular interest to all users. Users are reminded that all e-mail is subject to review and scrutiny with regard to appropriate content or violation of any prohibitions. In the event that a user has questions about sending a particular e-mail communication, the user should seek prior approval from the Sheriff or a Division Commander. Personal advertisements or announcements are not permitted.

It is a violation of this policy to transmit a message under another user's name or e-mail address or to use the password of another to log into the system. Users are required to log off the network or secure the workstation when the computer is unattended. This added security measure will minimize the potential misuse of an individual's e-mail, name and/or password by others.



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## 212.4 MANAGEMENT OF E-MAIL

Because the end user e-mail system is not designed for, nor does it support, long-term retention and archiving of messages, e-mail that an employee desires to save or that requires retention should be printed and/or stored in another database designed for long-term storage and retrieval.

Users of e-mail are solely responsible for the management of their mailboxes. Messages should be purged manually by the user at least once per week. All messages in excess of one month may be deleted or automatically archived at regular intervals from the system.

## 212.5 E-MAIL RECORD MANAGEMENT

E-mail may, depending upon the individual content, be a record under the Missouri Sunshine Laws and must be managed in accordance with the organization's adopted records retention, archiving and destruction policy in compliance with state law (§ 610.010, RSMo; § 109.180, RSMo). Members who use a non sheriff's office device to transmit any e-mail related to agency business to two or more agency members shall ensure that the message is concurrently transmitted to the member's agency computer or to the sheriff's office custodian of records (§ 610.021, RSMo).

The Clay County Information Technology Director shall ensure that e-mail messages are retained as outlined in the Security and Release of Records Policy.



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# Administrative Communications

## 214.1 PURPOSE AND SCOPE

Administrative communications of the sheriff's office are governed by the following policies.

## 214.2 MEMORANDUMS

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

## 214.3 CORRESPONDENCE

To ensure that the letterhead and name of the Sheriff's Office are not misused, all official external correspondence shall be on sheriff's office letterhead. All sheriff's office letterhead shall bear the signature element of the Sheriff. Official correspondence and use of letterhead requires approval of a supervisor. Sheriff's Office letterhead may not be used for personal purposes.

Internal correspondence should use appropriate memorandum forms. These may be from line employee to employee, supervisor to employee or any combination of employees.

## 214.4 SURVEYS

All surveys made in the name of the Sheriff's Office shall be authorized by the Sheriff or the authorized designee.

## 214.5 OTHER COMMUNICATIONS

Agency Directives and other communications necessary to ensure the effective operation of the Sheriff's Office shall be issued by the Sheriff or the authorized designee.



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# Supervision Staffing Levels

## 216.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that proper supervision is available to meet the operational requirements of all shifts. The Sheriff's Office intends to balance the needs of the employee against its duty and inherent managerial right to flexibility and discretion in assigning personnel to meet operational needs. While balance is desirable, the paramount concern is to meet the operational requirements of the Sheriff's Office.

## 216.2 MINIMUM STAFFING LEVELS

In the Detention Division minimum staffing levels should result in the scheduling of at least two regular supervisors on-duty whenever regular staffing allows. One should be assigned to the housing area and one to the booking area. Other division commanders should ensure that at least one supervisor per unit is deployed during each shift, in addition to any command staff presence.

### 216.2.1 SUPERVISION DEPLOYMENTS

In order to accommodate training and other unforeseen circumstances, a deputy may be used as a supervisor in place of a sergeant or corporal.

With prior authorization from the appropriate Division Commander, a deputy may act as the Shift Supervisor for a limited period of time.



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# Concealed Handgun Permit

## 218.1 PURPOSE AND SCOPE

The Sheriff has the statutory authority to issue a certificate of qualification to carry a concealed firearm. This policy provides a written process for the application, issuance and revocation of such certificates (§ 571.101, RSMo to § 571.121, RSMo).

All information provided to or obtained by the Sheriff regarding any holder of a certificate of qualification is confidential unless allowed by law (§ 571.101.9, RSMo).

### 218.1.1 PROCEDURE AND COST INFORMATION

The complete procedure and fee schedules to obtain a concealed carry permit or to renew a concealed carry permit are found on the Sheriff's Office Website

## 218.2 QUALIFIED APPLICANTS

In order to apply for a certificate of qualification to carry a concealed firearm, an applicant for a concealed handgun permit must meet the following requirements (§ 571.101.2, RSMo):

(a) Be U.S. citizen and one of the following:

1. A Missouri resident at least 21 years of age or a Missouri resident honorably discharged from the armed forces who is at least 18 years of age
2. An armed forces member stationed in Missouri who is at least 18 years of age
3. The spouse of an armed forces member stationed in Missouri who is at least 21 years of age

(b) Has not been convicted or pleaded guilty or nolo contendere to any felony.

(c) Has no weapons-related misdemeanor conviction.

(d) Has not been convicted within the past five years of a violent misdemeanor.

(e) Has not been convicted of two or more misdemeanors involving Driving While Intoxicated (DWI) or possession or abuse of a controlled substance within the past five years.

(f) Is not a fugitive from justice or currently charged with any criminal offense which would disqualify him/her for a certificate of qualification pursuant to Missouri law.

(g) Is not currently charged with a felony.

(h) Has not been dishonorably discharged from the United States armed forces.

(i) Has not engaged in a pattern of behavior, documented in public records, that creates a reasonable belief that the applicant presents a danger to him/herself or others.

(j) Has not been adjudged mentally incompetent within the past five years.

(k) Has not been committed to a mental health facility or a similar institution in another state.

(l) Has received the required firearms safety training.

(m) Is not subject to a full protection order that is in effect at the time of the application.

(n) Under the auspices of 18 USC§922 has not been convicted in any court of a misdemeanor crime of domestic violence.



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## 218.3 APPLICATION PROCESS

The following elements are required to process an application (§ 571.101, RSMo):

(a) Application forms shall be furnished by the Sheriff's Office upon request.

(b) The application will be completed in its entirety.

(c) Appropriate application and fingerprint fees are paid as allowed by law.

(d) Evidence of firearm competency

(e) Fingerprints as required

(f) Upon receipt of an application for a certificate of qualification, an investigation and background check of the applicant to determine if he/she is eligible shall be conducted. The Sheriff's Office may make whatever inquiries are deemed necessary regarding the accuracy of the statements made on the application.

An applicant who is a resident of the county must affirm that he/she meets all of the requirements to be issued a certificate of qualification.

## 218.4 APPLICATION NOTIFICATION

Upon receipt of the completed background check, the Sheriff's Office shall issue a certificate of qualification for a concealed carry endorsement within three working days. The Sheriff's Office shall issue the certificate within 45 calendar days if the criminal background check has not been received (§ 571.101.5, RSMo).

Approved applicants are responsible for signing the certificate of qualification in the presence of the Sheriff or the authorized designee and shall within seven days of receipt forward the certificate to the Department of Revenue for issuance of a driver license with a concealed carry endorsement (§ 571.101.7, RSMo).

The Sheriff's Office shall revoke any certificate or endorsement within 24 hours of receipt of any background check that results in a disqualification and direct that the Department of Revenue be notified.

### 218.4.1 DENIED APPLICATION

The Sheriff's Office may refuse an application if any of the requirements for the certificate of qualification have not been met or there is a reasonable belief that the applicant made a false statement (§ 571.101.6, RSMo).

Denied applicants shall be provided written notification stating the grounds for denial and informing the applicant of the right to submit, within 30 days, additional documentation relating to the denial. Upon receiving any additional documentation, the Sheriff's Office shall reconsider the initial decision and inform the applicant of the result within 30 days. The applicant shall be informed in writing of the right to appeal. After two additional reviews and denials, the applicant may appeal the denial in small claims court (§ 571.114, RSMo).

## 218.5 APPLICATION FOR RENEWAL

To renew a concealed carry endorsement, the applicant must complete and submit a renewal application within six months of expiration. The Sheriff's Office will issue a renewal certificate of qualification if all statutory provisions are met (§ 571.104.2, RSMo; § 571.104.3, RSMo).



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## 218.6 PERMIT ISSUED IN ANOTHER STATE

A concealed carry endorsement or permit that is issued by another state authorizes the person to carry a concealed firearm throughout the state of Missouri (§ 571.107.1, RSMo). The person shall be subject to the restrictions regarding the carrying of concealed firearms in this policy.

## 218.7 SUSPENDING OR REVOKING PERMITS

Deputies of the Clay County Sheriff's Office shall accept the surrender of a driver license or identification card with a concealed carry endorsement of any person who becomes ineligible for the endorsement under state law (§ 571.104.1(2), RSMo). An deputy accepting a surrendered driver license or identification card shall (§ 571.104.1(3), RSMo):

(a) Issue the person a receipt that serves as a driver license or identification card and clearly indicates that the person's concealed carry endorsement has been suspended.

(b) Transmit the surrendered license or identification card containing the concealed firearm endorsement to the court.

The Sheriff's Office shall notify the Department of Revenue regarding any certificate of qualification issued by the Clay County Sheriff's Office that has not been renewed within six months of its expiration date so that the concealed carry endorsement can be canceled (§ 571.104.3, RSMo).

## 218.8 CARRYING CONCEALED FIREARMS IN RESTRICTED AREAS

A person shall carry his/her concealed carry endorsement at all times when in actual possession of a concealed firearm and shall produce the endorsement upon demand by any peace officer (§ 571.121.1, RSMo).

A person may be prohibited from carrying a concealed firearm within certain buildings or other areas, as allowed by law. Examples include, but are not limited to the following (§ 571.107, RSMo):

(a) Locations where carrying a firearm is prohibited by federal law

(b) Any police, sheriff or Highway Patrol office or station without consent of the Sheriff

(c) Within 25 feet of any polling place on Election Day

(d) An adult or juvenile jail or institution

(e) A courthouse or court facility

(f) Any meeting of a government body, with the exception of a member of that government body, who has a concealed carry endorsement

(g) A bar without consent

(h) An airport

(i) Schools

(j) Child care facility without consent of a manager

(k) Riverboat gambling facility

(l) Amusement parks

(m) Any church or place of worship without permission of the minister or person representing the religious organization

(n) Any sports arena or stadium with seating for more than 5,000 people

(o) Hospitals



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(p) Private or public property where posted according to state law

## 218.9 RECORDS

The Clay County Sheriff's Office shall keep a record of all applications for a certificate of qualification for a concealed carry endorsement. The issuance of a certificate of qualification shall be reported to the Missouri Uniform Law Enforcement System (MULES).



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# Retired Deputy Carrying Concealed Weapons

## 220.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the process and conditions associated with the issuance, denial or revocation of a concealed weapon permit endorsement for retired deputies.

### 220.1.1 DEFINITIONS

A qualified retired peace officer means an individual who (§ 571.030.11, RSMo):

(a) Retired in good standing from service as a deputy, other than for reasons of mental instability.

(b) Before retirement was authorized by law to engage in or supervise law enforcement activities for any violation of law and had statutory powers of arrest.

(c) Before retirement was regularly employed as a peace officer for an aggregate of at least 15 years or more, or

(d) Retired from service with a service-related disability after completion of probation.

(e) Has a non-forfeitable right to benefits under the retirement plan of the Sheriff's Office.

(f) During the most recent 12-month period has met the state standard for training and qualification to carry firearms.

(g) Is not under the influence of alcohol or other intoxicating or hallucinatory drugs or substances.

(h) Is not prohibited by any state or federal law from receiving or possessing a firearm or under a current court order.

(i) Has in possession photographic identification from the Clay County Sheriff's Office.

A former peace officer is not "in good standing" if he/she was discharged for cause or resigned prior to the final disposition of allegations of misconduct.

## 220.2 CONCEALED CARRY OPTIONS

A retired deputy of the Clay County Sheriff's Office has the following options available for carrying a concealed weapon:

(a) A former deputy of the sheriff's office may obtain a concealed carry endorsement from the State of Missouri pursuant to § 571.101, RSMo to § 571.121, RSMo.

(b) A former deputy of the sheriff's office may obtain a concealed weapon permit from any other state.

(c) A former deputy of the sheriff's office who departs full-time employment may carry a concealed weapon without a permit pursuant to § 571.030.2(1), RSMo. The former deputy shall have in his/her possession (§ 571.030.12, RSMo):

1. Photo identification issued by the Clay County Sheriff's Office that indicates the retiree has met the same training and qualification standards required for active peace officers to carry the firearm within the past year, or



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2. Photo identification issued by the Clay County Sheriff's Office and a certification issued by the state in which he/she resides that the retiree has met the same training and qualification standards required for active peace officers to carry the firearm within the past year.

(d) A former deputy of the Clay County Sheriff's Office who departs full-time employment may carry a concealed weapon without a permit if he/she meets federal qualified retiree requirements to carry a concealed weapon pursuant to 18 USC § 926C.

## 220.3 SHERIFF'S OFFICE RESPONSIBILITIES

The Clay County Sheriff's Office shall issue a photo identification card to any licensed member who has honorably retired, indicating that the deputy has honorably retired from the Clay County Sheriff's Office (§ 571.030.12, RSMo).

The Sheriff shall determine whether a deputy has honorably retired. This determination is not subject to review.

## 220.4 FIREARMS QUALIFICATIONS

To be qualified to carry a concealed firearm pursuant to § 650.030, RSMo, the retired deputy must annually complete the firearms training and qualification courses approved by the Missouri Department of Public Safety.

## 220.5 CARRYING FIREARMS OUT OF STATE

Retired deputies of the Clay County Sheriff's Office who meet the qualified retiree requirements and who carry the required identification and firearms qualification certificate outlined in 18 USC § 926C may be authorized to carry a concealed firearm in other states.



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# Chapter 3 - General Operations

# Use of Force

## 300.1 PURPOSE AND SCOPE

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

"Reasonableness" of the force used must be judged from the perspective of a reasonable deputy/detention officer/CCIS member on the scene at the time of the incident.

This policy is for Clay County Sheriff's Office use only and nothing should be construed to hold a member to a higher standard of care than lawfully allowed when reacting to a use of force situation. Violations of this policy form the basis for administrative actions only. The purpose of this policy is to guide use of force decision making, promote officer safety and to protect all from improper use of force by Clay County Sheriff's Office/CCIS personnel.

### 300.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

## 300.2 POLICY

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

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

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

### 300.2.1 DUTY TO INTERCEDE

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



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## 300.3 USE OF FORCE

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

The reasonableness of force will be judged from the perspective of a reasonable deputy/detention officer/CCIS member on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that deputies/detention officers/CCIS members are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

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

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

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

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

A deputy/detention officer/CCIS member may use reasonable force when the deputy/detention officer/CCIS member reasonably believes such force is immediately necessary to effect an arrest or to prevent an escape from custody (§ 563.046, RSMo).

Revised Missouri Statute 563.046 authorizes the use of physical force by deputies in the performance of certain duties:

(a) *(1)A law enforcement officer need not retreat or desist from efforts to effect the arrest, or from efforts to prevent the escape from custody, of a person he reasonably believes to have committed an offense because of resistance or threatened resistance of the arrestee[he is] justified in the use of such physical force as he reasonably believes is immediately necessary to effect the arrest or to prevent the escape from custody. (2) The use of any physical force in making an arrest is not justified under this section unless the arrest is lawful or the law enforcement officer reasonably believes the arrest is lawful.*

Revised Missouri Statute 563.056 & 563.061 authorizes the use of physical force by personnel in the performance of certain duties:

- *563.056. (1) A guard or other law enforcement officer may, subject to the provisions of subsection 2, use physical force when he reasonably believes such to be immediately necessary to prevent escape from confinement or in transit thereto or there from.*



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- *563. 061 (2) A warden or other authorized official of a jail, prison or correctional institution may, in order to maintain order and discipline, use whatever physical force, including deadly force, that is authorized by law.*

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

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

(a) Immediacy and severity of the threat to deputies/detention officers/CCIS members or others.

(b) The conduct of the individual being confronted, as reasonably perceived by the deputy/detention officer/CCIS member at the time.

(c) Deputy/detention officer/CCIS member to subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of deputies /detention officers/CCIS members available vs. subjects).

(d) The effects of drugs or alcohol.

(e) Subject's mental state or capacity.

(f) Proximity of weapons or dangerous improvised devices.

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

(h) The availability of other options and their possible effectiveness.

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

(j) Training and experience of the deputy/detention officer/CCIS member.

(k) Potential for injury to deputies/detention officers/CCIS members, suspects and others.

(l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the deputy/detention officer/CCIS member.

(m) The risk and reasonably foreseeable consequences of escape.

(n) The apparent need for immediate control of the subject or a prompt resolution of the situation.

(o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the deputy or others.

(p) Prior contacts with the subject or awareness of any propensity for violence.

(q) Any other exigent circumstances.

### 300.3.3 PAIN COMPLIANCE TECHNIQUES

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

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

(b) Whether the person can comply with the direction or orders of the deputy/detention officer/CCIS member.



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

The application of any pain compliance technique shall be discontinued once the deputy/detention officer/CCIS member determines that compliance has been achieved.

### 300.3.4 CAROTID CONTROL HOLD

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

(a) The deputy/detention officer/CCIS member shall have successfully completed sheriff's office-approved training in the use and application of the carotid control hold.

(b) The carotid control hold may only be used when circumstances perceived by the deputy/detention officer/CCIS member at the time indicate that such application reasonably appears necessary to control a person in any of the following circumstances:

1. The subject is violent or physically resisting.
2. The subject, by words or actions, has demonstrated an intention to be violent and reasonably appears to have the potential to harm deputies/detention officers/CCIS members, him/herself or others.

(c) The application of a carotid control hold on the following individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective, or would present a greater danger to the deputy/detention officer/CCIS member, the subject or others, and the deputy/detention officer/CCIS member reasonably believes that the need to control the individual outweighs the risk of applying a carotid control hold:

1. Females who are known to be pregnant
2. Elderly individuals
3. Obvious juveniles

(d) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until examined by paramedics or other appropriate medical personnel.

(e) The deputy/detention officer/CCIS member shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the subject lost consciousness as a result.

(f) Any deputy/detention officer/CCIS member attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.

(g) The use or attempted use of the carotid control hold shall be thoroughly documented by the deputy/detention officer/CCIS member in any related reports.

## 300.4 DEADLY FORCE APPLICATIONS

Use of deadly force is justified in the following circumstances:

(a) A deputy/detention officer/CCIS member may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.



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

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if a deputy/detention officer/CCIS member reasonably believes any of the following:

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

### 300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

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

Deputies/detention officers/CCIS members should not shoot at any part of a vehicle in an attempt to disable the vehicle.

## 300.5 REPORTING THE USE OF FORCE

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

A non-exclusive listings of incidents which would require a report are:

- When there has been an accidental discharge of a weapon by a deputy/detention officer/CCIS member (whether or not the weapon is owned by the Clay County Sheriff's Office)
- When a firearm is discharged for other than training or recreational purposes.
- When a use of force results in, or is alleged to have resulted in, injury or death to another person.
- When a lethal or non-lethal weapon is used on a person.
- When weaponless physical force rises above the level of soft-hand pain compliance.
- When a tire deflation device is deployed.



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### 300.5.1 NOTIFICATIONS TO SUPERVISORS

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

(a) The application caused a visible injury.

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

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

(d) The individual indicates intent to pursue litigation.

(e) Any application of the TASER® device or control device.

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

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

(h) An individual was struck or kicked.

(i) An individual alleges any of the above has occurred.

## 300.6 MEDICAL CONSIDERATION

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

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

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

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



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## 300.7 SUPERVISOR RESPONSIBILITY

When a supervisor is able to respond to an incident in which there has been a reported application of force (not to include the use by detention staff of the Emergency Restraint Chair unless an injury was involved), the supervisor is expected to:

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

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

(c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:

  1. The content of the interview should not be summarized or included in any related criminal charges.
  2. The fact that a recorded interview was conducted should be documented in an incident or other report.
  3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.

(d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.

(e) Identify any witnesses not already included in related reports.

(f) Review and approve all related reports.

(g) Determine if there is any indication that the subject may pursue civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.

(h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

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

### 300.7.1 SHIFT/UNIT SUPERVISOR RESPONSIBILITY

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

## 300.8 AGENCY RESPONSE

When the use of force caused death, personnel directly involved shall be placed on administrative leave with pay after completing all internal investigative requirements, and until it is determined by a mental health professional that they are ready to return to duty. The sheriff's office shall insure that both an administrative and criminal investigation of the incident are conducted.

The Sheriff shall establish an administrative review process for all incidents involving the use of force by Sheriff's Office/CCIS personnel. At a minimum the process shall include the following:



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- All reported uses of force will be reviewed by the appropriate agency authority to determine if agency rules, policy or procedures were violated; the relevant policy was clearly understandable and effective to cover the situation; and, agency training is currently adequate.
- All findings of policy violations or training inadequacies shall be reported to the appropriate unit for resolution and/or discipline.
- All use of force incident reports shall be retained as required by state law.
- There will be a regular review of use of force incidents by the appropriate agency authority to ascertain training and policy needs.

## 300.9 TRAINING

At a minimum, all Deputies, Detention Officers and CCIS members shall receive annual training in the topic of Use of Force including a review of this policy.

## 300.10 SUMMARY

Force may only be used in a lawful and justifiable manner. This means that using unnecessary force, using excessive force, or applying force in a cruel or unusual manner violates this policy as well as the law. The decision to use force rests with the personnel involved. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, they are expected to use these guidelines to make such decisions in a professional, impartial and safe manner.

Every use of force is subject to legal as well as administrative review. Members are required to cooperate fully with all civil, criminal or administrative proceedings associated with any use of force situation. This applies to members who are the subjects of a proceedings as well as any member believed capable of providing useful information necessary to the proceedings.

The administration does not wish to second-guess member's decisions in true emergency response situation. To do so creates policy that in effect holds them to a higher standard of care than required by law in these situations. In the event that wrong doing in the use of force is suspect, the level of proof that will be used to support discipline or termination in an administrative review will be "substantial." Substantial evidence is any evidence that would logically persuade a reasonable mind to believe that wrongdoing occurred.



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# Use of Force Review Boards

## 302.1 PURPOSE AND SCOPE

This policy establishes a process for the Clay County Sheriff's Office to review the use of force by its employees or members of the Clay County Investigative Squad.

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

## 302.2 POLICY

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

## 302.3 REMOVAL FROM LINE DUTY ASSIGNMENT

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

## 302.4 REVIEW BOARD

The Use of Force Review Board will be convened when the use of force by an employee/member results in great bodily harm or death to another.

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

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

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

### 302.4.1 COMPOSITION OF THE BOARD

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

- Representatives of each division
- Commanding officer in the involved member's chain of command
- Training Coordinator
- Non-administrative supervisor



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- A peer deputy
- A sworn peace officer from an outside law enforcement agency
- Sheriff's Office instructor for the type of weapon, device or technique used

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

### 302.4.2 RESPONSIBILITIES OF THE BOARD

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

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

The board does not have the authority to recommend discipline.

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

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

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

The board shall make one of the following recommended findings:

(a) The employee/member's actions were within sheriff's office policy and procedure.

(b) The employee/member's actions were in violation of sheriff's office policy and procedure.

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

The Sheriff shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. The Sheriff's final findings will be forwarded to the involved employee's Division Commander for review and appropriate action. If the Sheriff concludes that discipline should be considered, a disciplinary process will be initiated.



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



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# Handcuffing and Restraints

## 306.1 PURPOSE AND SCOPE

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

## 306.2 POLICY

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

## 306.3 USE OF RESTRAINTS

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

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

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

### 306.3.1 RESTRAINT OF DETAINEES

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

### 306.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety.

No person who is in labor shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary to prevent escape or injury.



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### 306.3.3 RESTRAINT OF JUVENILES

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

### 306.3.4 NOTIFICATIONS

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

## 306.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

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

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Sheriff's Office. Deputies should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, deputies should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances. For transport of inmates between detention facilities, hospital or doctor visits, etc handcuffing of the inmate is mandatory. Transporting personnel should use transport belts or chains as appropriate and leg shackles should normally be used.

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

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

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

## 306.5 APPLICATION OF SPIT HOODS/MASKS/SOCKS

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

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

Deputies/detention officers utilizing spit hoods should ensure that the hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Deputies/detention officers should provide assistance during the movement of restrained individuals due to the potential for impaired or distorted vision on the part of the individual. Deputies/detention officers should avoid comingling individuals wearing spit hoods with other detainees.



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

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

## 306.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

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

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

## 306.7 APPLICATION OF LEG RESTRAINT DEVICES

Leg restraints (RIPP Humane Leg Hobble Restraint) (This portion of the policy only refers to the RIPP Humane Leg Hobble Restraint, not the normal use of leg shackles or the court security leg restraint device.)may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest or transportation. Only restraint devices approved by the Sheriff's Office shall be used.

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

(a) Whether the deputy/detention officer or others could be exposed to injury due to the assaultive or resistant behavior of a suspect.

(b) Whether it is reasonably necessary to protect the suspect from his/her own actions (e.g., hitting his/her head against the interior of the patrol unit, running away from the arresting deputy/detention officer while handcuffed, kicking at objects or deputies/detention officers).

(c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol unit).

### 306.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS (RIPP HUMANE LEG HOBBLE RESTRAINT)

When applying leg restraints the following guidelines should be followed:

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

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



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(c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.

(d) The restrained person should be continually monitored by a deputy/detention officer while in the leg restraint. The deputy/detention officer should ensure that the person does not roll onto and remain on his/her stomach.

(e) The deputy/detention officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.

(f) When transported by ambulance/paramedic unit, the restrained person should be accompanied by a deputy/detention officer when requested by medical personnel. The transporting deputy/detention officer should describe to medical personnel any unusual behaviors or other circumstances the deputy/detention officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

## 306.8 REQUIRED DOCUMENTATION

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

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

(a) The amount of time the suspect was restrained.

(b) How the suspect was transported and the position of the suspect.

(c) Observations of the suspect's behavior and any signs of physiological problems.

(d) Any known or suspected drug use or other medical problems.



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# Flash/Sound Diversionary Devices

## 307.1 PURPOSE AND SCOPE

Within the scope of law enforcement operations the preservation of life, and to a lesser extent property, is paramount. Devices which provide personnel a tactical advantage with which to more safely engage in the furtherance of such goals are, if executed in a reasonable manner, sound law enforcement practice. Reasonable utilization of specialized devices which provide distracting stimuli to the visual, auditory and equilibrium systems of a suspect(s), under given conditions and by qualified personnel, can safely provide a substantial contribution toward the successful resolution of a critical incident. This policy shall provide guidelines for the training, storage, deployment and reporting requirements with respect to the use of Flash/Sound diversionary devices.

### 307.1.1 DEFINITIONS

**Flash/Sound Diversionary Device -** A low explosive device emitting heat, light and sound by means of deflagration. Also known as a Distraction Device (DD).

## 307.2 POLICY

It shall be the policy of the Clay County Sheriff's Office to authorize the use of DD's by authorized personnel under reasonable circumstances, subject to the guidelines and limitations contained within this policy.

## 307.3 TRAINING

Only personnel properly trained in the utilization of DD's, in accordance with this section, shall be issued DD's. Training on the utilization of DD's shall be conducted by a trainer certified at instructor-level by the manufacturer of the DD utilized by the Clay County Sheriff's Office.

It shall be the responsibility of the qualified Sheriff's Office employee(s) assigned as DD instructors, if any, to insure that all Sheriff's Office employees/CCIS members issued DD's are trained to a level of competency as specified by the manufacturer of the DD, and that the training is conducted in a manner reasonably consistent with the manufacturer's specifications for operator-level certification. Such training shall include actual deployment of live DD's.

If the training is conducted by non-Sheriff's Office personnel, it shall be the responsibility of the STAR/DERT Commander, or their designee, to ensure that Sheriff's Office trainees have received certification to operate the DD in accordance with the manufacturer's specifications for operator-level training.

Re-certification, if any, shall follow the requirements and time-lines established by the DD manufacturer. All Sheriff's Office personnel issued DD's shall be required to maintain certification to operate the device, and upon the lapse of such certification, the Sheriff's Office DD instructor shall ensure the DD's issued to such personnel are returned to the magazine.

## 307.4 STORAGE

Storage of DD's shall follow the guidelines contained in this section:



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Permanent Storage:

- All non-issued DD's shall be stored at the Sheriff's Office facility.
- All DD's stored at the Sheriff's Office facility shall be contained within a Type II magazine (27 CFR 555 § 203(b)).
- Personnel to whom DD's have been issued shall store them in a manner consistent with this section.

This section does not apply to any DD's which are (27 CFR § 555.205):

- Being physically handled in the operating process of a licensee or user; or
- Being used; or
- Being transported to a place of storage or use by a licensee or permitee or by a person who has lawfully acquired explosive materials under 27 CFR § 555.106

## 307.5 DEPLOYMENT

Except in emergency situations, the following deployment guidelines shall be adhered to:

(a) Training deployments shall require the consent of the DD Instructor and shall be in accordance with the established lesson plan.

(b) Non-training deployment of a DD requires supervisory authorization.

(c) Only personnel trained per Policy § 307.3 may deploy a DD outside of a training environment.

### 307.5.1 SAFETY CONSIDERATIONS

The following safety equipment shall be worn/available, as applicable, in all DD deployments:

(a) Eye Protection shall be worn by all personnel in the vicinity.

(b) Hearing protection shall be worn during training exercises, and should be worn for all non-training deployments.

(c) Nomex or leather gloves shall be worn by any personnel deploying or handling recently deployed DD's.

(d) A nomex balaclava shall be worn by any person deploying a DD, or any personnel within the immediate deflagration area of a DD.

(e) Long sleeves, rolled down, shall be worn by any person deploying a DD, or any personnel within the immediate deflagration area of a DD.

(f) A portable fire extinguisher shall be readily available for all deployments.

(g) Personnel transporting DD's on their person should do so in pouches specifically designed for the carrying of DD's.

### 307.5.2 JUSTIFICATION FOR USE

DD's may be utilized in circumstances in which a suspect(s) poses a reasonable and articulable threat to life or property, and use of the DD could assist law enforcement in a safer resolution of the incident. Such incidents may include, but are not limited to the following:

(a) Hostage rescue



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(b) Riot Control

(c) To provide distraction to a potentially dangerous suspect to help effectuate his/her arrest

(d) To help prevent a shooting

### 307.5.3 EXCLUSIONS FOR USE

Unless other aggravating factors would reasonably justify their use DD's shall not be used when any of the following conditions or circumstances are present:

(a) Within the confines, or in the immediate vicinity, of a known or suspected narcotics lab.

(b) In an indoor environment within which there is a significant concentration/quantity of flammable liquids or explosive gases.

(c) When there are known infants or elderly persons present.

### 307.5.4 OTHER DEPLOYMENT CONSIDERATIONS

(a) Any DD failing to initiate properly shall be handled per the manufacturer-specified Render Safe Procedure (RSP).

(b) Prior to deploying a distraction device, the deploying officer shall conduct a visual examination of the area in which the device is to be deployed, checking for the presence of any precluding factors/conditions, the reasonable presence of which shall preclude such deployment.

(c) DD's shall not be deployed directly onto a person unless deadly force is justified.

(d) DD's may be hand thrown, launched or command-initiated (on a pole or otherwise), based upon operational needs.



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# Control Devices and Techniques

## 308.1 PURPOSE AND SCOPE

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

## 308.2 POLICY

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

## 308.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of the Clay County Sheriff's Office/CCIS only if the device has been issued by the Clay County Sheriff's Office/CCIS or approved by the Sheriff or the authorized designee.

Only deputies/detention officers/members who have successfully completed Clay County Sheriff's Office-approved training in the use of any control device are authorized to carry and use the device.

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

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

### 308.3.1 WEAPONS OF OPPORTUNITY

Nothing in this policy will prevent personnel from utilizing any readily available object (i.e. flashlight, radio, clipboard, etc.) as a weapon. These items should not be used as a weapon of choice but rather as a weapon of opportunity if exigent circumstances exist that make their use as a weapon reasonably necessary for the protection of personnel or others. Any item used as a weapon of opportunity will be considered an impact weapon and should be used within the guidelines of standard impact weapons.

## 308.4 RESPONSIBILITIES

### 308.4.1 SHIFT/UNIT SUPERVISOR RESPONSIBILITIES

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

### 308.4.2 LEAD FIREARMS INSTRUCTOR RESPONSIBILITIES

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



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

### 308.4.3 USER RESPONSIBILITIES

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

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

## 308.5 BATON GUIDELINES

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

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

## 308.6 TEAR GAS GUIDELINES

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

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

## 308.7 OLEORESIN CAPSICUM (OC) GUIDELINES

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

### 308.7.1 OC SPRAY

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

### 308.7.2 PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles



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to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the deputy/detention officer/member reasonably believes the suspect poses an imminent threat of great bodily harm or death to the deputy/detention officer/member or others.

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

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

### 308.7.3 TREATMENT FOR OC SPRAY EXPOSURE

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

## 308.8 POST-APPLICATION NOTICE

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

## 308.9 KINETIC ENERGY PROJECTILE GUIDELINES

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

### 308.9.1 DEPLOYMENT AND USE

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

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

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

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



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

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

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

### 308.9.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the deputy/detention officer/member should consider such factors as:

(a) Distance and angle to target.

(b) Type of munitions employed.

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

(d) The subject's proximity to others.

(e) The location of the subject.

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

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

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

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

### 308.9.3 SAFETY PROCEDURES

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

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

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

Absent compelling circumstances, deputies/detention officers/members who must transition from conventional ammunition to kinetic energy projectiles will employ the



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two-person rule for loading. The two-person rule is a safety measure in which a second deputy/detention officer/member watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

## 308.10 TRAINING FOR CONTROL DEVICES

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

(a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.

(b) All training and proficiency for control devices will be documented in the deputy/detention officer/member's training file.

(c) Deputies/detention officers/members who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If a deputy/detention officer/member cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the deputy/detention officer/member will be restricted from carrying the control device and may be subject to discipline.

## 308.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

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



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# Conducted Energy Device

## 309.1 PURPOSE AND SCOPE

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

## 309.2 POLICY

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

## 309.3 ISSUANCE AND CARRYING TASER DEVICES

Only members who have successfully completed sheriff's office-approved training may be issued and carry the TASER device.

All members of the Clay County Sheriff's Office who have been issued a Taser shall carry the issued Taser on their duty belt in the approved or issued holster while on duty or while officially representing the Clay County Sheriff's Office while in Class A or Class B uniform. If a member has reason to enter the Clay County Detention Center during their tour of duty they will conform to Detention Center procedures governing Tasers while in the facility. TASER devices are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the sheriff's office inventory.

Deputies/detention officers shall only use the TASER device and cartridges that have been issued by the Clay County Sheriff's Office. Uniformed deputies/detention officers who have been issued the TASER device shall wear the device in an approved holster on their person. Non-uniformed deputies may secure the TASER device in the driver's compartment of their vehicle.

When carried while in uniform, deputies/detention officers shall carry the TASER device in a weak-side holster on the side opposite the duty weapon. Members carrying the TASER device should perform a spark test on the unit prior to every shift.

All TASER devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.

Whenever practicable, deputies/detention officers should carry two or more cartridges on their person when carrying the TASER device.

Deputies/detention officers shall be responsible for ensuring that their issued TASER device is properly maintained and in good working order.

Deputies/detention officers should not hold both a firearm and the TASER device at the same time.

## 309.4 VERBAL AND VISUAL WARNINGS

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

(a) Provide the individual with a reasonable opportunity to voluntarily comply.



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(b) Provide other deputies/detention officers and individuals with a warning that the TASER device may be deployed.

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

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

## 309.5 USE OF THE TASER DEVICE

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

### 309.5.1 APPLICATION OF THE TASER DEVICE

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

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

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

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

### 309.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

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

(a) Individuals who are known to be pregnant.

(b) Elderly individuals or obvious juveniles.

(c) Individuals with obviously low body mass.

(d) Individuals who are handcuffed or otherwise restrained.

(e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.



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

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

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

### 309.5.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the deputy/detention officer to limit the application of the TASER device probes to a precise target area, deputies/detention officers should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

### 309.5.4 MULTIPLE APPLICATIONS OF THE TASER DEVICE

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

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

(a) Whether the probes are making proper contact.

(b) Whether the individual has the ability and has been given a reasonable opportunity to comply.

(c) Whether verbal commands, other options or tactics may be more effective.

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

### 309.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Deputies/detention officers shall notify a supervisor of all TASER device discharges. Confetti tags should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

### 309.5.6 DANGEROUS ANIMALS

The TASER device may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an



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imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

### 309.5.7 TASER CAM

The TASER CAM is an audio-video recording device integrated into the power supply of the TASER device. The TASER CAM is activated any time the safety is in the "off" position. The safety should not be in the "off" position unless the deputy/detention officer intends to use the device and the guidelines established in this policy are met. Any time the TASER CAM is activated, the video and audio data should be downloaded in accordance with Clay County Sheriff's Office evidence procedures and referenced in the related case report. All video and audio not booked as evidence will be retained, managed and disposed in compliance with the agency's records retention schedule.

### 309.5.8 OFF-DUTY CONSIDERATIONS

Deputies/detention officers are not authorized to carry issued sheriff's office TASER devices while off-duty.

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

## 309.6 DOCUMENTATION

Deputies/detention officers shall document all TASER device discharges in the related arrest/crime/detention report and the TASER device report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device will also be documented on the report form.

### 309.6.1 TASER DEVICE FORM

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

(a) The type and brand of TASER device and cartridge and cartridge serial number.

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

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

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

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

(f) The type of mode used (probe or drive-stun).

(g) Location of any probe impact.

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

(i) Description of where missed probes went.

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

(k) Whether the subject sustained any injuries.

(l) Whether any deputies sustained any injuries.

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



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audits of data downloads and reconcile TASER device report forms with recorded activations. TASER device information and statistics, with identifying information removed, should periodically be made available to the public.

### 309.6.2 REPORTS

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

(a) Identification of all personnel firing TASER devices

(b) Identification of all witnesses

(c) Medical care provided to the subject

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

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

## 309.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel, including paramedics or employees (all Clay County Sheriff's Office personnel who have been trained by the Sheriff's Office are considered appropriate personnel for removal of probes from non-sensitive areas) should remove TASER device probes from a person's body. Used TASER device probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

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

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

(b) The person may be pregnant.

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

(d) The TASER device probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).

(e) The person requests medical treatment.

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

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



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## 309.8 SUPERVISOR RESPONSIBILITIES

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

A supervisor should review each incident where a person has been exposed to an activation of the TASER device. The device's onboard memory should be downloaded through the data port by a supervisor or Lead Taser Instructor and saved with the related arrest/crime/detention report. Photographs of probe sites should be taken and witnesses interviewed.

## 309.9 TRAINING

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

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

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

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

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

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

The Training Coordinator should ensure that all training includes:

(a) A review of this policy.

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

(c) Performing weak-hand draws or cross-draws to reduce the possibility of accidentally drawing and firing a firearm.

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

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

(f) De-escalation techniques.

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



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## 309.10 DOWNLOADING DEVICE INFORMATION

The Clay County Sheriff's Office will designate an employee who will ensure each TASER Device is downloaded annually to retrieve deployment information and to ensure the internal clock of the TASER Device is appropriately set. All TASER Device deployment information will be maintained by the Clay County Sheriff's Office for no less that the period of time established by the records retention schedule, after which they may be considered for disposal.



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# Officer-Involved Shooting

## 310.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured as the result of an officer-involved shooting. The intent of this policy is to ensure that such incidents be investigated in a fair and impartial manner.

### 310.1.1 DEFINITION

For the purposes of this policy the terms "Officer-Involved Shooting" and "officer" refer to any law enforcement officer to include Clay County Deputy Sheriff's, detention officers and members of the CCIS.

## 310.2 TYPES OF INVESTIGATIONS

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

(a) A criminal investigation of the incident by the agency having jurisdiction where the incident occurred. The Clay County Sheriff's Office may, however, relinquish its criminal investigation to an uninvolved outside agency or may request that the criminal investigation be conducted by an uninvolved outside agency with the approval of the Sheriff or a Division Commander.

(b) A criminal investigation of the involved individual conducted by an outside agency.

(c) A civil investigation to determine potential liability conducted by the involved individual's agency.

(d) An administrative investigation conducted by the involved individual's agency to determine if there were any violations of agency policy.

## 310.3 JURISDICTION

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

### 310.3.1 CLAY COUNTY SHERIFF'S OFFICE OFFICER WITHIN THIS JURISDICTION

The Clay County Sheriff's Office is responsible for the criminal investigation of the suspect's actions, the civil investigation and the administrative investigation. The criminal investigation of the officer-involved shooting should be conducted by an uninvolved outside law enforcement agency that has been asked to conduct the investigation.

### 310.3.2 OUTSIDE AGENCY'S OFFICER WITHIN THIS JURISDICTION

The Clay County Sheriff's Office is responsible for the criminal investigation of the suspect's actions. The criminal investigation of the officer-involved shooting will be conducted by the Clay County Sheriff's Office or an uninvolved outside agency. The officer's employing agency will be responsible for any civil and/or administrative investigation.



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### 310.3.3 CLAY COUNTY SHERIFF'S OFFICE OFFICER IN ANOTHER JURISDICTION

The agency where the incident occurred has criminal jurisdiction and is responsible for the criminal investigation of the incident. That agency may relinquish its criminal investigation of the suspect to another agency. The Clay County Sheriff's Office will conduct timely civil and/or administrative investigations of its own personnel.

### 310.3.4 INVESTIGATION RESPONSIBILITY MATRIX

The following table identifies the possible scenarios and responsibilities for the investigation of officer-involved shootings.

| | **Criminal investigation of suspect** | **Criminal investigation of officer** | **Civil investigation** | **Administrative investigation** |
|---|---|---|---|---|
| **CCSO officer in this jurisdiction** | CCSO investigators | CCSO investigators or uninvolved agency | CCSO Civil Liability Team | CCSO Professional Standards Unit |
| **Outside agency's officer in this jurisdiction** | CCSO investigators | CCSO investigators or outside agency | Involved officer's agency | Involved officer's agency |
| **CCSO officer in another jurisdiction** | Agency where incident occurred | Decision made by agency where incident occurred | CCSO Civil Liability Team | CCSO Professional Standards Unit |

## 310.4 THE INVESTIGATION PROCESS

The following procedures are guidelines for use in the investigation of an officer-involved shooting.

### 310.4.1 DUTIES OF INITIAL OFFICER ARRIVING ON-SCENE

Upon arrival at the scene of an officer-involved shooting, the first uninvolved officer will be the officer in charge and assume the duties of a supervisor until relieved by the responding supervisor, and should:

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

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

(c) Coordinate a perimeter or pursuit of suspects as appropriate.

(d) Request additional resources, units or agencies as appropriate.

(e) Brief the supervisor upon arrival.

### 310.4.2 DUTIES OF INITIAL ON-SCENE SUPERVISOR

Upon arrival at the scene of an officer-involved shooting, the first uninvolved supervisor should continue and complete the duties as outlined above, plus:

(a) Attempt to obtain a brief overview of the situation from any non-shooter officers. In the event that there are no non-shooter officers, the supervisor should attempt to obtain a brief voluntary overview from one shooter officer.



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(b) If necessary, the supervisor may administratively order any officer from the Clay County Sheriff's Office to immediately provide the information necessary to secure the scene and pursue suspects. This would include such things as outstanding suspect information, number and direction of shots fired, parameters of the incident scene, identity of known witnesses and similar information.

(c) Absent a voluntary statement from any officer, the initial on-scene supervisor should not attempt to order any officer to provide any information other than public safety information.

(d) Provide all available information to the Shift/Unit Supervisor and the Cooperative Communications Center. If feasible, sensitive information should be communicated over secure networks.

(e) Take command of and secure the incident scene with additional personnel until relieved by a Investigation Unit supervisor or other assigned personnel.

(f) As soon as practicable, shooter officers should respond or be transported (separately, if feasible) to the station or away from the scene to a designated location free from the distractions of the investigative process for further direction.

1. Each involved officer should be given an administrative order not to discuss the incident with other involved officers pending further direction from a supervisor.

### 310.4.3 SHIFT/UNIT SUPERVISOR DUTIES

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

### 310.4.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Sheriff
- Field Operations Division Commander or On-Call Commander
- Investigation Unit Supervisor
- Officer-involved shooting rollout team
- Outside agency investigators (if appropriate)
- Professional Standards Unit supervisor and the Administrative Division Commander
- Civil Liability Team
- Psychological/peer support personnel
- Medical Examiner (if necessary)
- Officer representative (if requested)
- Media Relations Deputy

All outside inquiries about the incident shall be directed to the Shift/Unit Supervisor.

### 310.4.5 MEDIA RELATIONS

A single media release shall be prepared with input and concurrence from the supervisor and the agency representative responsible for each phase of the investigation. This release will be available to the Shift/Unit Supervisor, Field Operations Division Commander and Media Relations Deputy in the event of inquiries from the media.



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It is the policy of the Clay County Sheriff's Office to not release the identities of involved officers absent their consent or as required by law. Moreover, no involved officer shall be subjected to contact from the media and no involved officer shall make any comments to the press unless authorized by the Sheriff or a Division Commander.

Employees receiving inquiries regarding incidents occurring in other agency jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

### 310.4.6 INVOLVED OFFICERS

Once the involved officers have arrived at the station, the Shift/Unit Supervisor should admonish each officer that the incident shall not be discussed except with authorized personnel or representatives. The following shall be considered for the involved officer:

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

(b) While discussions with licensed attorneys will be considered privileged as attorney-client communications, no involved officer shall be permitted to meet collectively or in a group with an attorney prior to providing a formal interview or report.

(c) Discussions with office representatives (e.g., employee association) will be privileged only as to the discussion of non-criminal information. However, no involved officer shall be permitted to meet collectively or in a group with a representative or attorney prior to providing a formal interview or report.

(d) A psychologist or other psychotherapist shall be provided by the Clay County Sheriff's Office to each involved officer or any officer upon request.

    1. Interviews with a licensed psychotherapist will be considered privileged and will not be disclosed except to the extent that a report is required to determine whether the officer is fit for return to duty.

    2. If an interview or session with a licensed psychotherapist takes place prior to the involved officer providing a formal interview or report, the involved officer shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.

(e) Although the Sheriff's Office will honor the sensitivity of communications with peer counselors, there is no legal privilege to such. Peer counselors are cautioned not to discuss the facts of any incident with an involved or witness officer.

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

Investigators shall make reasonable accommodations to the officer's physical and emotional needs.

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



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## 310.5 SHOOTING INCIDENT CRIMINAL INVESTIGATION

### 310.5.1 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting, it shall be the responsibility of the Investigation Unit supervisor to assign appropriate personnel to handle the investigation of related crimes. Investigators will be assigned to work with an outside agency should the investigation be assumed by another agency, and may be assigned to separately handle the investigation of any related crimes that are not being investigated by the outside agency.

All related reports, except reports deemed confidential and/or administrative, will be forwarded to the designated supervisor for approval. Confidential reports shall be maintained exclusively by personnel who are authorized for such access. Administrative reports will be forwarded to the appropriate Division Commander.

### 310.5.2 CRIMINAL INVESTIGATION

The Clay County Sheriff's Office may utilize an outside agency to conduct an independent criminal investigation into the circumstances of any officer-involved shooting involving injury or death.

If available, investigations personnel from the Clay County Sheriff's Office may be assigned to partner with investigators from the outside agency to avoid duplicate efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators will be given the next opportunity to interview an involved officer in order to give the deputy the opportunity to give a voluntary statement. The following shall be considered for the involved officer:

(a) Supervisors and Professional Standards Unit personnel should not participate directly in any voluntary interviews of the officer. This will not prohibit such personnel from monitoring interviews or indirectly providing areas for inquiry.

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

(c) Any voluntary statement provided by the officer will be made available for inclusion in the administrative or other related investigations.

(d) Absent consent from the involved officer or as required by law, no administratively coerced statement will be provided to any criminal investigators.

### 310.5.3 REPORTS BY INVOLVED OFFICERS

In the event that suspects remain outstanding or are subject to prosecution for related offenses, the Clay County Sheriff's Office shall retain the authority to require the involved officer to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the involved officer may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview the involved officer as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of an involved officer should focus on evidence to establish the



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elements of criminal activities by the involved suspects. Care should be taken to not duplicate information provided by an involved officer in other reports.

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

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

## 310.6 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or other major incident may be lost or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available personnel for the following:

(a) Identifying all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from persons who claim they did not witness the incident but were present at the time it occurred.
2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, a deputy should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by sheriff's office personnel.

1. A written, verbal or recorded statement of consent for transportation should be obtained prior to transporting a witness in a sheriff's office vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

(c) Assigning available personnel to promptly contact the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the suspect's contact with officers.

## 310.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting, the Clay County Sheriff's Office will conduct an internal administrative investigation, pursuant to the Personnel Complaints Policy, to determine conformance with sheriff's office policy. This investigation will be conducted under the supervision of the Professional Standards Unit and will be considered a confidential peace officer personnel file.

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

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



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

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

1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
2. If requested, the officer shall have the opportunity to select two uninvolved representatives, which may include legal representation, to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, an involved officer shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
3. Administrative interviews should be recorded by the investigator. The officer may also record the interview.
4. The officer shall be informed of the nature of the investigation and shall be informed of all constitutional *Miranda* rights. Assuming there is no voluntary waiver, he/she will then be given his/her *Garrity* rights, and assuming there is no voluntary waiver, will then be given an administrative order to provide full and truthful answers to all questions.
5. The administrative interview shall be considered part of the officer's administrative investigation file.
6. The Professional Standards Unit shall compile all relevant information and reports necessary for the Sheriff's Office to determine compliance with applicable policies.
7. The completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
8. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.
9. The administrative investigation may request completion of a truth verification device examination, but only with the employee's consent. No notation or reference to a request or refusal to submit to such an examination may be made in any file or report.

## 310.8 CIVIL LIABILITY RESPONSE

A member of the Clay County Sheriff's Office may be assigned to work exclusively under the direction of the legal counsel for the Sheriff's Office to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

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



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## 310.9 AUDIO AND VIDEO RECORDINGS

Any deputy/detention officer/CCIS member involved in an incident may be permitted to review available Mobile Audio Video (MAV) or other video or audio recordings prior to providing a recorded statement or completing reports.

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

Any MAV and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the Prosecuting Attorney and the Sheriff's Legal Counsel's Office as appropriate.



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# Firearms and Qualification

## 312.1 PURPOSE AND SCOPE

This policy establishes procedures for the acquisition, use and documentation of training in the use of duty firearms. The Sheriff or the authorized designee shall approve all duty firearms before they are acquired and utilized by any member of the Clay County Sheriff's Office/CCIS.

### 312.1.1 AUTHORIZATION TO CARRY FIREARMS

Only licensed personnel who have met all state and Missouri Peace Officer Standards and Training (POST) requirements and have been commissioned by the Sheriff shall have the peace officer privilege to carry a firearm both on- and off-duty (§ 571.030.2(1), RSMo). Certain detention officers who have been approved by the Sheriff and have successfully completed a firearms training program conducted or approved by the Sheriff and the Lead Firearms Instructor may be issued a firearm and carry that firearm while on-duty in the course of their duties pursuant to §571.030.2(2), RSMo.

Except when in secure areas, uniformed deputies will be armed with a department-approved handgun at all times. Commissioned employees carrying firearms while wearing civilian attire should wear clothing that effectively conceals the firearm when outside a controlled law enforcement facility or work area.

Except while operating a departmental vehicle, off-duty personnel may carry an approved handgun at their discretion. An off-duty deputy, while operating a departmental vehicle, must have an approved handgun available.

Deputies, who decide not to carry a firearm while off-duty, will not be subject to disciplinary action if an occasion arises when no action was taken because they were unarmed.

## 312.2 AUTHORIZED FIREARMS

No duty firearms will be carried that have not been thoroughly inspected by the Lead Firearms Instructor or their designee during a regularly scheduled range date. Except in an emergency or as directed by a supervisor, no duty firearm shall be carried by a member who has not qualified with that firearm at an authorized sheriff's office range.

### 312.2.1 DUTY FIREARMS

The authorized Clay County Sheriff's Office-issued handgun is the Glock, Model 22, .40.

All other weapons, including but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by sheriff's office policy, may not be carried by personnel in the performance of their official duty without the express written authorization of the employee's Division Commander. This exclusion does not apply to the carrying of a single folding pocket knife that is not otherwise prohibited by law.

Only issued or approved shotguns and rifles are authorized for on-duty use.

The following additional handguns are approved for on-duty use:



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| MAKE | MODEL | CALIBER |
|---|---|---|
| Glock | 23 | .40 |
| Glock | 27 | .40 |

The Glock Model 27 should not be used as a primary duty weapon for field duty use with full leather gear in the Class A or Class B uniform. The Glock Model 27 is primarily for administrative duty assignments, plain clothes assignments or as a secondary or off-duty weapon.

### 312.2.2 AUTHORIZED SECONDARY FIREARMS

Deputies are allowed to qualify annually with a secondary weapon to carry off duty or use as a backup weapon in the event their primary weapon is lost, non-functional or inaccessible to the deputy. Qualifying on a secondary weapon will be on a voluntary basis. It will be the responsibility of the Lead Firearms Instructor to plan and organize secondary weapon qualifications. The Lead Firearms Instructor will also develop and distribute a list of approved weapons that can be carried as a secondary or off duty weapon.

Deputies desiring to carry a secondary firearm are subject to the following restrictions:

(a) The firearm shall be in good working order and on the sheriff's office list of approved firearms. The Sheriff or the authorized designee shall approve all secondary firearms.

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

(c) The purchase of the firearm and ammunition shall be the responsibility of the deputy.

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

(e) The firearm shall be inspected by the Lead Firearms Instructor prior to being carried and thereafter shall be subject to inspection whenever deemed necessary.

(f) Ammunition shall be the same as sheriff's office issue. If the caliber of the firearm is other than sheriff's office issue, the Sheriff or the authorized designee shall approve the ammunition.

(g) Prior to carrying the secondary firearm, personnel shall qualify under range supervision and thereafter shall qualify in accordance with the sheriff's office qualification schedule.

(h) Personnel shall provide written notice of the make, model, color, serial number and caliber of a second firearm to the Lead Firearms Instructor.

### 312.2.3 AUTHORIZED OFF-DUTY FIREARMS

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

(a) The firearm shall be of good quality and approved by the Sheriff's Office.

(b) The purchase of the firearm and ammunition, if other than a sheriff's office-issued duty firearm, shall be the responsibility of the deputy.

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

(d) It will be the responsibility of the deputy to submit the firearm, if other than a sheriff's office-issued duty firearm, to the Lead Firearms Instructor for inspection prior to



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being carried. Thereafter the weapon shall be subject to periodic inspection by the Lead Firearms Instructor. Prior to carrying any off-duty weapon, the deputy shall demonstrate to the Lead Firearms Instructor that he/she is proficient in handling and firing the firearm, and demonstrates that it will be carried in a safe manner.

(e) The deputy will successfully qualify with the weapon prior to it being carried and thereafter once annually. The range qualification dates will be specified by the Lead Firearms Instructor.

(f) A complete description of the firearm shall be contained on the qualification record approved by the Lead Firearms Instructor.

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

(h) Deputies shall only carry sheriff's office-authorized ammunition.

(i) When armed, whether on- or off-duty, deputies shall carry their badge and Sheriff's Office identification card.

### 312.2.4 AMMUNITION

Deputies/detention officers/members shall carry only sheriff's office-authorized ammunition. Deputies carrying personally owned authorized firearms of a caliber differing from sheriff's office-issued firearms shall be responsible for obtaining fresh duty ammunition at their own expense. Replacements for unserviceable or depleted ammunition issued by the Sheriff's Office shall be dispensed by the Lead Firearms Instructor when needed, in accordance with established procedure.

Only agency approved ammunition shall be fired in Clay County Sheriff's Office owned weapons. The Lead Firearms Instructor will develop and distribute a list of approved ammunition manufactures. Personnel may purchase their own ammunition for practice. The ammunition must be inspected and approved by a firearms instructor prior to being fired. It is also the policy of the Sheriff's Office that **reloaded ammunition shall not be fired in agency owned weapons**.

Any personnel using reloaded and/or non-approved ammunition in an agency owned weapon may be subject to discipline up to and including termination. Damage to agency weapons or property due to the use of non-approved or reloaded ammunition may be the responsibility of personnel involved. The decision to repair or replace the damaged weapon will reside with the Sheriff or his designee.

### 312.2.5 ALCOHOL AND DRUGS

Firearms shall not be carried by any deputy/detention officer/member who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the individual's senses or judgment.

### 312.2.6 SHOTGUNS

The approved primary duty shotgun issued to members of the Clay County Sheriff's Office/CCIS will be the Remington 870. Following successful completion of a familiarization and qualification course deputies/detention officers/members may be issued one of these shotguns or the vehicle they are assigned to drive may be equipped with an approved shotgun. Deputies/detention officers/members will use only shotguns issued by the agency. Personally owned shotguns are not allowed to be carried while acting in an official capacity of the Clay County Sheriff's Office/CCIS.



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The shotgun should be stored in a locked shotgun rack "cruiser-ready" with NO ammunition in the chamber. The rack's lock-head should be wired to a switch that is on a delayed timer. The switch to the rack's lock-head should be placed in a location that is easily accessible to the deputy/detention officer/member, but discreet to non-law enforcement personnel. The rack shall be locked when the vehicle is unattended to inhibit theft. Deputies/detention officers/members that are issued a vehicle without a shotgun rack must store their shotgun, if issued, in a protective case, and in a discreet location within their vehicle. Shotguns may be removed from vehicles, and a round chambered, only when a deputy/detention officer/member reasonably believes the potential for authorized use of deadly force exists.

Shotguns will be carried in the "Low-ready" or safety circle" position with the muzzle of the barrel pointing in a **safe direction**, the safety on, and finger outside of the trigger guard, except when the deputy/detention officer/member reasonably believes a confrontation with a suspect may occur. In such cases, the safety should be "on" prior to chambering a round. Once the round is chambered, the safety should be in the "off" position.

## 312.3 SAFE HANDLING OF FIREARMS

The intent of this policy is to promote proper firearm safety on- and off-duty. Employees shall maintain the highest level of safety when handling firearms and shall consider the following:

### 312.3.1 SAFETY CONSIDERATIONS

(a) Deputies/detention officers/members shall not unnecessarily display or handle any firearm.

(b) Deputies/detention officers/members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Lead Firearms Instructor. Deputies/detention officers/members shall not dry fire or practice quick draws except under Lead Firearms Instructor supervision.

(c) Deputies/detention officers/members shall not clean, repair, load or unload a firearm anywhere in the Sheriff's Office, except where there are clearing barrels or chambers, or in other agency-designated locations.

(d) Shotguns or rifles removed from vehicles or equipment storage rooms shall be loaded and unloaded outside buildings and vehicles.

(e) Deputies/detention officers/members shall not place or store any firearm or other weapon on sheriff's office premises, except where the place of storage is locked. No one shall carry firearms into the detention center or any part thereof when securing or processing a prisoner, but shall place all firearms in a secured location. It shall be the responsibility of booking area personnel to make sure that no one, especially personnel from outside agencies, enter the detention center with any firearm.

(f) Deputies/detention officers/members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon from the armory, except with approval of a supervisor or when an emergency or exigency reasonably requires immediate use of the weapon.

(g) Any firearm authorized by the Sheriff's Office to be carried on- or off-duty, that is found by the deputy/detention officer/member to be malfunctioning or needing service, shall not be carried. It shall be promptly presented to the Lead Firearms Instructor for inspection. Any firearm determined to be in need of service or repair during an inspection by the Lead Firearms Instructor will be immediately removed from service. If the firearm is the deputy/detention officer/members primary duty



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firearm, a replacement firearm will be issued to the individual until the duty firearm is serviceable.

### 312.3.2 STORAGE OR TRANSPORTATION OF FIREARMS OFF-DUTY

Deputies/detention officers/members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control in a manner that will keep the firearm inaccessible to children and irresponsible adults.

## 312.4 DUTY FIREARMS QUALIFICATION

All personnel authorized to carry a firearm by the Clay County Sheriff's Office are required to qualify annually with their duty firearm on an approved range course. The Lead Firearms Instructor shall keep accurate records of annual qualifications, repairs, maintenance, training or as directed by the Training Coordinator. In addition to regular qualification schedules, the Lead Firearms Instructor shall be responsible for providing all authorized personnel with regular practical training designed to simulate field situations.

At least annually, all personnel carrying a duty firearm will receive training on the Use of Force Policy and demonstrate their knowledge and understanding.

### 312.4.1 NON-QUALIFICATION

If a deputy/detention officer/member is unable to qualify due to duty status or scheduling conflict, that individual shall submit a memorandum to his/her immediate supervisor prior to the end of the required shooting period.

If a deputy/detention officer/member is unable to qualify due to FMLA, Injury or HIPPA reasons that individual shall submit a memorandum to the Human Resources Coordinator prior to the end of the required shooting period. The Human Resources Coordinator will then forward a list of individuals that will not attend the qualifications due to the listed reasons to the Lead Firearms Instructor.

Members who fail to demonstrate duty firearms proficiency as required by policy, or who fail to qualify annually will be relieved from field assignment and appropriate disciplinary action may follow.

Any deputy/detention officer/member that fails a firearms qualification will be given a second opportunity, that day, to shoot the qualification course. If the individual fails the second qualification attempt their weapon will be removed by a firearms instructor. The weapon shall be boxed or tagged and forwarded to the individual's division commander. If the individual arrived in a department issued vehicle they shall not be allowed to drive that vehicle. Individuals that fail a qualification or show a below average performance during a qualification-training session will be documented within 24 hours on an After Action Report. The report will be forwarded to the Lead Firearms Instructor and then onto the Undersheriff.

The Lead Firearms Instructor will schedule, within two weeks, remedial training and requalification for individuals that failed a firearms qualification course. If an individual fails a third qualification attempt it will be documented on an After Action Report and forwarded to the Lead Firearms Instructor. The Lead Firearms Instructor will forward all After Action Reports to the Undersheriff where he/she will address the firearms issue.

A failure to qualify for reasons other than proficiency, including any malfunction of firearms, ammunition or otherwise, is not considered a failed attempt at qualification.



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## 312.5 WARNING AND OTHER SHOTS

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

## 312.6 DESTRUCTION OF ANIMALS

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

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

### 312.6.1 INJURED ANIMALS

With the notification of a supervisor, a deputy may euthanize injured wildlife when no other action is practicable, humane or effective for the rehabilitation of the animal.

A gunshot to the head is an accepted method of euthanasia by the American Veterinary Medical Association, taking into consideration people and nearby animals. The procedure should be performed outdoors and away from public access or visibility.

If disease such as rabies or chronic wasting disease is suspected, euthanasia by gunshot to the head should not be performed.

## 312.7 REPORT OF FIREARM DISCHARGE

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

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

(a) If on-duty at the time of the incident, the member shall file a written report with his/her Division Commander or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.

(b) If off-duty at the time of the incident, a written report shall be submitted or recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

## 312.8 LEAD FIREARMS INSTRUCTOR DUTIES

The range will be under the exclusive control of the Lead Firearms Instructor. All members attending will follow the directions of the Lead Firearms Instructor or their designee. The Lead Firearms Instructor will maintain a roster of all members attending the range. Failure of any deputy/detention officer/member to sign in and out with the Lead Firearms Instructor may result in non-qualification.



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

The Lead Firearms Instructor has the responsibility of making periodic inspections, at least once a year, of all duty firearms carried by personnel of this office to verify proper operation. The Lead Firearms Instructor has the authority to deem any privately owned firearm unfit for service. The deputy/detention officer/member will be responsible for all repairs to his/her personal firearm. That firearm will not be returned to service until inspected by the Lead Firearms Instructor.

The Lead Firearms Instructor has the responsibility to ensure each deputy/detention officer/member can demonstrate proficiency in the care and cleaning of the duty firearm on a yearly basis.

The Lead Firearms Instructor shall complete documentation of the courses provided, including the qualifications of each instructor who provides training, a description of the training provided and a list on a form that has been approved by the Sheriff's Office of each deputy/detention officer/member who completes the training.

## 312.9 MAINTENANCE AND REPAIR

Firearms carried on-duty shall be maintained in a clean, serviceable condition. Since the use of personally owned firearms is at the option of the individual, that individual will be responsible for the furnishing, maintenance and repair of such firearm.

A department certified armorer - gunsmith or firearms instructor shall inspect all firearms annually - typically at qualification time.

### 312.9.1 REPAIR OR MODIFICATIONS OF DUTY FIREARMS

Firearms that are the property of the Clay County Sheriff's Office may be repaired or modified only by a person certified as an armorer or gunsmith in the repair of the specific firearm.

All repairs and/or modifications of sheriff's office-issued firearms not performed by the Lead Firearms Instructor must be authorized in advance by the Lead Firearms Instructor and accomplished by the sheriff's office-approved gunsmith, who is certified to repair such firearm.

Any repairs or modifications to an individual's personally owned firearm shall be done at his/her expense and must be approved by the Lead Firearms Instructor.

## 312.10 FLYING WHILE ARMED

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

(a) Deputies wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure purposes.

(b) Deputies must carry their Sheriff's Office identification card, which must contain a full-face picture, the deputy's signature and the signature of the Sheriff or the official seal of the Sheriff's Office, and must present this identification to airline officials when



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requested. The deputy should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).

(c) In accordance with TSA procedures, the Sheriff's Office will obtain a message containing a unique alphanumeric identifier from TSA through the National Law Enforcement Telecommunications System (NLETS) prior to the deputy's travel. The deputy must present the message to airport personnel as authorization to travel while armed on the day of travel.

(d) An official letter signed by the Sheriff authorizing armed travel must accompany the deputy. The letter must outline the deputy's need to fly armed, must detail his/her itinerary and should include that the deputy has completed the mandatory TSA training for peace officers flying while armed.

(e) Deputies must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the sheriff's office-appointed instructor.

(f) It is the deputy's responsibility to notify the air carrier in advance of the intended armed travel. This notification can be accomplished by early check-in at the carrier's check-in counter.

(g) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The deputy must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.

(h) Deputies should not surrender their firearm but should try to resolve any problems through the flight captain, ground security manager or other management representative of the air carrier.

(i) Deputies shall not consume alcoholic beverages while aboard an aircraft or within eight hours prior to boarding an aircraft.

## 312.11 CARRYING FIREARMS OUT OF STATE

Qualified active deputies and qualified retired deputies (see the Retired Deputy Carrying Concealed Weapons Policy) of the Clay County Sheriff's Office are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B; 18 USC § 926C):

(a) The deputy shall carry his/her Sheriff's Office identification card whenever carrying such firearm.

(b) Qualified retired deputies shall also carry certification of having met firearms qualification within the past 12 months.

(c) The deputy is not the subject of any current disciplinary action.

(d) The deputy may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.

(e) The deputy will remain subject to this and all other sheriff's office policies (including qualifying and training).

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



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Active and retired peace officers who are visiting from other states are subject to all requirements set forth in 18 USC § 926B and 18 USC § 926C.



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# Use of Non-Lethal Training Ammunition

## 313.1 PURPOSE AND SCOPE

The utilization of non-lethal training ammunition during scenario-based training creates a more realistic training environment, improves tactical skills and helps positively condition the fear response of participants. Due to the heightened realism of the training, the utilization of modified firearms and the potentially injurious nature of the marking cartridges, safety protocols unique to the use of non-lethal training ammunition have been established. The purpose of this policy is to outline the safety guidelines which shall be followed during any training in which the use of non-lethal training ammunition is authorized.

## 313.2 DEFINITIONS

**Non-Lethal Training Ammunition (NLTA)** - Any projectile which is discharged from a firearm, whether unmodified or modified, by means of an explosive, spring, gas, air or other force and, if used in the manner as specified by the manufacturer, is incapable of causing death.

**Paintball** - Any projectile delivery system utilizing a spring, gas or air to propel a projectile containing a colored substance at a target.

**Simunition** - The non-lethal FX® Marking Cartridge system, including projectiles and firearm conversion kits, produced by General Dynamics-Ordnance and Tactical Systems-Canada Inc.

**Speer LE Force on Force** - The non-lethal marking round is manufactured by Speer/ATK. This round is similar to the Simunition marking cartridge and has been approved by Glock Inc. The round will operate in a Glock 17T and will not void the manufactures warranty.

## 313.3 POLICY

The Clay County Sheriff's Office authorizes the use of NLTA only in circumstances as outlined in this section and following:

(a) Any training environment in which NLTA is utilized shall at all times be personally supervised by an instructor trained and certified in the use of the particular NLTA being utilized.

(b) A written safety protocol regarding lethal weapons shall be established prior to the training and shall be implemented by the instructor.

(c) A Training Safety Officer (TSO), distinct from the training instructor, shall be present at all times.

(d) Protective equipment, as recommended by the manufacturer of the NLTA being utilized, shall be utilized at all times in the manner specified by the manufacturer.

(e) Discharge of training weapons utilizing NLTA shall be restricted to appropriate usage in authorized and regulated training environments only as specified within this policy.

(f) Any training scenario in which the above guidelines are unable to be maintained shall be immediately suspended until the proper protocols are re-established.



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### 313.3.1 NLTA INSTRUCTORS

Any person designated as a NLTA Instructor (Training Instructor) shall be responsible for safely executing a course of training which utilizes NLTA. The Training Instructor shall confer with the designated Training Safety Officer to ensure a safe training environment is maintained throughout the course of the training exercise. As such, the Training Instructor shall have the authority to eject from any training environment any participant or observer whom the Training Instructor reasonably deems a safety risk to himself/herself or others, as illustrated by specific acts and/or omissions related to safety protocols.

All personnel acting as an instructor during a course of training involving NLTA shall, at a minimum, be trained to the following standards:

(a) Simunitions

1. All Simunitions instructors shall have received training and certification in the use of the FX Marking Cartridge system, to a level of competence, proficiency and familiarity as is dictated by the manufacturer.
2. To maintain standing as a Simunitions instructor, trained personnel shall be required to maintain as current any certifications provided by the manufacturer.

(b) Paintball and other NLTA

1. Prior to acting as an instructor during a course of training in which NLTA other than Simunitions are utilized, such instructor shall be reasonably demonstrate, in an objective manner as determined by the Lead Firearms Instructor, competence, proficiency and familiarity with the NLTA system being utilized.

### 313.3.2 SAFETY ZONE DESIGNATIONS

In furtherance of the safety of all training exercise participants, the use of clearly established safety zones and zone protocols shall be adhered to. All safety zone designations shall be delineated and disseminated, in writing, to all personnel participating in the training or entering the training environment. The following safety zone protocols shall be strictly observed by all participants, observers or instructors during any training session in which NLTA are a part:

(a) Zone Designations

1. Un-Safe Zone
   - (a) The Un-Safe Zone shall consist of all areas outside the purview of the Training Instructor and the TSO.
   - (b) The Un-Safe Zone shall not be considered part of the training environment.
   - (c) Lethal weapons are permitted and for the purpose of this policy, unregulated, in the Un-Safe Zone.
   - (d) No briefing, training, exercise debriefing or any training-related activities shall be conducted in the Un-Safe Zone during any time in which NLTA is distributed or unsecured.
   - (e) Any personnel exiting or entering the training environment from the Un-Safe Zone shall immediately and personally report to the TSO.
   - (f) The Training Instructor shall ensure all Simunition weapon conversions and/or weapons securing/marking take place in the Un-Safe Zone
2. Semi-Safe Zone



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(a) The Semi-Safe Zone shall consist of the area through-which access to the Safe-Zone is attained.

(b) The Semi-Safe Zone shall be considered part of the training environment.

(c) The primary purpose of the Semi-Safe Zone is to conduct safety inspections prior to entry into the Safe-Zone.

(d) No briefing, training, exercise debriefing or any training-related activities shall be conducted in the Semi-Safe Zone during any time in which NLTA is distributed or unsecured.

(e) Firearms which have not been converted for Simunition use are permitted in the Semi-Safe Zone or beyond only as specified below:

1. All non-converted firearms shall be provided to the Training Instructor prior to entry into the Semi-Safe Zone.
2. The Training Instructor shall ensure that all non-converted firearms entering the Semi-Safe Zone are unloaded and have distinctly colored tape, rope or bullet-blockers securing the barrel, breach and magazine of the firearm.
3. The TSO shall inspect said firearms in the Semi-Safe Zone after having been marked by the Training Instructor, prior to allowing the firearm to enter the Safe Zone.

(f) No ammunition, excluding NLTA, shall be allowed in the Semi-Safe Zone.

(g) No OC spray, batons, or knives shall be allowed in the Semi-Safe Zone.

(h) TASERs shall only be allowed in the Semi-Safe Zone if equipped with a training cartridge.

1. Any TASER brought into the Semi-Safe Zone shall have been inspected in the Un-Safe Zone and properly equipped by the Training Instructor prior to being allowed entry into the Semi-Safe Zone.

(i) NLTA shall remain in the custody and control of the Training Instructor while in the Semi-Safe Zone.

(j) The following safety check protocols shall be employed in the Semi-Safe Zone prior to entry into the Safe-Zone:

1. Check yourself for any weapons, ammunition and to ensure proper protective equipment is present.
2. Have a partner, other than the TSO or Training Instructor, conduct the same check as above.
3. The TSO shall conduct the final check, at which time the training participant shall enter the Safe-Zone.
4. Any weapons or ammunition located, or protective clothing deficiencies found, shall be immediately reported to the TSO or Training Instructor.
5. After a successful safety check, the participant shall immediately enter the Safe-Zone.

(k) Any person re-entering the Semi-Safe Zone from the Safe-Zone shall, before being allowed re-entry into the Safe-Zone, undergo the same safety inspections as above.



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3. Safe-Zone
   (a) The Safe-Zone shall be the only area in which possession of NLTA, during a training exercise, is authorized by any person except the Training Instructor.
   (b) All briefings, training, exercise debriefings or other training-related activities shall be only conducted in the Safe-Zone during any time in which NLTA is distributed or unsecured.
   (c) The Safe-Zone shall only be accessed via the Semi-Safe Zone, and only in the manner as outlined in section 2 above.
   (d) All items prohibited in the Semi-Safe Zone are also prohibited in the Safe-Zone, with the exception of NLTA and training weapons, and in such cases only as outlined below.
   (e) All NLTA and training weapons shall be issued only in the Safe-Zone by the Training instructor.
   (f) Upon the issuance of NLTA to participants, the following safety protocols shall be strictly adhered to:
      1. No NLTA shall be loaded into weapons until authorized by the Training Instructor.
      2. The training environment shall be at all times designated as "hot" or "cold" by the Training Instructor.
      3. Subsequent to the issuance, but prior to the loading, of any ammunition, the range shall be declared "cold" by the Training Instructor.
      4. Helmets and other protective equipment may only be removed when the training environment is declared "cold".
      5. At any point in which the training environment is declared "cold" NLTA weapons shall either be slung or holstered.
      6. If a training participant is unable to sling or holster a weapon, he/she shall place the weapon on the ground with the action open.
      7. The Training Instructor shall ensure, and confirm with the TSO, that all protective equipment is in place on all subjects in the Safe-Zone, prior to declaring the training environment "hot" and commencing any training exercise.
      8. NLTA may only be loaded, or training weapons handled, subsequent to a declaration of the training environment as "hot".
      9. Protective equipment may not be removed at any time during which the training environment is declared "hot".
      10. If any protective equipment becomes unsecured, dislodged or damaged while the training environment is declared "hot", any participant with knowledge of same shall immediately call out "Cease Fire" or if a trainer, additionally sound a whistle. The participant so exposed should immediately take all necessary steps to protect himself/herself from any projectiles until the training environment has been declared "cold".
      11. Any person in the Safe-Zone observing any type of unsafe situation or injury after the training environment is declared "hot" shall immediately observe the protocol as outlined above.



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(g) All persons exiting the Safe-Zone shall, prior to re-entry submit to the safety check as outlined in section 2(j) and shall immediately and personally notify the TSO.

### 313.3.3 TRAINING SAFETY OFFICERS

The Training Instructor shall designate one person to act as the Training Safety Officer (TSO) throughout the course of any training involving the use of NLTA. The TSO should function in a non-participatory manner during the training scenarios. Responsibilities of the TSO are as follows:

(a) Assist the Training Instructor in the pre-training safety briefing as necessary.

(b) Conduct a pre-training sweep of the Semi-Safe Zone and Safe-Zone for any unsafe conditions and/or weapons.

(c) Ensure all persons entering the Safe-Zone possess proper protective equipment and are familiar with its utilization.

(d) Inspect the protective equipment of participants, observers and trainers to ensure its condition is sufficient to reasonably guarantee protection if utilized in the manner as directed by the manufacturer.

(e) Ensure no unauthorized weapons enter the Safe-Zone.

(f) Grant access to the Safe-Zone after conducting the final safety check on all participants, observers and trainers.

(g) Ensure all safety protocols are followed after the training environment has been declared "hot".

(h) Confirm for the Training Instructor that weapons and NLTA are properly secured prior to the training environment being declared "cold".

### 313.3.4 PROTECTIVE EQUIPMENT

The following protective equipment shall be considered mandatory for any persons entering the Safe-Zone during any training in which NLTA is utilized:

(a) A helmet with integrated face-shield designed and approved for use by its manufacturer with the types of NLTA being employed.

(b) Groin protection

(c) Throat protection

(d) Gloves

Any protective equipment not listed above shall be considered optional, unless specifically required at the discretion of the Training Instructor and TSO.

### 313.3.5 DISCHARGE OF NLTA WEAPONS

The discharge of weapons containing NLTA shall be permitted and regulated only as follows:

(a) When discharged in a training environment and as a reasonably foreseeable portion of a training exercise in which the use of NLTA is pre-planned and authorized by the NLTA Instructor.

1. In such circumstances, the NLTA weapon shall only be discharged in a manner consistent with the reasonable application of force in a given scenario, consistent with the participant's training, experience and the fact situation.



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2. Such restrictions shall apply equally to training participants ***and*** scenario role players.

(b) When expressly authorized by the Training Instructor as necessary to test the weapon.

1. In such circumstances, the NLTA weapon shall only be discharged in a safe direction.

(c) It shall be the responsibility of the person discharging the NLTA weapon to ensure, as is reasonable under the given circumstances and training environment, that the person against whom the NLTA is directed is utilizing proper protective equipment.

(d) The following manufacturer-recommended minimum stand-off training distances shall apply to all FX® Marking Cartridges when firing at protected personnel:

1. 1 foot for 9 mm FX® and .38 cal FX® Marking Cartridges
2. 3 feet for 5.56 mm FX® Marking Cartridges (clipped).
3. 6 feet for 5.56 mm FX® Marking Cartridges (linked).

(e) Prior to discharging any paintball NLTA system in a training environment, the Training Instructor shall verify the velocity of the projectile does not exceed 300 feet per second.

## 313.4 TRAINING LOCATIONS

All NLTA training shall be conducted in locations that would reasonably be expected to provide a safe backdrop for the projectiles. The Training Instructor shall ensure, as is both reasonable and practicable, that such training be conducted in a location out of public view.

## 313.5 FIREARM CONVERSIONS

The NLTA Instructor shall be responsible for the conversion of all firearms into weapons designed by the manufacturer to deploy the specific NLTA being utilized. Upon the completion of training, the NLTA Instructor shall ensure the converted firearm is properly reverted to a functional state prior to returning it to the officer.



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# Vehicle Pursuits

## 314.1 PURPOSE AND SCOPE

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

### 314.1.1 POLICY

The Clay County Sheriff's Office response to those who unlawfully flee from law enforcement action shall stress a common sense balance between the importance of apprehending offenders and the high risk nature of vehicle pursuits.

## 314.2 DEFINITIONS

Definitions related to this policy include:

**Vehicle pursuit** - An event involving one or more peace officers attempting to apprehend a suspect who is trying to avoid arrest while operating a vehicle by using high speed or other evasive tactics, such as disregarding traffic warning signs, stop signs, red lights, driving off a roadway, turning suddenly or driving in a legal manner but willfully failing to yield to a deputy's signal to stop.

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

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

**Pursuit Intervention Technique (PIT)** - A low-speed maneuver intended to terminate the pursuit by causing the violator's vehicle to spin out and come to a stop.

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

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

**Tire deflation device, spikes or tack strips** - A device that extends across the roadway and is designed to puncture the tires of the pursued vehicle.

## 314.3 DEPUTY RESPONSIBILITIES

A vehicle pursuit shall be conducted using an authorized emergency vehicle that is equipped with and using as reasonably necessary, a siren and at least one lighted front red light (§ 304.022, RSMo). Deputies involved in a pursuit should insure that their seatbelts are fastened throughout the pursuit. The deputy may, when in pursuit of a suspect (§ 304.022, RSMo):

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



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- Exceed the speed limit so long as the deputy does not endanger life or property
- Disregard regulations governing direction of movement or turning in specified directions so long as the deputy does not endanger life or property

Deputies shall drive with due regard for the safety of all persons.

### 314.3.1 WHEN TO INITIATE A PURSUIT

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

Factors that shall be considered, both individually and collectively, when deciding to initiate or continue a pursuit include:

(a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.

(b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to deputies, innocent motorists and others.

(c) The apparent nature of the fleeing suspect (e.g., whether the suspect represents a serious threat to public safety).

(d) The identity of the suspect has been verified and there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.

(e) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.

(f) The pursuing deputy's familiarity with the area of the pursuit, the quality of radio communication between the pursuing units and the dispatcher/supervisor, and the driving capabilities of the pursuing deputies under the conditions of the pursuit.

(g) The weather, traffic and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.

(h) The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.

(i) Vehicle speeds.

(j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).

(k) The availability of other resources, such as aircraft assistance.

(l) The sheriff's unit is carrying passengers other than on-duty sheriff's deputies. Pursuits should not be undertaken with a prisoner in the pursuit vehicle unless exigent circumstances exist, and then only after the need to apprehend the suspect is weighed against the safety of the prisoner in transport. A unit containing more than a single prisoner should not participate in a pursuit.

### 314.3.2 WHEN TO TERMINATE A PURSUIT

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



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The above factors on when to initiate a pursuit are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Deputies and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves and the public when electing to continue a pursuit. In the context of this policy, the term "terminate" shall be construed to mean to discontinue or to stop chasing the fleeing vehicle.

In addition to the factors listed above, the following factors should be considered when deciding whether to terminate a pursuit:

(a) The distance between the pursuing deputies and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.

(b) The pursued vehicle's location is no longer definitely known.

(c) The deputy's pursuit vehicle sustains damage or a mechanical failure that renders it unsafe to drive.

(d) The pursuit vehicle has an emergency equipment failure that causes the vehicle to no longer qualify for emergency operation use.

(e) Extended pursuits of violators for misdemeanors not involving abuse or risk of serious harm (independent of the pursuit) are discouraged.

(f) The hazards to uninvolved bystanders or motorists.

(g) When the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, deputies should strongly consider discontinuing the pursuit and apprehending the offender at a later time.

(h) When directed to terminate the pursuit by a supervisor.

## 314.4 PURSUIT UNITS

Pursuit units should be limited to three vehicles (two units and a supervisor). However, the number of units involved will vary with the circumstances.

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

Distinctively marked patrol vehicles should replace unmarked vehicles, sport utility vehicles, and vans involved in a pursuit whenever practicable.

### 314.4.1 MOTORCYCLE OFFICERS

A distinctively marked patrol vehicle equipped with emergency overhead lighting should replace a sheriff's motorcycle as primary and/or secondary pursuit unit as soon as practicable.

### 314.4.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Vehicles not equipped with a red emergency light and siren are prohibited from initiating or joining in any pursuit. Deputies in such vehicles may provide support to pursuing units as long as the vehicle is operated in compliance with all traffic laws.



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### 314.4.3 PRIMARY UNIT RESPONSIBILITIES

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

The primary unit should notify the Cooperative Communications Center, commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable, provide information which includes:

(a) The reason for the pursuit.

(b) The location and direction of travel.

(c) The speed of the fleeing vehicle.

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

(e) The number of occupants.

(f) The identity or description of the known occupants.

(g) The weather, road and traffic conditions.

(h) The identity of other agencies involved in the pursuit.

(i) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

Unless relieved by a supervisor or secondary unit, the deputy in the primary unit shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary unit should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft joining the pursuit to minimize distractions and allow the primary unit to concentrate foremost on safe pursuit tactics.

### 314.4.4 SECONDARY UNIT RESPONSIBILITIES

The second deputy in the pursuit is responsible for:

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

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

(c) Broadcasting the progress of the pursuit unless the situation indicates otherwise.

(d) Serving as backup to the primary unit once the subject has been stopped.

### 314.4.5 PURSUIT DRIVING TACTICS

The decision to use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

(a) Deputies, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.

(b) Because intersections can present increased risks, the following tactics should be considered:

    1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.

    2. Pursuing units shall exercise due caution and slow down as may be necessary for safe operation when proceeding through controlled intersections.



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(c) As a general rule, deputies should not pursue a vehicle driving the wrong way on a roadway, highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered:

1. Requesting assistance from an available air unit.
2. Maintaining visual contact with the pursued vehicle by paralleling on the correct side of the roadway.
3. Requesting other units to observe exits available to the suspect.

(d) Notifying the Missouri State Highway Patrol or other law enforcement agency if it appears the pursuit may enter their jurisdiction (§ 544.157, RSMo).

(e) Deputies involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit and a clear understanding of the maneuver process exists between the involved deputies.

### 314.4.6 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

There should be no paralleling of the pursuit route. Deputies are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Deputies should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.

Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road.

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

### 314.4.7 PURSUIT TRAILING

In the event that the initiating unit from this agency relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a supervisor, trail the pursuit to the termination point in order to provide information and assistance for the arrest of the suspect.

The term "trail" means to follow the path of the pursuit at a safe speed, while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing unit will maintain sufficient distance from the pursuit units to clearly indicate an absence of participation in the pursuit.

### 314.4.8 AIRCRAFT ASSISTANCE

When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider whether the participation of an aircraft warrants their continued involvement in the pursuit.

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



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## 314.5 SUPERVISORY CONTROL AND RESPONSIBILITIES

It is the policy of the Clay County Sheriff's Office that available supervisory and management control will be exercised over all vehicle pursuits involving deputies from the Clay County Sheriff's Office (§ 304.022, RSMo).

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

(a) Upon becoming aware of a pursuit, immediately notifying involved deputies and the Cooperative Communications Center of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established Sheriff's Office guidelines.

(b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.

(c) Exercising management and control of the pursuit even if not engaged in it.

(d) Ensuring that no more than the number of required law enforcement units needed are involved in the pursuit under the guidelines set forth in this policy.

(e) Directing that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.

(f) Ensuring that aircraft assistance is requested, if available.

(g) Ensuring that the proper radio channel is being used.

(h) Ensuring that outside agencies are notified and/or coordinated if the pursuit either leaves or is likely to leave the jurisdiction of this agency.

(i) Controlling and managing CCSO units when a pursuit enters another jurisdiction.

(j) Preparing a post-pursuit critique and analysis of the pursuit for training purposes.

### 314.5.1 SHIFT/UNIT SUPERVISOR RESPONSIBILITIES

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

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

## 314.6 COMMUNICATIONS

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

### 314.6.1 THE COOPERATIVE COMMUNICATIONS CENTER RESPONSIBILITIES

Upon notification that a pursuit has been initiated, the Cooperative Communications Center will be responsible for:

(a) Coordinating pursuit communications of the involved units and personnel.

(b) Notifying and coordinating with other involved or affected agencies as practicable.



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(c) Ensuring that a field supervisor is notified of the pursuit.

(d) Assigning an incident number and logging all pursuit activities.

(e) Broadcasting pursuit updates as well as other pertinent information as necessary.

(f) Notifying the Shift/Unit Supervisor as soon as practicable.

### 314.6.2 LOSS OF PURSUED VEHICLE

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

## 314.7 INTERJURISDICTIONAL CONSIDERATIONS

A deputy may only initiate a pursuit while within the jurisdiction of the sheriff's office. If a deputy begins a pursuit in this jurisdiction, the deputy may pursue into another jurisdiction any of the following suspected offenders (§ 544.157, RSMo):

(a) A person suspected of committing a felony in this state

(b) A person suspected of committing, or attempting to commit, in the presence of the deputy, any criminal offense or violation of a municipal or county ordinance

(c) A person for whom the deputy holds a warrant of arrest for a criminal offense

When a pursuit enters another agency's jurisdiction, the primary deputy or supervisor, taking into consideration the distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary deputy or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

A pursuit that has commenced within, and has continued outside, the jurisdiction of this office shall be terminated once the pursuing deputy has lost contact with the person being pursued (§ RSMo 544.157, RSMo).

### 314.7.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Clay County Sheriff's Office deputies will discontinue the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Clay County Sheriff's Office is requested by the agency assuming the pursuit. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation. A supervisor should coordinate with the agency managing the termination point to determine the supervisor's need to respond or otherwise assist in the investigation. The supervisor should obtain any information that is necessary for inclusion in any reports from the agency managing the termination point.

The role and responsibilities of deputies at the termination of a pursuit that was initiated by the sheriff's office shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local agencies, a request for another agency's assistance will mean that its personnel will assume responsibility for the pursuit. For the



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same reasons, when a pursuit leaves another jurisdiction and a request for assistance is made to the sheriff's office, the other agency should relinquish control.

### 314.7.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from the Clay County Sheriff's Office should not join a pursuit unless specifically requested to do so by the agency whose peace officers are in pursuit. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a unit from the sheriff's office may join the pursuit until sufficient units from the initiating agency join the pursuit.

When a request is made for this office to assist or take over a pursuit that has entered this jurisdiction, the supervisor should consider these additional factors:

(a) Ability to maintain the pursuit

(b) Circumstances serious enough to continue the pursuit

(c) Adequate staffing to continue the pursuit

(d) The public's safety within this jurisdiction

(e) Safety of the pursuing deputies

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

Assistance to a pursuing outside agency by deputies of the sheriff's office will terminate at the County limits provided that the pursuing peace officers have sufficient assistance from other sources. Ongoing participation from the sheriff's office may continue only until sufficient assistance is present.

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

## 314.8 PURSUIT INTERVENTION

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

### 314.8.1 WHEN USE IS AUTHORIZED

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

### 314.8.2 USE OF FIREARMS

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Deputies should not utilize



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firearms during an ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the use of deadly force. Nothing in this section shall be construed to prohibit any deputy from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

### 314.8.3 INTERVENTION STANDARDS

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

(a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to public safety, and when deputies reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risk involved, this technique should only be employed by deputies who have received training in such tactics and after giving consideration to the following:

1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risk of injury or death to occupants of the suspect vehicle, deputies or other members of the public.
2. All other reasonable intervention techniques have failed or reasonably appear ineffective.
3. Employing the blocking maneuver does not unreasonably increase the risk to officer safety.
4. The target vehicle is stopped or traveling at a low speed.
5. At no time should civilian vehicles be used to deploy this technique.

(b) Only those deputies trained in the use of the PIT will be authorized to use this procedure and only then with approval of a supervisor upon consideration of the circumstances and conditions presented at the time, including the potential for injury to deputies, the public and occupants of the pursued vehicle.

(c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the deputy's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable alternative method. This policy is an administrative guide to direct deputies in their decision-making process before ramming another vehicle. When ramming is used as a means to stop a fleeing vehicle, the following factors should be present:

1. The suspect is an actual or suspected felon who reasonably appears to represent a serious threat to the public if not apprehended.
2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.

(d) As with all intervention techniques, pursuing deputies should obtain supervisor approval before attempting to box in a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into



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consideration the circumstances and conditions apparent at the time, as well as the potential risk of injury to deputies, the public and occupants of the pursued vehicle.

(e) Tire deflation devices should be deployed only when it is reasonably apparent that only the pursued vehicle will be affected by their use. Prior to the deployment of spike strips, the deputy shall notify pursuing units and the supervisor of the intent and location. Deputies should carefully consider the limitations of such devices as well as the potential risk to deputies, the public and occupants of the pursued vehicle. If the pursued vehicle is a vehicle transporting hazardous materials or a school bus transporting children, deputies and supervisors should weigh the potential consequences against the need to immediately stop the vehicle. **Tire deflation devices should not be used to stop two-wheeled vehicles.** If tire deflation devices are deployed at least one Clay County Unit as designated by the supervisor should remain in pursuit of the vehicle until the pursuit is successfully terminated even if the pursuit enters other jurisdictions. The Clay County designated Unit should remain as a secondary unit in other jurisdictions when the other jurisdiction is present.

(f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor. If roadblocks are deployed, it should only be done under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risk of injury or death to occupants of the pursued vehicle, deputies or other members of the public.

### 314.8.4 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Deputies shall use only that amount of force that reasonably appears necessary under the circumstances to properly perform their lawful duties.

Unless relieved by a supervisor, the primary deputy should coordinate efforts to apprehend the suspect following the pursuit. Deputies should consider the safety of the public and the involved deputies when formulating plans to contain and capture the suspect.

## 314.9 REPORTING AND REVIEW REQUIREMENTS

All appropriate reports shall be completed to comply with local and state regulations.

(a) The primary deputy shall complete appropriate crime/arrest reports.

(b) The primary deputy or supervisor shall complete the appropriate pursuit report.

(c) After first obtaining the available information, the on-duty field supervisor shall promptly complete a Supervisor's Log or interoffice memorandum, briefly summarizing the pursuit to the Sheriff or the authorized designee. This memo should minimally contain the following information:

1. Date and time of pursuit
2. Length of pursuit in distance and time
3. Involved units and involved deputies
4. Initial reason and circumstances surrounding the pursuit
5. Starting and termination points
6. Alleged offenses or disposition (e.g., arrest, citation or other release



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7. Arrestee information should be provided if applicable
8. Injuries and/or property damage
9. Medical treatment
10. The outcome of the pursuit
11. Name of supervisor handling or at the scene
12. A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted

(d) After receiving copies of reports, logs and other pertinent information, the Sheriff or the authorized designee shall conduct or assign the completion of a post-pursuit review as appropriate.

(e) Annually, the Sheriff should direct a documented review and analysis of Sheriff's Office vehicle pursuits to minimally include policy suitability, policy compliance and training needs.

### 314.9.1 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, all licensed employees will participate, no less than annually, in regular and periodic training addressing this policy and the importance of vehicle safety and protecting the public at all times. Training will include a recognition of the need to balance the known offense and the need for immediate capture against the risks to deputies and others.

### 314.9.2 POLICY REVIEW

Licensed members of the sheriff's office shall certify in writing that they have received, read and understand this policy initially and upon any amendments.



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# Deputy Response to Calls

## 316.1 PURPOSE AND SCOPE

This policy provides for the safe and appropriate response to all emergency and non-emergency situations.

## 316.2 RESPONSE TO CALLS

Deputies responding to an emergency call shall proceed immediately. Deputies shall continuously sound the siren and operate emergency lighting equipment as reasonably necessary (§ 300.100.3, RSMo; § 304.022.5(3), RSMo).

Responding with emergency lights and siren does not relieve the deputy of the duty to drive with due regard for the safety of all persons and property and does not protect the deputy from the consequences of reckless disregard for the safety of others. The use of any other warning equipment without emergency lights and siren does not generally provide an exemption from the vehicle laws (§ 300.100.4, RSMo).

Deputies should only respond to a call as an emergency response when so dispatched or when responding to circumstances the deputy reasonably believes involves the potential for immediate danger to persons or property. Deputies not responding to a call as an emergency response shall observe all traffic laws and proceed without the use of emergency lights and siren (§ 300.095, RSMo; § 304.022.5(1), RSMo).

## 316.3 REQUESTING EMERGENCY ASSISTANCE

Deputies may request emergency assistance when they reasonably believe that there is an imminent threat to the safety of deputies, or assistance is needed to prevent imminent serious harm to a citizen.

If circumstances permit, the requesting deputy should give the following information:

- The unit number
- The location
- The reason for the request and type of emergency
- The number of units required

Where a situation has stabilized and emergency response is not required, the requesting deputy shall promptly notify the Cooperative Communications Center.

### 316.3.1 NUMBER OF UNITS PARTICIPATING

Normally, only those units reasonably necessary should respond to a call with an emergency response. The Shift/Unit Supervisor should monitor all emergency responses and reduce or enhance the response as warranted.

## 316.4 INITIATING EMERGENCY CALL RESPONSE

If a deputy believes an emergency response to any call is appropriate, the deputy shall immediately notify the Cooperative Communications Center. An emergency response of more than one unit should initiate notification of and coordination by the Cooperative Communications Center to avoid any unanticipated intersecting of response routes.



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## 316.5 RESPONSIBILITIES OF THE RESPONDING DEPUTY

Deputies shall exercise sound judgment and care with due regard for life and property when responding to a call with an emergency response. During a call involving an emergency response deputies may (§ 300.100.2, RSMo; § 304.022.5, RSMo):

(a) Disregard regulations governing parking or standing when using a warning lamp.

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

(c) Exceed any speed limits provided this does not endanger life or property.

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

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

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

The first deputy arriving at an emergency response scene should determine whether to increase or reduce the level of the response and notify the Cooperative Communications Center of their determination. Any subsequent change in the appropriate response level should be communicated to the Cooperative Communications Center by the deputy in charge of the scene unless a supervisor assumes this responsibility.

## 316.6 COMMUNICATIONS RESPONSIBILITIES

A dispatcher shall ensure acknowledgment and response of assisting units when a deputy requests emergency assistance or when the available information reasonably indicates that the public is threatened with serious injury or death and an immediate law enforcement response is needed. In all other circumstances, the dispatcher shall obtain authorization from the Shift/Unit Supervisor prior to assigning an emergency response. The dispatcher shall:

(a) Attempt to assign the closest available unit to the location requiring assistance.

(b) Immediately notify the Shift/Unit Supervisor.

(c) Confirm the location from which the unit is responding.

(d) Notify and coordinate outside emergency services (e.g., fire and ambulance).

(e) Continue to obtain and broadcast information as necessary concerning the response and monitor the situation until it is stabilized or terminated.

(f) Control all radio communication during the emergency and coordinate assistance under the direction of the Shift/Unit Supervisor or field supervisor.

## 316.7 SUPERVISORY RESPONSIBILITIES

Upon being notified that an emergency response has been initiated, the Shift/Unit Supervisor or the field supervisor shall verify the following:

(a) The proper response has been initiated.



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(b) No more than those units reasonably necessary under the circumstances are involved in the response.

(c) Affected outside jurisdictions are being notified as practicable.

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

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

When making the decision to authorize an emergency response, the Shift/Unit Supervisor or the field supervisor should consider the following:

- The type of call or crime involved
- The necessity of a timely response
- Traffic and roadway conditions
- The location of the responding units

## 316.8 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the deputy must terminate the emergency response and continue accordingly.

The deputy shall notify the Shift/Unit Supervisor, field supervisor or the Cooperative Communications Center of the equipment failure so that another unit may be assigned to the emergency response.



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# Canine Program

## 318.1 PURPOSE AND SCOPE

The canine program was established to augment law enforcement services to the community. Highly skilled and trained teams of handlers and canines are used at this time to supplement law enforcement operations to locate contraband.

## 318.2 GUIDELINES FOR THE USE OF CANINES

A canine may be used in the investigation of a crime or possible crime.

### 318.2.1

Reserved for future use

### 318.2.2

Reserved for future use

### 318.2.3 USE OF NARCOTIC-DETECTION CANINES

A narcotic detection-trained canine may be used in accordance with current law under the following circumstances:

(a) To assist in the search for narcotics during a search warrant service.

(b) To obtain a search warrant by using the detection canine in support of probable cause.

(c) To search vehicles, buildings, bags and any other articles as deemed necessary.

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

### 318.2.4

Reserved for future use

### 318.2.5 REPORTING CANINE USE, BITES AND INJURIES

Whenever the canine is deployed, an Interdepartmental Memorandum shall be completed by the handler and turned in to the canine unit coordinator before going off-duty.

Whenever the use of the canine results in a bite or any injury, an Interdepartmental Memorandum shall be completed and included with any related incident report. Also, the shift supervisor shall insure that a copy of the incident report and the required Clay County Risk Management reports are completed and forwarded to the Sheriff's Office Human Resources Coordinator as soon as possible so they can be forwarded to the Clay County Risk Management Office. Canines controlled by peace officers are exempt from regulatory action relating to bites.

Color photographs shall be taken of the bite or injury as soon as practicable after tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current Sheriff's Office evidence procedures.

If a subject alleges an injury that is not visible, a supervisor shall be notified and the location of the alleged injury should be photographed as described above.



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### 318.2.6 REPORTING CANINE INJURIES

In the event that a canine is injured, the injury will be immediately reported to the Shift/Unit Supervisor.

Depending on the severity of the injury, the canine shall either be treated by the designated veterinarian or transported to a designated emergency medical facility for treatment. If the handler and canine are out of the area, the handler may use the nearest available veterinarian.

The injury will be documented on a Interdepartmental Memorandum.

### 318.2.7 ASSIGNMENT OF CANINES

The canine teams shall be assigned to the Field Operations Division to supplement and assist the Field Operations Division.

Canine teams should function primarily as cover units. However, they may be assigned by the Shift/Unit Supervisor to other functions based on the needs of the watch at the time.

Canine teams should not be assigned to handle matters that will take them out of service for extended periods of time unless absolutely necessary and only with the approval of the Shift/Unit Supervisor.

## 318.3 REQUESTS FOR USE OF CANINE TEAMS

Personnel within the Sheriff's Office are encouraged to freely solicit the use of the canines. Requests for a canine team from outside of the Field Operations Division shall go through the canine unit coordinator or the Shift/Unit Supervisor.

### 318.3.1 REQUEST FOR ASSISTANCE FROM OTHER AGENCIES

The Shift/Unit Supervisor or the canine unit coordinator must approve all requests for canine assistance from outside agencies subject to the following provisions:

(a) Canine teams shall not be used for any assignment that is not consistent with this policy.

(b) The handler has the ultimate authority to decide whether the canine is to be used for a specific assignment.

(c) Canine teams shall not be called out while off-duty or used outside the jurisdiction of the Clay County Sheriff's Office unless authorized by the Shift/Unit Supervisor or the canine unit coordinator.

(d) It shall be the responsibility of the canine handler to coordinate with outside agency personnel in order to minimize the risk of unintended injury.

### 318.3.2 REQUEST FOR PUBLIC DEMONSTRATIONS

All public requests for a canine team shall be approved by the canine unit coordinator prior to making any commitment.

## 318.4 SELECTION OF CANINE HANDLERS

The following are the minimum qualifications for the assignment of canine handler:

(a) The handler is a Clay County Sheriff's Office deputy currently off probation.



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(b) The handler resides in an adequately fenced, single-family residence (minimum 5-foot high fence with locking gates).

(c) The handler lives within 10 miles from the Clay County Sheriff's Office County limits.

(d) The handler agrees to be assigned to the position for a minimum of three years.

## 318.5 CANINE HANDLER RESPONSIBILITIES

### 318.5.1 AVAILABILITY

The handler shall be available for call-out under conditions specified by the canine unit coordinator.

### 318.5.2 CARE FOR THE CANINE AND EQUIPMENT

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

The handler will be responsible for the following:

(a) Unless required by a particular application, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.

(b) The handler shall maintain all Sheriff's Office equipment under his/her control in a clean and serviceable condition.

(c) Handlers shall permit the canine unit coordinator to conduct spontaneous on-site inspections of affected areas of their residence, as well as the canine unit, to verify that conditions and equipment conform to this policy.

(d) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine unit coordinator as soon as possible.

(e) While off-duty, canines shall be maintained in kennels provided by the County at the homes of their handlers. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. While off-duty, canines may be let out of their kennels while under the direct control of their handlers.

(f) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.

(g) Under no circumstances will the canine be lodged at another location unless approved by the canine unit coordinator or Shift/Unit Supervisor.

(h) While off-duty, handlers shall not involve their canines in any activity or conduct unless approved in advance by the canine unit coordinator or Shift/Unit Supervisor.

(i) Whenever a canine handler anticipates taking a vacation or an extended number of days off, it may be necessary to temporarily relocate the canine. In those situations the handler shall give reasonable notice to the canine unit coordinator so that appropriate arrangements can be made.

### 318.5.3 CANINES IN PUBLIC AREAS

All canines shall be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canines are trained.



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(a) Canines shall not be left unattended in any area to which the public may have access.

(b) When the canine unit is left unattended all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended unit remains inhabitable for the canine.

### 318.5.4 HANDLER COMPENSATION

The canine handler shall be compensated for time spent in the care, feeding, grooming and other needs of the canine, in accordance with the Fair Labor Standards Act.

## 318.6 MEDICAL CARE OF THE CANINE

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency as provided within this policy.

### 318.6.1 NON-EMERGENCY MEDICAL CARE

Non-emergency medical care will be coordinated through the canine unit coordinator.

Any indication that a canine is not in good physical condition shall be reported to the canine unit coordinator or the Shift/Unit Supervisor as soon as practicable.

All records of medical treatment shall be maintained in the canine handler's personnel file.

### 318.6.2 EMERGENCY MEDICAL CARE

The handler shall notify the canine unit coordinator as soon as practicable when emergency medical care for the canine is required.

Depending on the severity of the illness or injury, the canine shall either be treated by the designated veterinarian or transported to a designated emergency medical facility for treatment. If the handler and canine are out of the area, the handler may use the nearest available veterinarian.

## 318.7 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current recognized national standards or the vendor's standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives shall be trained and certified to meet a nationally recognized standard or vendor standards established for such detection canines. Canine teams may not be used outside the scope of their certification.

The canine unit coordinator shall be responsible for scheduling periodic training for all Sheriff's Office personnel in order to familiarize them with how to conduct themselves in the presence of canines.

### 318.7.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to a current nationally recognized standard or the vendor's standards on an annual basis. Additional training considerations are as follows:

(a) Canine teams shall receive training to a current nationally recognized standard.

(b) Canine handlers are encouraged to engage in additional training with approval of the canine unit coordinator.



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(c) To ensure that all training is consistent, no handler, trainer or outside vendor is authorized to train to a standard that is not reviewed and approved by the Sheriff's Office.

(d) All canine training shall be conducted while on-duty unless otherwise approved by the canine unit coordinator or Shift/Unit Supervisor.

### 318.7.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. If the team has a single certification, when reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

### 318.7.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's and the canine's training files.

## 318.8 CANINE UNIT COORDINATOR RESPONSIBILITIES

The canine unit coordinator shall be appointed by the staff and shall supervise the canine program. The canine unit coordinator is directly responsible to the Field Operations Division Commander. The canine unit coordinator shall be responsible for, but not limited to:

(a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.

(b) Maintaining liaison with the vendor kennel.

(c) Maintaining liaison with administrative staff and functional supervisors.

(d) Maintaining liaison with other agency canine coordinators.

(e) Maintaining accurate records to document canine activities.

(f) Recommending and overseeing the procurement of needed equipment and services for the unit.

(g) Being responsible for scheduling all canine-related activities.

(h) Ensuring the canine teams are scheduled for continuous training to maximize the capabilities of the teams.

## 318.9 CONTROLLED SUBSTANCE TRAINING AIDS

Controlled substance training aids are required to effectively train and maintain drug detection canines. Controlled substances can also be an effective training aid during training sessions for law enforcement personnel and the public.

The Sheriff or the authorized designee, at his/her discretion, may authorize an employee to seek a court order to allow controlled substances to be maintained in the employee's possession for training purposes. This applies to any duly authorized peace officer or civilian drug detection canine trainer working under the direction of a law enforcement agency, provided that:

(a) The controlled substances are no longer needed as criminal evidence.

(b) The person receiving the controlled substances, if required by the Drug Enforcement Administration (DEA), possesses a current and valid DEA registration that specifically authorizes the recipient to possess controlled substances while providing substance



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abuse training to law enforcement or the community or while providing canine drug detection training.

As an alternative, the Sheriff or the authorized designee may request narcotics training aids while providing substance abuse training or canine drug detection training from the DEA by filling out the DEA-225 form at www.deadiversion.usdoj.gov.

### 318.9.1 PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of accidental ingestion of these controlled substances by the canine, the following procedures shall be strictly followed:

(a) All necessary controlled substance training samples shall be acquired from the Clay County Sheriff's Office's evidence personnel or from outside agencies authorized to provide controlled substance training samples. All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler.

(b) The weight and test results shall be recorded and maintained by this office.

(c) Any person receiving controlled substance training samples pursuant to court order shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.

(d) All controlled substance training samples will be inspected, weighed and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.

(e) All controlled substance training samples will be stored in locked airtight and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol unit or stored in a locked evidence locker. There are no exceptions to this procedure.

(f) The canine unit coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.

(g) Any unusable controlled substance training samples shall be returned to the Evidence Room or to the dispensing agency.

(h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

### 318.9.2 IMMUNITY

All duly licensed deputies acting in the performance of their official duties and any person working under their immediate direction, supervision or instruction are immune from prosecution under state law while providing substance abuse training or canine drug detection training (§ 195.050.4, RSMo).



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# Domestic Violence

## 320.1 PURPOSE AND SCOPE

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

### 320.1.1 DEFINITIONS

Definitions related to this policy include:

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

## 320.2 POLICY

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

## 320.3 OFFICER SAFETY

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

## 320.4 INVESTIGATIONS

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

(a) Calls of reported, threatened, imminent or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.

(b) When practicable, deputies should obtain and document statements from the victim, the suspect and any witnesses, including children, in or around the household or location of occurrence.

(c) Deputies should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.

(d) When practicable and legally permitted, video or audio record all significant statements and observations.

(e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the



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incident, or whose injuries change in appearance warranting additional photographs, should be asked to contact the Investigation Unit in the event that the injuries later become visible.

(f) Deputies should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.

(g) If the suspect is no longer at the scene, deputies should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement and make an arrest or seek an arrest warrant if appropriate.

(h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.

(i) When completing an incident or arrest report for violation of a court order, deputies should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting deputy should attach a copy of the order to the incident or arrest report.

(j) Deputies should take appropriate enforcement action when there is probable cause to believe an offense has occurred. The following factors should not be used as sole justification for declining to take enforcement action:

1. Marital status of suspect and victim
2. Whether the suspect lives on the premises with the victim
3. Claims by the suspect that the victim provoked or perpetuated the violence
4. The potential financial or child custody consequences of arrest
5. The physical or emotional state of either party
6. Use of drugs or alcohol by either party
7. Denial that the domestic violence occurred where evidence indicates otherwise
8. A request by the victim not to arrest the suspect
9. Location of the incident (public/private)
10. Speculation that the complainant may not follow through with the prosecution
11. The racial, cultural, social, professional position or sexual orientation of the victim or suspect

### 320.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, deputies should:

(a) Advise the victim that there is no guarantee the suspect will remain in custody.

(b) Provide the victim's contact information to the Clay County Detention Center staff to enable notification of the victim upon the suspect's release from jail.

(c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

### 320.4.2 IF NO ARREST IS MADE

If no arrest is made, the deputy should:

(a) Advise the parties of any options, including but not limited to:

1. Voluntary separation of the parties.



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2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).

(b) Document the resolution in a report.

## 320.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Deputies should:

(a) Recognize that a victim's behavior and actions may be affected.

(b) Provide the victim with the Sheriff's Office victim information handout, even if the incident may not rise to the level of crime.

(c) Alert the victim to any available victim advocates, shelters and community resources.

(d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.

(e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.

(f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the deputy determines that a need exists.

(g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.

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

## 320.6 DISPATCH ASSISTANCE

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Deputies should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

## 320.7 FOREIGN COURT ORDERS

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

## 320.8 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, deputies should carefully review the actual order when available, and, where appropriate and practicable:

(a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.



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(b) Check available records or databases that may show the status or conditions of the order.

(c) Contact the issuing court to verify the validity of the order.

(d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Deputies should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Deputies should contact a supervisor for clarification when needed.

## 320.9 LEGAL MANDATES AND RELEVANT LAWS

Missouri law provides for the following:

### 320.9.1 STANDARDS FOR ARRESTS

Deputies investigating a domestic violence report should consider the following:

(a) A deputy who has probable cause to believe that a domestic violence offense has occurred should make an arrest (§ 455.085, RSMo). Any decision not to arrest requires supervisor approval.

(b) A deputy subsequently called to the same address within a 12-hour period, who has probable cause to believe the same person has again committed a domestic violence offense against the same or any other family or household member, shall arrest the person for this subsequent offense (§ 455.085, RSMo).

(c) A deputy is not required to arrest both parties when both parties claim to have been assaulted. The deputy shall attempt to identify and shall arrest the party he/she believes is the primary physical aggressor. The term "primary physical aggressor" is defined as the most significant, rather than the first, aggressor (§ 455.085, RSMo).

1. A deputy shall consider any or all of the following in determining the primary aggressor (§ 455.085, RSMo):

   (a) The intent of the law to protect victims of domestic violence from continuing domestic violence

   (b) The comparative extent of injuries inflicted or serious threats creating fear of physical injury

   (c) The history of domestic violence between the persons involved

2. A deputy shall not threaten to arrest all parties for the purpose of discouraging requests for law enforcement intervention.

3. The deputy shall evaluate each complaint separately to determine whether to make an arrest or seek a warrant for an arrest.

(d) Deputies shall arrest a person based upon probable cause that the person has notice of a protective order and has committed an act of domestic violence in violation of the order. The arrest is required whether or not the violation occurred in the presence of the deputy (§ 455.085, RSMo).

(e) Deputies shall arrest a person against whom an order of protection has been entered if the person fails to surrender custody of minor children to the person to whom custody was awarded in the order and shall also turn the minor children over to the care and custody of the party to whom such care and custody was awarded.



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### 320.9.2 REPORTS AND RECORDS

(a) When a deputy declines to make an arrest, the report shall include (§ 455.085, RSMo):

1. A complete description of the suspect
2. The victim's name
3. The date, time, and location of the incident
4. The reasons why no arrest was made and any other pertinent information

(b) The report should also include reasonably known information regarding prior related incidents of domestic violence, violations of court orders, and related prior convictions as this information may affect the level of the offense (§ 455.085, RSMo).

(c) The supervisor overseeing any domestic violence related homicide or suicide shall forward the required information to the Missouri State Highway Patrol on the form or in the format required by the patrol (§ 455.543, RSMo).

(d) The Judicial/Community Services Division Commander shall ensure procedures are established related to the service and entry of court orders into the Missouri Uniform Law Enforcement system (MULES) as required by § 455.038, RSMo; § 455.040, RSMo; § 455.516, RSMo.



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# Search and Seizure

## 322.1 PURPOSE AND SCOPE

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

## 322.2 POLICY

It is the policy of the Clay County Sheriff's Office to respect the fundamental privacy rights of individuals. Members of the Clay County Sheriff's Office/CCIS will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by members of the Clay County Sheriff's Office/CCIS will comply with relevant federal and state law governing the seizure of persons and property.

In accordance with the Training Policy, the Clay County Sheriff's Office will provide relevant and current training to employees/CCIS members as guidance for the application of current law as well as local community standards and prosecutorial considerations to specific search and seizure situations as appropriate.

## 322.3 SEARCHES

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

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

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

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

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of the Clay County Sheriff's Office/CCIS is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, employees/CCIS members are encouraged to contact a supervisor or other available resource to resolve questions regarding search and seizure issues prior to electing a course of action.



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## 322.4 SEARCH PROTOCOL

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

(a) Members of the Clay County Sheriff's Office/CCIS will strive to conduct searches with dignity and courtesy.

(b) Employees/CCIS members should explain to the person being searched the reason for the search and how the search will be conducted.

(c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.

(d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.

(e) When the person to be searched is of the opposite sex as the searching employee/CCIS member, a reasonable effort should be made to summon an employee/CCIS member of the same sex as the subject to conduct the search. When it is not practicable to summon another employee/CCIS member of the same sex as the subject, the following guidelines should be followed:

1. Another employee/CCIS member or a supervisor should witness the search.
2. The employee/CCIS member should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

## 322.5 DOCUMENTATION

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

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

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



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# Temporary Custody of Juveniles

## 324.1 PURPOSE AND SCOPE

This policy provides guidelines and requirements consistent with the Juvenile Justice and Delinquency Prevention Act for the custody and disposition of juveniles taken into custody by employees of the Clay County Sheriff's Office. This policy describes steps to keep juveniles safe when it is necessary to transport juveniles or temporarily hold them at the Clay County Sheriff's Office (42 USC § 5633).

### 324.1.1 DEFINITIONS

Definitions related to this policy include:

**Juvenile offender** - A juvenile 16 years of age or younger who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense).

**Juvenile non-offender** - An abused, neglected, or dependent youth who may legally be held for his/her own safety or welfare.

**Juvenile officer** - Any person the court has authorized to exercise the certain powers pertaining to juveniles, including deputy juvenile officers.

**Non-secure custody** - The status of a juvenile who is in the presence of a deputy or other custodial employee at all times, and who is under direct personal supervision through visual monitoring and audio two-way communication. Direct visual monitoring may occur through a transparent barrier as long as two-way communication is still possible. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object or placed in a locked holding room or cell.

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

**Status offender** - A juvenile suspected of committing a criminal violation that would not be a criminal violation if not for the age of the offender (e.g., running away, underage drinking, under age possession of alcohol or tobacco, curfew violation, truancy). Juveniles taken into custody on a court order or warrant issued for a status offense qualify as a status offender.

## 324.2 POLICY

It is the policy of the Clay County Sheriff's Office to protect juveniles when it is legal and appropriate by removing them from environments that endanger their health or welfare. The Sheriff's Office also will promote public safety by taking custody of juveniles who have violated the law.

## 324.3 AUTHORITY TO TAKE CUSTODY

Deputies shall only take custody of a juvenile when they have the legal authority to do so and there is no lawful, practicable alternative to custody. Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult as soon as practicable, unless the juvenile's immediate welfare or the protection of the community requires that the juvenile be transferred to other authorities.



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### 324.3.1 CUSTODY OF NON-OFFENDERS

Juvenile non-offenders should be taken into custody and held at the Clay County Sheriff's Office when authorized by the law, in compliance with the Child Abuse Policy.

### 324.3.2 STATUS OFFENDERS

Juvenile status offenders should generally not be taken into custody but should be released by citation or upon a warning. They may be taken into custody and transported to the Clay County Sheriff's Office or other appropriate authority if the circumstances support custody as a non-offender due to potential for harm to the juvenile. Deputies may also take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent).

Custody and transportation to the Clay County Sheriff's Office based only on a status offense requires approval of a supervisor and consultation with a juvenile officer. This custody may apply to juveniles who have committed status offenses.

A deputy who takes custody of a juvenile for a status offense shall complete a juvenile referral report and ensure that it is forwarded to the juvenile officer as soon as practicable but no later than five days following the release of the juvenile.

### 324.3.3 JUVENILE OFFENDER

Juvenile offenders may be taken into custody (§ 211.031, RSMo; Sup. Ct. Rule 127.01):

(a) Pursuant to an order of the court.

(b) Pursuant to the laws of arrest applicable to adults.

A deputy taking a juvenile offender into custody shall immediately notify a juvenile officer and make a reasonable attempt to notify the juvenile's parents, guardian or custodian (Sup. Ct. Rule 127.02).

The deputy shall release the juvenile offender immediately to his/her parent, guardian, custodian or any other suitable person unless transfer to a juvenile detention facility is authorized by a juvenile officer.

Juvenile officers make a determination based upon whether a substantial reason exists for transferring a juvenile offender to a juvenile detention facility (§ 211.141, RSMo; Sup. Ct. Rule 127.02).

Reasons that a juvenile offender may be transferred to a detention facility include, but are not limited to:

- Alleged acts resulting in serious bodily injury or property damage or loss which constitutes a felony.
- Acts of misconduct that put any person or the public at risk of serious harm.
- Acts of misconduct involving a weapon or a sexual offense.
- Circumstances that indicate the juvenile is a significant flight risk and in need of protection.
- Circumstances that indicate the custodian lacks the ability to adequately supervise and manage the behavior of the juvenile pending further contact with the court or the juvenile division

If a juvenile officer authorizes detention, the deputy taking the juvenile into custody shall submit to the juvenile officer as soon as practicable, but no later than 12 hours after taking



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the juvenile into custody, a written report that includes the facts and circumstances that caused the deputy to believe the juvenile qualified as a juvenile offender and the reasons he/she was placed in custody and not released (§ 211.031, RSMo; Sup. Ct. Rule 127.02).

If the juvenile is not released and detention is ordered or authorized, the juvenile shall be immediately taken to a juvenile detention facility.

In cases where a juvenile is taken into custody but later released to a parent, guardian, custodian or other suitable person, the deputy shall prepare a report that the juvenile was taken into custody and released and ensure that the necessary forms are forwarded to the juvenile officer (Sup. Ct. Rule 127.02).

## 324.4 CONSTITUTIONAL RIGHTS ADVISEMENT

Deputies should not attempt to interview or interrogate a juvenile offender or status offender who is in custody without the presence of a juvenile officer. The juvenile officer or authorized designee will advise the juvenile of his/her rights (§ 211.059, RMSo; Sup. Ct. Rule 126.01. Deputies should notify the appropriate adult (i.e., parent, guardian, custodian) prior to the interview or interrogation and will respect a juvenile's desire to speak with an appropriate adult prior to questioning.

The deputy shall cease questioning if the juvenile indicates in any manner and at any stage of questioning that he/she does not wish to be questioned further.

## 324.5 JUVENILE CUSTODY FORMS

The appropriate forms for documenting the custody of juveniles, as required by the court or statute, shall be completed. Additionally, the forms shall be used to document, at a minimum, the:

(a) Juvenile's identifying information.

(b) Date and time of the juvenile's arrival and release from the Clay County Sheriff's Office.

(c) Verification of Shift/Unit Supervisor notification.

(d) Classification of the juvenile as a juvenile offender, status offender, or non-offender.

(e) Log for welfare checks and change in status for each juvenile.

(f) Medical and other screening completed for each juvenile.

### 324.5.1 NOTIFICATION AND DOCUMENTATION

The deputy taking custody of a juvenile shall notify the Shift/Unit Supervisor when a juvenile is held at the sheriff's office. All employees monitoring juveniles in custody at the Sheriff's Office are required to complete and maintain the appropriate documentation including screening forms and logs.

## 324.6 NO-CONTACT REQUIREMENTS

Juvenile no-contact requirements include:

(a) Sight and sound separation between all juveniles and adults in custody (42 USC § 5633).

(b) Sight and sound separation between non-offenders and juvenile and status offenders.



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## 324.7 RULES APPLICABLE TO JUVENILES IN CUSTODY

Employees and supervisors assigned to monitor or process a juvenile at the Clay County Sheriff's Office shall ensure the following:

(a) No juvenile should be held at the Clay County Sheriff's Office longer than four hours or what is reasonably necessary under the circumstances. The Shift/Unit Supervisor should be notified if it is anticipated that a juvenile may need to remain at the Clay County Sheriff's Office more than four hours. The Shift/Unit Supervisor shall ensure no juvenile is held at the Clay County Sheriff's Office longer than six hours.

(b) Personal checks and significant incidents and activities involving the juvenile will be noted on the admission form.

(c) The juvenile shall have adequate shelter, heat, light and ventilation without compromising security or enabling escape.

(d) The juvenile has reasonable access to toilets and wash basins.

(e) The juvenile shall have reasonable access to a drinking fountain or water.

(f) Food shall be provided if the juvenile has not eaten within the past four hours or is otherwise in need of nourishment. This may include a special diet required for the health of the juvenile. All food given to a juvenile in custody shall be provided from the jail food supply.

(g) The juvenile shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained.

(h) A juvenile shall have adequate furnishings, including suitable chairs or benches.

(i) Blankets and clothing necessary to ensure the comfort of the juvenile shall be provided by the jail if the juvenile's clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

(j) The juvenile shall have privacy during family, guardian and/or lawyer visits as required by law.

(k) A juvenile shall have the right to the same number of telephone calls as an adult in custody.

(l) No discipline shall be administered to any juvenile. Juveniles are never to be subjected to corporal or unusual punishment, humiliation or mental abuse.

(m) The legal and civil rights shall be the same as that of an adult in custody.

(n) A juvenile offender will be held in non-secure custody while at the Clay County Sheriff's Office unless another form of custody is authorized by this policy or necessary due to exigent circumstances.

### 324.7.1 RULES APPLICABLE TO JUVENILES IN NON-SECURE CUSTODY

A juvenile in non-secure custody shall:

(a) Be informed by the monitoring employee that he/she will be monitored at all times unless using the toilet. This does not apply to surreptitious and legally-obtained recorded interrogations.

(b) Not be monitored when in need of privacy due to changing clothes or using the restroom. However, the monitoring employee will be available to intervene within 60 seconds should a problem or medical emergency arise.



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### 324.7.2 RULES APPLICABLE TO JUVENILES IN SECURE CUSTODY

A juvenile in secure custody shall only be supervised during personal hygiene activities by an employee of the same sex.

## 324.8 PHYSICAL AND MENTAL HEALTH-RELATED ISSUES

### 324.8.1 JUVENILES DISQUALIFIED FOR CUSTODY AT THE CLAY COUNTY SHERIFF'S OFFICE

Deputies should not hold any juvenile at the Clay County Sheriff's Office who is unconscious, seriously injured, is a suicide risk or severely emotionally disturbed, or extremely or continuously violent.

Deputies taking custody of a juvenile who exhibits any of these conditions should take reasonable steps to provide medical attention or mental health assistance and should notify a supervisor of the situation.

Juveniles who have recently been disqualified for custody will not be held at the Clay County Sheriff's Office unless or until they have been subsequently approved for further processing at the Clay County Sheriff's Office by a qualified medical and/or mental health professional.

### 324.8.2 INTOXICATED AND SUBSTANCE ABUSING MINORS

A medical clearance shall be obtained prior to holding a juvenile at the Clay County Sheriff's Office when the juvenile displays outward signs of intoxication or is known or suspected to have recently ingested any substance that:

(a) Is illegal to possess.

(b) Would require a prescription from a medical professional.

(c) Is a legal drug, but was taken in excess.

(d) Is not safe for ingestion (i.e., sniffing toluene or other harmful vapors) or is reasonably believed to present an immediate health risk.

A medical clearance is required when there is reason to suspect a juvenile has concealed drugs or other items in a body cavity. An intoxicated juvenile who has been medically cleared for further processing but whose symptoms do not abate or decrease should be taken for additional medical clearance.

### 324.8.3 SUICIDE PREVENTION

Sheriff's Office employees should be alert to symptoms, behavior or other indicators that the juvenile may be a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill him/herself or any unusual behavior that may indicate the juvenile may harm him/herself while in temporary custody.

The Shift/Unit Supervisor should be notified if it appears that the juvenile may be a suicide risk. The Shift/Unit Supervisor will ensure an appropriate mental health evaluation is conducted. The juvenile shall be under constant non-secure custody while he/she remains in sheriff's office custody.

## 324.9 USE OF RESTRAINT DEVICES

Juveniles shall only be restrained in compliance with the Control Devices and Techniques and Use of Force policies. Deputies may keep juvenile offenders handcuffed behind their back at the Clay County Sheriff's Office when the juvenile presents a heightened risk.



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Relevant factors may minimally include their actions, statements, size, age or background. Non-offenders or status offenders should generally not be handcuffed unless they become combative or are a threat to themselves.

A juvenile who is so violent that leg restraints are applied is disqualified for custody at the Clay County Sheriff's Office. Medical treatment of the juvenile should be obtained in these circumstances and a supervisor shall be notified.

## 324.10 PERSONAL PROPERTY OF JUVENILE OFFENDERS

The deputy taking custody of a juvenile offender or status offender shall ensure a thorough search of the juvenile is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils and belts. A juvenile shall be searched by an employee of the same sex absent exigent circumstances to do otherwise.

The personal property of a juvenile should be placed in a property bag. The property shall be inventoried in the juvenile's presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Clay County Sheriff's Office.

## 324.11 SECURE CUSTODY

### 324.11.1 DEFINITION OF SECURE CUSTODY

Secure custody occurs when a juvenile offender is held in a locked room, set of rooms, or a cell at the Clay County Sheriff's Office. Secure custody includes being physically secured to a stationary object. Secure custody shall only be used for juvenile offenders. Status offenders or non-offenders shall not be placed in secure custody.

Examples of secure custody include:

(a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.

(b) A juvenile handcuffed to a rail in an otherwise non-secure area.

(c) A juvenile placed in a room that contains doors with unapproved delayed egress devices or approved delayed egress devices with a delay of more than 30 seconds.

(d) A juvenile being processed in a secure booking area when a nonsecure booking area is available.

(e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.

(f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

### 324.11.2 WHEN SECURE CUSTODY IS APPROPRIATE

Only juvenile offenders 14-years of age or older may be placed in secure custody and only when exigent or other significant circumstances justify such placement. Supervisor authorization is required before placing a juvenile offender in secure custody.

An unusual number of juvenile offenders in custody at the same time may qualify as a specific circumstance that would justify the placement of a juvenile offender into secure custody. Employees of the sheriff's office should not use secure custody for convenience when non-secure custody is a reasonable option.



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Handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be the method of secure custody, rather than the use of a locked enclosure, when practicable.

### 324.11.3 MANDATES FOR USE OF LOCKED ENCLOSURES

The following requirements shall apply to a juvenile offender who is held inside a locked enclosure, such as a room or a cell:

(a) Juveniles shall have constant auditory access to sheriff's office employees.

(b) Initial placement into a locked enclosure shall be logged.

(c) Unscheduled personal visual supervision of the juvenile by sheriff's office staff shall occur at least every 15 minutes.

(d) All checks shall be documented.

1. The check should involve questioning the juvenile as to his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
2. Requests or concerns of the juvenile should be documented.

(e) Males and females shall not be placed in the same locked room unless under direct visual supervision.

(f) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

## 324.12 DEATH OF A JUVENILE

The Shift/Unit Supervisor will ensure procedures are in place to address the death of any juvenile held at the Clay County Sheriff's Office. This will include evidence preservation and notification of the following:

(a) On-duty supervisor, Sheriff and Investigation Unit supervisor as practicable

(b) Appropriate prosecutor

(c) County attorney

(d) Juvenile officer

(e) Medical Examiner

## 324.13 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

Sheriff's Office employees shall take fingerprints and photographs of a juvenile offender taken into custody for an offense that would be considered a felony if committed by an adult or otherwise authorized by court order (§ 211.151, RSMo).

## 324.14 CONTACTING JUVENILE SUSPECTS

No interview or interrogation of a juvenile who is not in custody should occur unless the child has the apparent capacity to consent and does consent to an interview or interrogation.

## 324.15 STRIP SEARCHES AND PHYSICAL BODY CAVITY SEARCHES OF JUVENILES

No juvenile shall be subjected to a strip search or body cavity search without approval of the Shift/Unit Supervisor and only upon the authority of a search warrant. A copy of any search warrant and the results of the strip search or body cavity search shall be included with the related reports and made available, upon request, to the juvenile's parent, guardian, custodian or authorized representative.



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(a) Only authorized medical personnel may conduct a physical body cavity search.

(b) Except for the authorized medical personnel, persons present must be of the same sex as the juvenile being searched. Only the necessary staff needed to maintain the safety and security of the medical personnel shall be present.

(c) Privacy requirements, including restricted touching of body parts, are the same as required under the Custody Searches Policy.

(d) All strip searches and body cavity searches shall be documented including:

1. The facts that led to the decision to perform a strip search or body cavity search of the juvenile.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The Shift/Unit Supervisor's approval.
4. A copy of the search warrant.
5. The time, date and location of the search.
6. The medical personnel present.
7. The staff present and their role.
8. Any contraband or weapons discovered by the search.

(e) Completed documentation should be placed in the juvenile's file. A copy of the written authorization shall be retained and made available to the juvenile or other authorized representative upon request.

(f) All contraband and weapons should be processed in accordance with the sheriff's office current evidence procedures.

(g) If appropriate, the staff member requesting the search shall complete a crime report.



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# Elder Abuse

## 326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Clay County Sheriff's Office with direction and understanding of their role in the prevention, detection and intervention in incidents of elder abuse. It is the policy of the Clay County Sheriff's Office to treat reports involving at-risk adults as a high priority criminal activity that is to be fully investigated regardless of the relationship between the victim and the suspect.

## 326.2 DEFINITIONS

Definitions related to this policy include (§ 660.250, RSMo):

**Abuse** - The infliction of physical, sexual, or emotional injury or harm including financial exploitation by any person, firm or corporation.

**Eligible adult** - A person at least 60 years of age, or a person between the ages of 18 and 59 with a disability pursuant to Missouri law, who is unable to protect his/her own interests or adequately perform or obtain services necessary to meet essential human needs.

**Likelihood of serious physical harm** - A substantial risk that physical harm will occur or be inflicted on an eligible adult because of his/her failure or inability to provide for his/her essential human needs. Physical harm includes physical injury, neglect, sexual or emotional abuse, or other maltreatment or wasting of financial resources by either the eligible adult or another person.

**Neglect** - The failure of any person or business entity with a legal duty to provide services to an eligible adult that presents either an imminent danger to the health, safety or welfare of the eligible adult or a substantial probability that death or serious physical harm would result.

## 326.3 MANDATORY REPORTING REQUIREMENTS

The Clay County Sheriff's Office is considered a mandated reporter. If during the course of an investigation, a deputy has reasonable cause to believe that a person aged 60 or older has been abused or neglected by another person in a manner that constitutes a criminal offense under any law, the deputy shall take a report as soon as reasonably practicable (§ 198.070.1, RSMo; § 565.188.1, RSMo; § 660.300.1, RSMo).

### 326.3.1 RECORDS UNIT RESPONSIBILITIES

The Records Unit is responsible for the following :

(a) Providing a copy of the abuse report to the Department of Health and Senior Services or as required by state law.

(b) Retaining the original elder abuse report with the initial case file.

## 326.4 DEPUTY'S RESPONSE

All incidents involving actual or suspected abuse or neglect shall be responded to immediately, fully investigated and appropriately documented.



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### 326.4.1 INITIAL RESPONSE

Deputies may be called upon to effect a forced entry as the first responder to the scene of suspected elder abuse or neglect. Entry should be immediate when it appears reasonably necessary to protect life or property. When the need for an emergency entry is not evident, deputies should seek supervisory approval. Deputies must be prepared to provide emergency care pending the arrival of medical personnel, if medical personnel are not already present.

### 326.4.2 STABILIZE THE SITUATION

Deputies must quickly assess the situation to ensure the immediate safety of all persons. Deputies shall also consider the following:

(a) Attempt to identify the victim, suspect and witnesses as well as the roles and relationships of all parties. Parties should be interviewed separately when possible. Frequently, it is wrongfully assumed that elderly persons are incapable of accurately reporting the incident. Do not automatically discount the statement of an elderly person.

(b) Preserve the crime scene where evidence may be present. All persons should be removed from the scene until it has been photographed and processed. Any evidence, such as injuries that may change in appearance, should be photographed immediately.

(c) Assess and define the nature of the problem. Deputies should assess the available information to determine the type of abuse or neglect that may have taken place or the potential for abuse or neglect in the future that may be eliminated by law enforcement intervention.

(d) Make on-scene arrests when appropriate. Immediate arrest of an abuser (especially when the abuser is a family member or caretaker) may leave the victim without necessary support and could result in institutionalization. The effect of an arrest on the victim should be considered and weighed against the assessed risk and the competent victim's desires. The present and future safety of the victim is of utmost importance.

### 326.4.3 NOTIFICATION

Whenever a report is taken, the deputy shall notify the Department of Health and Senior Services as soon as possible and make information regarding the investigation available (§ 565.188.1, RSMo).

### 326.4.4 SUPPORT PERSONNEL

The following persons should be considered for notification if it appears an in-depth investigation is appropriate:

- Patrol supervisor
- Field Operations Division Commander or On-Call Commander
- Investigative personnel
- Evidence collection personnel
- County or State Protective Services Agency personnel
- Ombudsman if the abuse is in a long-term care facility (§ 660.603, RSMo)
- Victim advocate



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### 326.4.5 COURT ORDERS

In any situation where a deputy reasonably believes that an eligible adult is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the deputy may contact the county court or Department of Health and Senior Services (DHSS) and request an order of protection against the person alleged to have committed or threatened such abuse if that person is not in custody (§ 660.290.2, RSMo).

If the DHSS is unwilling or unable to obtain an order of protection, the handling deputy shall attempt to obtain the court order on the victim's behalf. Action taken by the deputy shall be documented in any related report.

### 326.4.6 EMERGENCY PLACEMENT

A deputy may transport, or arrange transportation for, an eligible adult to an appropriate medical facility when the deputy reasonably believes the person will suffer imminent physical harm if not placed in a medical facility for care and treatment, and a referral through DHSS is not practicable. The deputy shall notify the next of kin of the eligible adult, if known, and the DHSS (§ 660.290.1, RSMo).

## 326.5 ELDER ABUSE REPORTING

Every allegation of elder abuse shall be documented. When documenting elder abuse cases, include, at minimum (§ 660.255.2, RSMo; § 660.300.5, RSMo):

(a) The name, address and approximate age of the eligible adult.

(b) The name and address of the person responsible for his/her care, if there is one.

(c) The name and address, if available, of the person who is alleged to have abused, neglected or exploited the eligible adult.

(d) The nature and extent of the alleged abuse, neglect or exploitation.

(e) Any evidence of previous injuries.

(f) The basis of the reporting deputy's belief that the adult has been abused, neglected or exploited.

(g) Any other information that would assist in the investigation of the report.

Reporting cases of elder abuse is confidential and will only be released as per the Records Release and Security Policy (§ 660.263.1, RSMo).

## 326.6 ELDER ABUSE IN A CARE FACILITY

Deputies shall report all allegations relating to the abuse, neglect or exploitation of an adult in a care facility or under the care of a facility (§ 198.070, RSMo). Deputies shall immediately notify the DHSS.

## 326.7 OBTAINING AN ARREST WARRANT

Deputies shall promptly seek a warrant for the arrest of any person for whom probable cause exists to believe the person is criminally responsible for elder abuse.

## 326.8 STATE INFORMATION

To report elder abuse, employees or the public may call the Missouri's Elder Abuse and Neglect Hotline at 800-392-0210. Information may be found on the Internet at: http://www.dhss.mo.gov/safety/abuse/index.php.



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# Discriminatory Harassment

## 328.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent Clay County Sheriff's Office personnel and CCIS members from being subjected to discrimination or sexual harassment.

## 328.2 POLICY

The Clay County Sheriff's Office is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Sheriff's Office will not tolerate, discrimination against employees in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Sheriff's Office will take preventive and corrective action to address any behavior that violates this policy or the rights and privileges it is designed to protect.

For the Clay County Sheriff's Office and its management, there are liability issues associated with harassment based on race, color, national origin, religion, gender, disability, age and other characteristics protected by law. Harassment can take the form of jokes, negative stereotyping, hostile acts or simple thoughtless comments but the ultimate outcome is the same. In addition to the costs associated with legal liability, harassment has a profound negative effect on individual members, inflicting emotional stress, lowering employee morale and reducing productivity at work. However, with so much focus on the question "is this harassment, or isn't it?" it's easy to lose sight of what should be the desired goal - ***a respectful workplace***. Therefore, it shall also be the policy of the Clay County Sheriff's Office to promote a respectful workplace.

The non-discrimination policies of the Sheriff's Office may be more comprehensive than state or federal law. Conduct that violates this policy may or may not violate state or federal law but still could subject a member to discipline.

## 328.3 DISCRIMINATION PROHIBITED

### 328.3.1 DISCRIMINATION

The Clay County Sheriff's Office prohibits all forms of discrimination, including any employment-related action by an employee that adversely affects an applicant or employee and is based on race, color, religion, sex, age, national origin or ancestry, genetic information, disability, military service, sexual orientation and other classifications protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment, can include making derogatory comments, authoring crude and offensive statements or remarks, making slurs or off-color jokes, stereotyping, engaging in threatening acts, making indecent gestures, pictures, cartoons, posters or material, making inappropriate physical contact, or using written material or sheriff's office equipment and/or systems to transmit



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or receive offensive material, statements or pictures. Such conduct is contrary to sheriff's office policy and to the Clay County Sheriff's Office commitment to a discrimination-free work environment.

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

### 328.3.2 SEXUAL HARASSMENT

The Clay County Sheriff's Office prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or an employee because of that person's sex.

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment; submission to or rejection of such conduct is used as the basis for employment decisions affecting personnel; or such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Any other repeated or unwarranted verbal or physical sexual advance, sexually explicit derogatory statement, or sexually discriminatory remark made by someone in the workplace that is, or could be perceived as, offensive or objectionable to the recipient that causes the recipient discomfort or humiliation, or that interferes with the recipients job performance is also deemed sexual harassment. The following is a non-exclusive listing of conduct that could be considered sexual harassment:

- Verbal harassment or abuse.
- Subtle or direct pressure for sexual activity.
- Sexual flirtation, touching, advances, or propositions.
- Graphic or suggestive comments about an individual's dress or body.
- Sexually degrading words to describe an individual.
- The workplace display of specifically suggestive objects, cartoons or pictures, including nude photographs.
- Demands for sexual favors accompanied by an implied or overt threat or preferential promise concerning an individual's employment status.
- The use of any type of personal communication device to accomplish any of the above or other conduct that could be considered as harassment.

### 328.3.3 SEXUAL DISCRIMINATION

Sexual Discrimination is a form of harassment prohibited by Clay County Sheriff's Office policy. It includes unequal or unfair treatment of personnel based on gender with regard to policies, benefits, and daily employment practices. The following is a non-exclusive listing of conduct that would be considered sexual discrimination:

- Personnel management actions such as reassignment or transfer; termination or disciplinary measures; demotion, withholding of promotion or appointment based specifically on gender only.



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- Supervisory conduct, such as intentionally delegating undesirable work assignments based solely on gender.
- Favoritism in the form of employment opportunities or other benefits in exchange for submission to requests for sexual favors, resulting in denial of such opportunities for other personnel.
- Employee or supervisory conduct that amounts to sexual harassment whose purpose is to encourage transfers, reassignments, or resignation.

### 328.3.4 REPRISAL/RETALIATION

Personnel have the right to report any form of harassment without fear of reprisal. Reprisal occurs if someone threatens adverse action towards a member or his or her employment in response to reporting an incident of harassment. Acts of reprisal against an individual should be reported **immediately**.

Supervisors should cultivate a climate in which all personnel accept the resolution of complaints. Conduct such as co-workers making jokes or comments, ostracizing reporting members or alleged offenders or, the posting of anonymous notes on the bulletin boards must not be tolerated. Supervisors must observe behaviors, actions and moods to be aware of and act quickly if reprisal appears to be occurring.

Personnel should recognize that well intended actions might be incorrectly perceived as reprisal when in fact they are not. In certain circumstances it may be in the individual's best interest to remove them from a particular duty to protect them from "hostility." Management will make reasonable efforts to avoid moving personnel for this reason. However, when it appears to be the best option for the Clay County Sheriff's Office and affected personnel it shall be done only when it will not result in any adverse condition of employment.

**Any confirmed form of reprisal or retaliation will result in disciplinary action up to and including termination of employment.**

### 328.3.5 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment does not include actions that are in accordance with established rules, principles or standards, including:

(a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the Missouri Commission on Human Rights.

(b) Bona fide requests or demands by a supervisor that an employee improve his/her work quality or output, that the employee report to the job site on time, that the employee comply with Clay County or Sheriff's Office rules or regulations, or any other appropriate work-related communication between supervisor and employee.

## 328.4 RESPONSIBILITIES/REPORTING

In order for the Clay County Sheriff's Office to be a respectful workplace all personnel must do their part in creating a respectful workplace where each person is treated with the respect he or she deserves. They must acknowledge that all personnel have an equal right to work in respectful environment regardless of their race, sex, religion, national origin, ***or any other characteristic***. They should recognize the diversity that exists in the Clay County Sheriff's Office, accepting that each person is different and learn to appreciate those differences.



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This policy applies to all sheriff's office personnel. All members shall follow the intent of these guidelines in a manner that reflects sheriff's office policy, professional law enforcement standards and the best interest of the Sheriff's Office and its mission.

Personnel who believe the conduct or words of a supervisor or fellow member constitute a violation of this policy are required to report such action as soon as possible to a supervisor or the next line of command not involved in the conduct. ***Personnel should understand that although conduct may not be overt or intentional, it may be perceived as such and should be reported.*** The report and all supporting documents shall be forwarded to the Professional Standards Unit for investigation as outlined in Clay County Sheriff's Office policy # 1020 Personnel Complaints. The supervisor shall also immediately notify the affected Division Commander(s) that an allegation of harassing conduct has been made and a report filed.

Members are required to promptly report any discriminatory, retaliatory or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to his/her immediate supervisor may bypass the chain of command and make the report to a higher ranking supervisor or manager. Complaints may also be filed with the Sheriff, Administrative Division Commander or the Sheriff's Office Human Resources Coordinator.

Any member who believes, in good faith, that he/she has been discriminated against, harassed, subjected to retaliation, or who has observed harassment or discrimination, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

### 328.4.1 SUPERVISOR RESPONSIBILITIES

Each supervisor and manager shall:

(a) Continually monitor the work environment and strive to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.

(b) Take prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment or retaliation.

(c) Ensure that their subordinates understand their responsibilities under this policy.

(d) Ensure that employees who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.

(e) Notify the Sheriff or Administrative Division Commander in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation no later than the next business day.

### 328.4.2 SUPERVISOR'S ROLE

Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing or retaliatory. Supervisors and managers shall be aware of the following considerations:

(a) Behavior of supervisors and managers should represent the values of the Sheriff's Office and professional law enforcement standards.



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(b) False or mistaken accusations of discrimination, harassment or retaliation can have negative effects on the careers of innocent members.

(c) Supervisors and managers must act promptly and responsibly in the resolution of such situations.

(d) Supervisors and managers shall make a timely determination regarding the substance of any allegation based upon all available facts.

If personnel are not satisfied with the handling of a complaint or the action taken by the supervisor, they should notify the next line of command or Human Resources. ***Personnel should understand that although conduct may not be overt or intentional, it may be perceived as such and should be reported.***

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

## 328.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved members should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Sheriff's Office that all complaints of discrimination or harassment shall be fully documented, and promptly and thoroughly investigated. The participating or opposing employees should be protected against retaliation, and the complaint and related investigation should be kept confidential to the extent possible.

### 328.5.1 SUPERVISORY RESOLUTION

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

### 328.5.2 FORMAL INVESTIGATION

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

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

Formal investigation of the complaint will be confidential to the extent possible and will include, but not be limited to, details of the specific incident, frequency and dates of occurrences and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed or retaliated against because of their protected status are encouraged to follow the chain of command but may



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also file a complaint directly with the Sheriff, Administrative Division Commander or the Sheriff's Office Human Resources Coordinator.

### 328.5.3 EQUAL OPPORTUNITY EMPLOYMENT COMPLAINTS

No provision of this policy shall be construed to prevent any employee from seeking legal redress outside the Sheriff's Office. Employees who believe that they have been harassed or discriminated against are entitled to bring complaints of employment discrimination to federal, state and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Employees are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

## 328.6 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and actions taken to remedy the complaint.

## 328.7 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Sheriff. The outcome of all reports shall be:

(a) Approved by the Sheriff or the Administrative Division Commander if more appropriate.

(b) Maintained for the period established in the sheriff's office records retention schedule.

## 328.8 TRAINING

All new employees shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new employee. The employee shall certify by signing the prescribed form that he/she has been advised of this policy, is aware of and understand its contents and agrees to abide by its provisions during his/her term of employment.

All employees shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents and agree that they will continue to abide by its provisions.

### 328.8.1 QUESTIONS REGARDING DISCRIMINATION OR SEXUAL HARASSMENT

Members with questions regarding discrimination or sexual harassment are encouraged to contact a supervisor, manager, the Sheriff, the Administrative Division Commander or the Sheriff's Office Human Resources Coordinator or they may contact the Missouri Commission on Human Rights.



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# Child Abuse Reporting

## 330.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Clay County Sheriff's Office members are required to notify the Missouri Department of Social Services, Children's Division of suspected child abuse.

### 330.1.1 DEFINITIONS

Definitions related to this policy include:

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

**Child abuse** - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency (§ 210.115, RSMo).

## 330.2 POLICY

The Clay County Sheriff's Office will investigate all reported incidents of alleged criminal child abuse and ensure the Missouri Department of Social Services, Children's Division is notified as required by law.

## 330.3 MANDATORY NOTIFICATION

Members of the Clay County Sheriff's Office shall notify the Missouri Department of Social Services, Children's Division when (§ 210.115, RSMo):

(a) There is reasonable cause to suspect that a child has been or may be subjected to abuse or neglect, or

(b) A child has been observed as being subjected to conditions or circumstances which would reasonably result in abuse or neglect.

For purposes of notification, abuse is any physical injury, sexual abuse or emotional abuse inflicted on a child other than by accidental means by any person, except that discipline, including spanking, administered in a reasonable manner, shall not be construed to be abuse. Neglect is a failure to provide, by those responsible for the care, custody and control of the child, the proper or necessary support, education as required by law, nutrition or medical, surgical, or any other care necessary for the child's well-being (§ 210.110, RSMo; § 210.115, RSMo.).

### 330.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows:

(a) Notifications shall be made immediately to the Missouri Department of Social Services, Children's Division by calling the Child Abuse and Neglect Hotline (§ 210.115, RSMo; § 210.145, RSMo) or other method accepted by that agency.

(b) Notification, when possible, shall include (§ 210.130.2, RSMo):

1. The name and address of the child, the child's parents or others responsible for the child's care.



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2. The age, sex and race of the child.
3. The nature and extent of the child's injuries, including any evidence of previous cases of known or suspected abuse or neglect of the child or the child's siblings.
4. The names and addresses of the persons responsible for the suspected abuse or neglect, if known.
5. The family composition.
6. The source of the report and the name, address and occupation of the person making the report.
7. Any action taken related to the investigation thus far, such as photographs or medical exams.
8. Any other information that the person making the report believes may be helpful.

(c) If the child is currently in custody, the deputy should advise the Child Abuse and Neglect Hotline of the emergency nature of the report and request an immediate response from the on-call investigator.

## 330.4 QUALIFIED INVESTIGATORS

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

(a) Conduct interviews in child appropriate interview facilities if necessary - if at all possible victims of suspected child abuse should be interviewed by personnel of the Child Advocacy Center

(b) Be familiar with forensic interview techniques specific to child abuse investigations.

(c) Present all cases of alleged child abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (§ 210.145.10, RSMo).

## 330.5 INVESTIGATIONS AND REPORTING

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

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

(a) The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected child abuse victim was contacted.

(b) The exigent circumstances that existed if deputies interviewed the child victim without the presence of a parent or guardian.

(c) Any relevant statements the child may have made and to whom he/she made the statements.

(d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.



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(e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.

(f) Whether the child victim was transported for medical treatment or a medical examination.

(g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.

(h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.

(i) Previous addresses of the victim and suspect.

(j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

(k) The Sheriff's Office shall assist the Missouri Department of Social Services, Children's Division in investigations when requested and participate in multidisciplinary teams for protective and preventive services pursuant to § 210.145.4, RSMo, as well as § 210.145.10, RSMo.

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

## 330.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the deputy should make reasonable attempts to contact the Missouri Department of Social Services, Children's Division. Generally, removal of a child from his/her family, guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation. ***It should be noted that members of the Missouri Department of Social Services, Children's Division do not have the authority to take a child into protective custody. They will need the deputy to take the child into protective custody and then sign a form the Missouri Department of Social Services, Children's Division worker will have with them indicating that the deputy has taken protective custody of the child and then released the child into the care of the Missouri Department of Social Services, Children's Division***.

Generally, members of this office should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the deputy should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the deputy shall ensure that the child is delivered to the Missouri Department of Social Services, Children's Division.

Whenever practicable, the deputy should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, deputies should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations (§ 210.125, RSMo):

(a) When a court order has authorized the removal of the child.

(b) When a deputy has reasonable cause to believe that a child is in imminent danger of suffering serious physical harm or a threat to life as a result of abuse or neglect and



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the deputy has reasonable cause to believe the harm or threat to life may occur before a juvenile court can issue a temporary protective custody order or before a juvenile officer can take the child into protective custody.

When imminent danger is not present, a deputy who has reasonable cause to suspect that a child is suffering from illness or injury or is in danger of personal harm by reason of his/her surroundings and that a case of child abuse or neglect exists, may request that the juvenile officer take the child into protective custody under § 210.125.1, RSMo.

### 330.6.1 PROCEDURE

As soon as practicable after a child is taken into protective custody, the deputy shall (§ 210.125, RSMo):

(a) Notify the juvenile officer of the county court in which the child is located.

(b) Notify the Missouri Department of Social Services, Children's Division.

(c) Make a reasonable attempt to notify the child's primary caregiver.

A deputy who takes a child into temporary protective custody shall submit a written report to the juvenile officer as soon as practicable but no later than 12 hours after taking the child into custody. The report shall identify the child and the facts and circumstances that established a reasonable cause to believe that the child was in imminent danger of serious physical harm or death (§ 210.125, RSMo; Sup. Ct. Rule 123.02).

### 330.6.2 SAFE PLACE FOR NEWBORNS ACT

A person may leave an unharmed infant up to 1 year old with an on-duty employee at any hospital, fire department, with an emergency medical professional or law enforcement agency (§ 210.950, RSMo.). The person taking physical custody of an infant at any place other than a hospital shall arrange for the immediate transportation of the infant to the nearest hospital licensed pursuant to Chapter 197, RSMo. The hospital shall notify the Department of Social Services.

## 330.7 INTERVIEWS

### 330.7.1 PRELIMINARY INTERVIEWS

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

### 330.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

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

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the child need to be addressed immediately.
2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.



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3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.

(b) A court order or warrant has been issued.

### 330.7.3 NOTIFICATION TO PARENT

If the parents are not the alleged abusers, a parent of the child shall be notified prior to the child being interviewed. If the abuse or neglect is alleged to have occurred in a school or child care facility, the interview shall not take place in any school building or child care facility building where the abuse or neglect is alleged to have occurred (§ 210.145.5, RSMo).

### 330.7.4 REQUESTS FOR INTERVIEW ASSISTANCE FROM THE MISSOURI DEPARTMENT OF SOCIAL SERVICES

When the Sheriff's Office is contacted by the Missouri Department of Social Services, Children's Division, requesting assistance, the Sheriff's Office shall either assist in the investigation or provide the Children's Division, within 24 hours, an explanation in writing detailing the reasons why it is unable to assist. When assistance relates to a notification that a child is in danger of serious physical harm, the handling deputy shall take all necessary steps to facilitate direct observation of the child by the Children's Division (§ 210.145.5, RSMo; § 210.145.6, RSMo).

When providing assistance, no deputy shall call prior to a home visit or leave any documentation of any attempted visit, such as business cards, pamphlets or other similar identifying information, if he/she has a reasonable basis to believe any of the following factors are present (§ 210.145.6, RSMo):

(a) No person is present in the home at the time of the home visit and either the suspect resides in the home or the physical safety of the child may be compromised if the alleged perpetrator becomes aware of the attempted visit.

(b) The alleged perpetrator will be alerted regarding the attempted visit.

(c) The family has a history of domestic violence or of fleeing the community.

## 330.8 MEDICAL EXAMINATIONS

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

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

## 330.9 DRUG-ENDANGERED CHILDREN

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

### 330.9.1 SUPERVISOR RESPONSIBILITIES

The Investigation Unit supervisor should:



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(a) Work with professionals from the appropriate agencies, including the Missouri Department of Social Services, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when a deputy notifies the Investigation Unit supervisor that the deputy has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.

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

### 330.9.2 DEPUTY RESPONSIBILITIES

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

(a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Investigation Unit supervisor so an interagency response can begin.

## 330.10 STATE MANDATES AND OTHER RELEVANT LAWS

Missouri requires or permits the following:

### 330.10.1 PROTECTIVE CUSTODY RECORDS

The Administrative Assistant - Reports Unit shall ensure a confidential record is maintained of the date and time a child less than 17 years of age is taken into protective custody and the date and time the child is released from custody (§ 210.004, RSMo).

### 330.10.2 RELEASE OF REPORTS

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

### 330.10.3 CHILD FATALITY REVIEW PANEL

Child fatality review panels are required to investigate deaths of children that meet the criteria established by the Department of Social Services. The Clay County Sheriff's Office shall cooperate fully with any such team and investigation (§ 210.192, RSMo).

### 330.10.4 CRIMINAL HISTORY CHECKS FOR PLACEMENT

A supervisor may assist the Department of Social Services by conducting a name-based criminal history record check through the Missouri Uniform Law Enforcement System (MULES) and the National Crime Information Center (NCIC) when an emergency placement is necessary (§ 210.482, RSMo).

### 330.10.5 SCHOOL PERSONNEL

Reports of child abuse committed by school personnel shall be investigated in accordance with § 160.26, RSMo, as applicable, to include working jointly with school officials, documenting all reports and independently arriving at a conclusion as to whether the abuse is substantiated.



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## 330.11 TRAINING

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

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting forensic interviews.

(c) Availability of therapy services for children and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to child abuse investigations.

(f) Availability of victim advocate or guardian ad litem support.



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# Missing Person Reporting

## 332.1 PURPOSE AND SCOPE

This policy describes the procedure for acceptance, reporting, documenting and investigating missing persons. State law, as well as federal law under 42 USC § 5779(a), specify certain requirements relating to missing persons (§ 43.400, RSMo to § 43.410, RSMo).

### 332.1.1 DEFINITIONS

Definitions related to this policy include (§ 43.400, RSMo):

**Missing child** - Any person under the age of 17 years, who is a resident of Missouri, or believed to be within Missouri whose location is not determined and has been reported as missing.

**Missing person** - A person who is missing and meets one of the following characteristics:

(a) Is physically or mentally disabled to the degree that the person is dependent upon an agency or another individual.

(b) Is missing under circumstances indicating that the missing person's safety may be in danger.

(c) Is missing under involuntary or unknown circumstances, subject to the provisions of (a), (b), (d), (e), and (f) of this subsection.

(d) Is a child or juvenile runaway from the residence of a parent, legal guardian or custodian.

(e) Is a child and is missing under circumstances indicating that he/she was or is in the presence of or under the control of a party whose presence or control was or is in violation of a permanent or temporary court order, and 14 or more days have elapsed, during which time the party has failed to file any pleading with the court seeking modification of the permanent or temporary court order.

(f) Is missing under circumstances indicating that he/she was or is in the presence of or under the control of a party whose presence or control was or is in violation of a permanent or temporary court order, and there are reasonable grounds to believe that the person may be taken outside of the United States.

## 332.2 REPORT ACCEPTANCE

All personnel shall accept any report, including any telephone report, of a missing person, including runaways, without delay and shall give priority to the handling of these reports over the handling of reports relating to crimes involving property. A missing person report shall be accepted for any incident over which the Sheriff's Office has jurisdiction. The missing person report shall contain at a minimum (§ 43.401(1), RSMo):

(a) The name of the reporting person

(b) The relationship of the reporting person to the missing person

(c) The name, age, address and all identifying characteristics of the missing person

(d) The length of time the person has been missing

(e) Other information deemed relevant



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As soon as practicable, a standardized missing child report shall be prepared pursuant to § 43-401.1(3), RSMo. The missing child report shall be maintained as a record by the Sheriff's Office during the course of the investigation.

For all reports involving a missing child, sheriff's office personnel shall request that a member of the family or next of kin authorize the release of the medical and dental records of the missing child for analysis by the Missouri State Highway Patrol pursuant to § 43-410.410.4, RSMo as well as § 43-410.410.5, RSMo.

## 332.3 INITIAL RESPONSE AND INVESTIGATION

Field Operations personnel should handle the initial missing person report and conduct a preliminary investigation involving additional resources as necessary. Sheriff's Office personnel shall promptly assist any person who is attempting to make a report of a missing person or runaway. In cases involving a person missing under suspicious circumstances or a child less than 13 years of age, the Investigation Unit will begin an investigation after an initial search by patrol personnel.

The handling deputy shall immediately contact such persons and, using interpretive services as reasonably necessary, make inquiries concerning the missing person and make an assessment of reasonable steps to be taken to locate the person. Initial investigation should include:

(a) Interviewing the persons who made the initial report, and if the person is a child, the child's parent or guardian.

(b) Determining when, where and by whom the missing person was last seen.

(c) Interviewing the individual who last had contact with the person.

(d) Obtaining a detailed description of the missing person, abductor, vehicles and other pertinent information.

## 332.4 INVESTIGATIVE PROCEDURES AND DILIGENCE

If an initial investigation reveals that a person appears to be missing, further actions may be necessary. The investigating deputy should determine from the information available whether a physical search is appropriate. If it appears from the situation that the missing person's safety may be endangered or there are missing children, each of the following actions should be performed:

(a) If a search is warranted, conduct a search of the home, building or other area/location where the incident took place and conduct a search including all surrounding areas. Obtain consent or a search warrant if necessary.

(b) If a search is not warranted or does not locate the missing person, additional investigation may be required, including:

1. A neighborhood/vehicle canvas.
2. Identifying persons at the scene and conducting separate interviews.
3. Documenting actions, telephone communications and other activities.
4. Assigning an investigator or deputies whose duties will include coordination of the investigation.
5. Involvement of the media.
6. If the missing person is under 13 years of age or there is evidence the person is missing under suspicious circumstances, the Cooperative



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Communications Center shall broadcast over the radio or send a mobile computer "be-on-the-lookout" (BOLO) transmission without delay within this jurisdiction.

The agency having jurisdiction over the missing person's residence normally will handle the investigation after the initial report is taken. However sheriff's office members may assist other agencies, including federal agencies, in the investigation of any person who was last seen in this jurisdiction.

During missing person investigations, the handling investigator shall attempt to obtain the most recent photograph available of the missing person. The photograph will be forwarded to the Missouri State Highway Patrol, Missing Person Unit. These photographs may be used for public information bulletins without written authorization.

### 332.4.1 INVESTIGATIVE RESOURCES AND SUPPORT

Additional support, investigative and supervisory assistance should be requested as reasonably necessary. Personnel providing assistance should be properly briefed and updated on the investigation status.

The handling investigator is responsible for seeing that all appropriate law enforcement agencies in the state are promptly notified. If deemed appropriate, law enforcement agencies in adjacent states or jurisdictions should be provided with any information that may aid in the location and return of the missing or a person whose safety appears endangered. If necessary, use the International Justice and Public Safety Network (NLETS), the AMBER Alert™ network and the Missouri Endangered Person Advisory to alert state, regional and federal law enforcement agencies.

Resources that should also be considered in the investigation of a missing person case include, but are not limited to:

- Local FBI office
- Local Medical Examiner
- National Missing and Unidentified Persons System (NamUs), www.namus.gov
- National Center for Missing and Exploited Children, www.missingkids.com, 800-THE-LOST, including Project ALERT (America's Law Enforcement Retiree Team) and Team Adam
- Any other agencies and/or resources that may be available to assist in the investigation of the case

### 332.4.2 INVESTIGATION OF ENDANGERED MISSING PERSONS

If it is determined the person is missing and endangered, the handling deputy shall immediately:

(a) Ensure that identifying and descriptive information about the person and involved suspects and vehicles is broadcast regionally, statewide, and nationally.

(b) Consult with the Missouri State Highway Patrol, and request assistance as necessary.

(c) Secure the crime scene and/or last known position of the missing person and, if not already completed, attempt to identify and interview persons in the area at the time of the incident.

(d) Implement multijurisdictional coordination and mutual aid plans when necessary. Factors to consider include:



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1. Inadequate sheriff's office resources.
2. The investigation crosses jurisdictional lines.
3. Existence of pre-established task forces or investigative teams.

(e) Obtain and protect uncontaminated missing person scent articles for possible use by search canines.

(f) Activate protocols for working with the media including AMBER Alert and Endangered Person Advisory.

### 332.4.3 INVESTIGATION DUTY MISSING CHILD

Upon receiving and verifying a report of a missing child, the Clay County Sheriff's Office shall enter the information within two hours into the Missouri Uniform Law Enforcement System (MULES)/National Crime Information Center (NCIC) missing person databases (42 USC 5780(3)).

In conducting an investigation of a missing child, the Clay County Sheriff's Office shall:

(a) Conduct a preliminary investigation and classify the cause of the disappearance of the child as "runaway," "abducted by parent," "abducted by a stranger" or "cause of disappearance unknown" and shall:

1. Immediately notify such persons and make such inquiries concerning the missing child as necessary.
2. Utilize a family liaison to maintain communication with the family of the missing child.
3. Fully comply with the requirements of the National Child Search Assistance Act of 1990, Title XXXVII of Public Law 101-647, 104 Stat. 4966.
   (a) Verify and update original MULES/NCIC entries with any additional information within 30-60 days of entry.
4. Enter into the MULES/NCIC Missing Person File database, as miscellaneous information, any person reasonably believed to have unlawfully abducted or detained the missing child, or aided or abetted the unlawful abduction or detention.
5. Enter into the MULES/NCIC Wanted Person File any warrant information for the arrest of a person suspected in the child's disappearance or concealment, including identifying and descriptive information concerning:
   (a) The suspect.
   (b) As miscellaneous information, the missing child.
6. Determine whether the circumstances regarding the missing child meet the criteria for an AMBER Alert activation (see Public Alerts Policy).

(b) Cross-reference and integrate all information into the MULES/NCIC Missing Person File.

(c) Coordinate with the Missouri State Highway Patrol to notify, as soon as appropriate, the school in which the missing child is or was most recently enrolled or the county school superintendent if the child was being instructed at home, that the child is the subject of a missing child report and that the child's school records are to be flagged in case the child reappears within the state.



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(d) Coordinate with the Missouri State Highway Patrol to contact the state registrar in the state of the child's birth to flag the child as missing on his/her birth certificate.

(e) When a missing child has not been located within 30 days after a report is filed, the assigned investigator shall:

1. Confirm authorization for consent to obtain dental and medical records.
2. Send to the child's parent or guardian a request for certain identifying information regarding the child that the NCIC recommends to be provided.
3. Request the child's parent or guardian to provide such identifying information regarding the child.
4. Upon receipt of the medical or dental records, enter the information into the MULES and NCIC database.

(f) Upon notice by a parent or guardian that a child reported as missing has been found or returned, a deputy should conduct a recovery interview to verify that the child has returned and provide referrals to minimize the potential for reoccurrence. The Sheriff's Office shall enter the updated information into the MULES and NCIC database and shall inform any school that was notified that the minor is no longer a missing child.

### 332.4.4 CRIME AND SCENE INVESTIGATION/MANAGEMENT

If a crime scene is identified, it should be secured and a command post or operation base placed into operation a reasonable distance from the crime scene. Staff and assign the responsibilities for Command Post Supervisor, Media Relations Deputy, Search Coordinator, Investigative Coordinator, Communication Officer and Support Unit Coordinator. Provide two liaison deputies (one at the command post and one at the home). The role of the liaison at the home will include facilitating support and advocacy for the family.

The investigation of the crime should consider various elements, including:

(a) Establishing the ability to "trap and trace" all incoming calls. Consider setting up a separate telephone line or cellular telephone for Sheriff's Office use and follow up on all leads.

(b) Compilation of a list of known sex offenders in the region.

(c) In cases of infant abduction, investigate claims of home births made in the area.

(d) In cases involving children, obtain child protective agency records for reports of child abuse.

(e) Review of records for previous incidents related to the missing person and prior police activity in the area, including prowlers, indecent exposure, attempted abductions, etc.

(f) Obtaining the missing person's medical and dental records, fingerprints and DNA when practicable or within 30 days.

(g) Creating a missing person profile with detailed information obtained from interviews of family and friends, and records describing the missing person's heath, relationships, personality, problems, life experiences, plans and equipment.

(h) Update the MULES/NCIC file, as necessary, with any additional information, regarding the missing person, suspect and vehicle.

(i) Interview of delivery personnel, employees of gas, water, electric and cable companies, taxi drivers, post office personnel, sanitation workers and others.



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(j) For persons under the age of 21, contacting the National Center for Missing and Exploited Children (NCMEC) for photo dissemination and other case assistance.

(k) Determining whether outside help is needed and the merits of utilizing local, state and federal resources related to specialized investigative needs, including the following:

1. Available search and rescue resources
2. Investigative resources
3. Interpretive services
4. Telephone services, such as traps, traces and triangulation
5. Media assistance from local and national sources

(l) Use of secure electronic communication information, such as the missing person's cellular telephone number, e-mail address and social networking site information.

(m) Appointing a deputy who shall be responsible to communicate with the family/reporting party or their designee and who will be the primary point of contact for the family/reporting party or the designee. Provide contact information and the family information packet (if available) to the family/reporting party or the designee.

## 332.5 NOTIFICATION AND DOCUMENTATION RESPONSIBILITIES

Missing person reports require special handling and timely notifications. Information that is not immediately available and obtained at a later time shall be documented in a supplemental report as required.

Records Unit personnel shall immediately enter reports of missing persons into MULES and NCIC (§ 43.401.1(2), RSMo; 42 USC § 5780(3)).

The following procedures should be completed based upon the type of missing person:

(a) Endangered child:

1. Immediate entry into MULES/NCIC with the appropriate missing person flag.
   (a) Child abduction flag - automatic notification to FBI National Center for the Analysis of Violent Crimes (NCAVC) and NCMEC
   (b) AMBER Alert flag - automatic notification to FBI and NCMEC
2. Send BOLO electronic notification without delay.
3. Check with Medical Examiner Office within 24 hours.
4. Obtain and enter dental records into MULES/NCIC within 24 hours.
5. Obtain and enter a recent photograph of missing child into MULES/NCIC within 24 hours.
6. Provide written notice and photograph of missing child to the child's school within 10 days.

(b) Child not endangered (under 21 years of age):

1. Place entry into MULES/NCIC within two hours.
2. Send BOLO electronic notification without delay.
3. Check with Medical Examiner Office immediately after 14 days missing.
4. Obtain and enter dental records into MULES/NCIC within 24 hours after 14 days missing.



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5. Obtain and enter a recent photograph of missing child into MULES/NCIC within 24 hours after 14 days missing.
6. Provide written notice and photograph of missing child to the child's school within 10 days.

(c) Endangered adult:

1. Place entry into MULES/NCIC within four hours.
2. Send BOLO electronic notification without delay.
3. Check with Medical Examiner Office immediately after 45 days missing.
4. Obtain and enter dental records into MULES/NCIC after 45 days missing.

(d) Adult not endangered:

1. Place entry into MULES/NCIC within 45 days.
2. A BOLO electronic notification can be sent without delay but is not required.
3. Check with Medical Examiner Office immediately after 45 days missing.
4. Obtain and enter dental records into MULES/NCIC after 45 days missing.

### 332.5.1 TRANSMITTING REPORTS TO OTHER JURISDICTIONS

Missing person reports should be disseminated to other law enforcement agencies who may become involved in the investigation (§ 43.401.1(2), RSMo). When the Clay County Sheriff's Office takes a missing person report on a person who lives outside of this jurisdiction, the Records Unit shall promptly notify and forward a copy of the report to the agencies having jurisdiction over the missing person's residence and where the missing person was last seen.

### 332.5.2 ELECTRONIC NOTIFICATIONS

When a missing person is under the age of 21, Records Unit personnel shall send electronic notification to the NCIC within two hours after accepting the report (42 USC § 5779(a); 42 USC § 5780(3)). The electronic notification must note if the case involves a person whose safety appears to be endangered.

### 332.5.3 MISSING MORE THAN 45 DAYS

If a person is still missing after 45 days, the handling investigator must check with the appropriate medical examiner and send to the U.S. Department of Justice (DOJ) a photograph and dental records, and verify and update the record with any additional information as warranted.

If dental records are unobtainable, the appropriate update to the record should be made. The assigned detective should verify and update the required missing person databases within 60 days of the original entry of the missing person into the systems and within 45 days thereafter until the missing person is located. The initial follow-up entry shall not exceed 60 days from the date of original entry. The assigned detective must also make reasonable efforts to locate the missing person and document these efforts with a supplemental report at least every 45 days. These reasonable efforts will include, if the missing person is under the age of 21, maintaining a close liaison with the National Center for Missing and Exploited Children (42 USC § 5780(4)(a)). Deputies investigating missing person cases may also consider the National Missing and Unidentified Persons System (NamUs), www.findthemissing.org, as an additional resource.



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## 332.6 MISSING PERSON LOCATED

When a missing person is located, the appropriate actions related to the type of recovery are required:

(a) When a missing person is located alive, the investigation may be concluded after completion of the following:

1. Verification that the located person is the reported missing person.
2. Notification of the MSHP Missing Person Unit as soon as possible for a missing child, a missing senior citizen or a person with developmental disabilities.
3. If appropriate, arranging for a comprehensive physical examination of the victim.
4. Conducting a careful interview of the person, documenting the result of the interview and involving all appropriate agencies.
5. Notifying the family/reporting party that the missing person has been located. In adult cases, if the located adult permits the disclosure of his/her whereabouts and contact information, the family/reporting party may be informed of this information.
6. Depending on the circumstances of the disappearance, considering the need for reunification assistance, intervention, counseling or other services for either the missing person or the family/reporting party.
7. Canceling alerts (AMBER Alert or Endangered Person Advisory), removing the case from MULES, NCIC and other information systems and removing posters and other publications from circulation.
8. Performing a constructive post-case critique, reassessing the procedures used and updating the office policy and procedures as appropriate.

(b) When a missing person is located and is deceased, additional investigation includes the following:

1. Securing the crime scene if this office has jurisdiction.
2. Contacting the coroner, medical examiner or forensic anthropologist to arrange for body recovery and examination.
3. Collecting and preserving any evidence at the scene.
4. Depending on the circumstances, considering the need for intervention, counseling or other services for the family/reporting party.
5. Canceling alerts and removing the case from NCIC and other information systems, removing posters and other publications from circulation.
6. Performing a constructive post-case critique, reassessing the procedures used and updating the office policy and procedures as appropriate.

### 332.6.1 RECOVERED MISSING DATA ENTRY

When a missing person who was reported by another jurisdiction is located, the Sheriff's Office shall notify the original law enforcement agency having jurisdiction over the investigation and that agency shall cancel the entry from the MULES and NCIC computer (§ 43-401.1(4), RSMo).

When the sheriff's office discovers that a missing person whose investigation is being handled by the Clay County Sheriff's Office has been found, the Records Unit shall cancel the entry in the MULES and NCIC and call the Missouri State Highway Patrol to verify



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MULES cancellation. If a missing person under the age of 21 is located, the detective must ensure that an electronic notification is sent within 24 hours to the DOJ.

### 332.6.2 DECEASED FOUND TO BE A MISSING PERSON

If a deceased person has been identified as a missing person, the Missouri State Highway Patrol or the Clay County Sheriff's Office shall attempt to locate family members and inform them of the death and the location of the deceased's remains. All efforts to locate and notify family members shall be recorded in appropriate reports and properly retained.

## 332.7 DNA SAMPLE COLLECTION

In any case in which a report is taken concerning a person missing under suspected criminal circumstances, the handling investigator should, within no more than 30 days, inform the parents or other appropriate relatives that they may give a voluntary sample for DNA testing or may collect a DNA sample from a personal item belonging to the missing person, if available.

After 30 days, the handling investigator shall verify the status of the missing person. If still missing, the DNA sample and a copy of the original report and any supplemental reports should be sent to the MSHP for analysis and entry into national missing person databases.



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# Public Alerts

## 334.1 PURPOSE AND SCOPE

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

## 334.2 POLICY

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

## 334.3 RESPONSIBILITIES

### 334.3.1 EMPLOYEE RESPONSIBILITIES

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

### 334.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Sheriff, the appropriate Division Commander or On-Call Commander and the Media relations Deputy when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

(a) Updating alerts

(b) Canceling alerts

(c) Ensuring all appropriate reports are completed

(d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander

## 334.4 MISSOURI AMBER™ ALERTS

The Missouri AMBER Alert program coordinates the efforts of law enforcement, the media, and the public in an effort to safely recover abducted children. In the event of a suspected child abduction, a local AMBER Alert should be generated first, and, if the facts warrant, the alert should be expanded beyond the local plan to a Missouri AMBER Alert.

### 334.4.1 CRITERIA

A Missouri AMBER Alert is warranted when (11 CSR 30-10.020; § 210.1012, RSMo):

(a) The missing child qualifies as an abducted child (11 CSR 30-10.010):



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1. A child age 17 or under whose whereabouts is unknown and who has been determined by local law enforcement to be:
   (a) The victim of kidnapping as defined by § 565.110, RSMo.
   (b) The victim of the crime of child kidnapping as defined by § 565.115, RSMo, the statutory age limit notwithstanding.

(b) The child is in the custody of someone other than a parent, guardian, or other official custodial entity or sufficient evidence exists to indicate that harm may come to a child from a parent, guardian or other official custodial entity, and

(c) Sufficient descriptive information exists to enhance the possibility of recovery, such as:
   1. The time and location of the incident.
   2. A physical description of the abducted child and his/her clothing, if known.
   3. A physical description and identity, if known, of the abductor and whether the abductor is armed.
   4. A vehicle description and direction of travel.

### 334.4.2 PROCEDURE

The following is the procedure for initiating a Missouri AMBER Alert:

(a) Complete the Missouri AMBER Alert Abduction form, addressing any questions to the Missouri State Highway Patrol (MSHP) at 573-751-1000.

(b) Fax the completed Missouri AMBER Alert form to MSHP Communications-Missouri AMBER Alert Notification at 573-751-6814.

(c) Verify by telephone that the form was received.

(d) Make a National Crime Information Center (NCIC) missing person entry using the Child Abduction (CA) flag through the law enforcement computer system available in your area such as the Missouri Uniform Law Enforcement System (MULES) or Regional Justice Information System (REJIS).

(e) For a multi-state AMBER Alert request, these additional steps may be taken:
   1. A standard police dispatch must be sent to the Missouri control terminal with the address text field formatted, Request AMBER Alert broadcast to XX, YY, and ZZ, with XX, YY and ZZ being two letter abbreviations for the requested state or states.
   2. Control terminal operators will appropriately code the message as an AMBER Alert and forward it to the appropriate adjacent state control terminals.
   3. If additional assistance is needed from other states, the Shift/Unit Supervisor or Investigation Unit supervisor should contact the adjacent state's Missing Person Clearinghouses. A list of contact information for each state's clearinghouse is available on the website of the National Center for Missing and Exploited Children (NCMEC)(http://www.missingkids.com).

## 334.5 ENDANGERED SILVER ADVISORIES

An Endangered SILVER Advisory accomplishes the following:

(a) All Missouri law enforcement agencies are notified through MULES and the Missouri Information Analysis Center (MIAC) e-mail alert.

(b) Broadcasters and media are notified.



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(c) The MSHP Missing Persons Unit will be notified for support and resources.

(d) The Department of Health and Senior Services Hotline will be notified.

(e) The Missouri Department of Transportation will be notified to activate message signs, if practicable.

### 334.5.1 CRITERIA

An Endangered SILVER Advisory is warranted when:

(a) A missing person is 60 years of age or older and believed to be suffering from dementia or other cognitive impairment.

(b) A legal custodian of the missing person has submitted a missing person's report to the local law enforcement agency where the person went missing.

(c) There is sufficient information available to disseminate to the public that could assist in locating the missing adult.

### 334.5.2 PROCEDURE

The following is the procedure for initiating an Endangered SILVER Advisory:

(a) Create an NCIC message using the Endangered Missing (EME) code in MULES.

(b) Fax the Endangered SILVER Advisory (EPA) form with attachments such as photographs and area maps, to the MSHP Troop F Headquarters at 573-751-6814.

(c) Contact the MSHP Troop F Headquarters at 573-751-1000 to verify the information has been entered in MULES and NCIC and that the faxed form and attachment have been received.

## 334.6 MISSOURI ENDANGERED PERSON ADVISORY PLAN

An Endangered Person Advisory will accomplish the following:

(a) Alerts will be made to all Missouri law enforcement agencies through MULES/REJIS.

(b) Broadcasters and media will be notified by fax.

(c) The MSHP Missing Persons Unit will be notified for support and resources.

(d) The NCMEC will be contacted if the person is under the age of 18.

### 334.6.1 CRITERIA

An Endangered Person Advisory is warranted when (§ 650.025, RSMo):

(a) The circumstances do not meet the criteria for a Missouri AMBER Alert (if they meet the criteria for a Missouri AMBER Alert, immediately follow the protocol to issue a Missouri AMBER Alert).

(b) The person is missing under unexplained, involuntary or suspicious circumstances.

(c) The person is believed to be in danger because of age, health, mental or physical disability, and the environment or weather conditions; is in the company of a potentially dangerous person or some other factor that may put the person in peril.

(d) There is information that could assist the public in the safe recovery of the missing person.



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### 334.6.2 PROCEDURE

If all criteria exist, the Endangered Person Advisory can be initiated by taking the following actions:

(a) Preparing the Endangered Person Advisory by using the Endangered Missing (EME) code in MULES.

(b) Faxing the Endangered Persons Advisory form with attachments, such as photographs and area maps, to the MSHP Troop F Headquarters at 573-751-6814.

(c) Contacting the MSHP Troop F Headquarters at 573-751-1000 to verify the information has been entered into MULES and NCIC and that the faxed form and attachment have been received.



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# Victim and Witness Assistance

## 336.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources and that the agency meets all related legal mandates.

## 336.2 POLICY

The Clay County Sheriff's Office is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Clay County Sheriff's Office will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

## 336.3 CRIME VICTIM LIAISON

The Sheriff may appoint a member of the Sheriff's Office to serve as the crime victim liaison. The crime victim liaison will serve as the point of contact for individuals requiring further assistance or information from the Clay County Sheriff's Office regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

### 336.3.1 SPECIFIC VICTIM LIAISON DUTIES

The crime victim liaison is responsible for the following (§ 595.209, RSMo):

(a) Assisting the victim in obtaining the status of any case concerning the victim, including juvenile offenses.

(b) Providing information regarding the availability of victim compensation assistance and assistance in obtaining documentation of the victim's losses.

(c) Assisting the victim or witness with obtaining information regarding the release of a suspect on bond or for any other reason.

(d) Assisting the victim or witness with obtaining information of any escape by the suspect within 24 hours.

(e) Assisting any victim who requests the return of property seized as evidence by facilitating the return of the property within five working days or obtaining a written explanation why the property will not be returned.

## 336.4 CRIME VICTIMS

Deputies should provide all victims with the applicable victim information handouts.

Deputies should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims expressing fear of future harm or retaliation. Deputies should never guarantee a person qualifies as a victim for purpose of compensation or restitution, but may direct him/her to the proper written sheriff's office material or available victim resources.

## 336.5 VICTIM INFORMATION AND NOTIFICATION

The Administration Division Commander shall ensure that victim information handouts are available and current. These should include as appropriate:



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(a) Shelters and other community resources for victims of domestic violence.

(b) Community resources for victims of sexual assault.

(c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams (42 USC § 3796gg).

(d) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

(e) A clear explanation of relevant court orders and how they can be obtained.

(f) Information regarding available compensation for qualifying victims of crime.

(g) VINE® information (Victim Information and Notification Everyday) information, including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.

(h) Notice regarding U-Visa and T-Visa application processes.

(i) Resources available for victims of identity theft.

(j) A place for the deputy's name, badge number and any applicable case or incident number.

(k) Information regarding the Safe at Home Program for address confidentiality through the Missouri Secretary of State.

(l) A summary of the victim and witness rights contained in § 595.209, RSMo or direction to where the information may be obtained.

(m) Contact information for the Crime Victims' Compensation Program

(n) Contact information for the Missouri Sheriff's Association Crime Victim Assistance Program

(o) Contact information for any local crime victim advocate.

(p) Contact information for the sheriff's office crime victim liaison.

## 336.6 WITNESSES

Deputies should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Deputies may make practical safety suggestions to witnesses expressing fear of future harm or retaliation.

Deputies should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

## 336.7 WITNESS INFORMATION

The Administration Division Commander shall ensure that witness information handouts are available and current. The handout should include the rights of witnesses contained in § 529.209, RSMo.



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# Hate Crimes

## 338.1 PURPOSE AND SCOPE

The Clay County Sheriff's Office recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, the Clay County Sheriff's Office will utilize all available resources to see that justice is served under the law. This policy has been developed to meet or exceed the provisions of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, and provides members of the Clay County Sheriff's Office with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

### 338.1.1 FEDERAL JURISDICTION

Federal law prohibits discrimination-based acts. The U.S. Department of Justice (DOJ) may obtain jurisdiction over crimes of violence where the perpetrator has selected the victim because of the person's actual or perceived race, color, religion, national origin, sex, sexual orientation, gender identity or disability (18 USC § 245).

## 338.2 DEFINITIONS

Definitions related to this policy include (§ 557.035, RSMo):

**Disability** - A physical or mental impairment which substantially limits one or more of a person's major life activities, being regarded as having such an impairment or a record of having such an impairment.

**Hate crime** - A crime knowingly motivated because of race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims.

**Sexual orientation** - Male or female heterosexuality, homosexuality or bisexuality by inclination, practice, identity or expression, or having a self-image or identity not traditionally associated with one's sex.

## 338.3 CRIMINAL STATUTES

State law creates penalty enhancements to Class C or Class D felonies for identified crimes knowingly motivated because of race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims (§ 557.035, RSMo).

## 338.4 PREVENTING AND PREPARING FOR LIKELY HATE CRIMES

While it is recognized that not all crime can be prevented, the Clay County Sheriff's Office is committed to taking a proactive approach to preventing and preparing for likely hate crimes by:

(a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes to form, and cooperate with prevention and response networks.

(b) Providing victim assistance and follow-up as outlined below, including community follow-up.

(c) Educating community and civic groups about hate crime laws.



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## 338.5 PROCEDURE FOR INVESTIGATING HATE CRIMES

Whenever any member of the Clay County Sheriff's Office receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

(a) Deputies will be promptly assigned to contact the victim, witness or reporting party to investigate the matter further as circumstances may dictate.

(b) A supervisor should be notified of the circumstances as soon as practicable.

(c) Once "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims or arrest of suspects at the scene), the assigned deputies will take all reasonable steps to preserve available evidence that may tend to establish that a hate crime was involved.

(d) The assigned deputies will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime. No victim of, or a witness to, a hate crime who is not otherwise charged with or convicted of a crime under state law may be detained for or turned over to federal authorities exclusively for any actual or suspected immigration violation.

(e) Depending on the situation, the assigned deputies or supervisor may request additional assistance from investigators or other resources to further the investigation.

(f) The assigned deputies will include all available evidence indicating the likelihood of a hate crime in the relevant reports. All related reports will be clearly marked as "Hate Crime" and, absent prior approval of a supervisor, will be completed and submitted by the assigned deputies before the end of the shift.

(g) The assigned deputies should also make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as required by the Victim and Witness Assistance Policy.

(h) The assigned deputies and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid (e.g., a possible Temporary Protective Order through the courts or Prosecuting Attorney or Sheriff's Counsel).

## 338.6 INVESTIGATION UNIT RESPONSIBILITIES

If a case is assigned to the Investigation Unit, the assigned investigator will be responsible for following up on the reported hate crime by:

(a) Coordinating further investigation with the Prosecuting Attorney and other appropriate law enforcement agencies.

(b) Maintaining contact with the victim and other involved individuals, as needed.

(c) Maintaining statistical data and tracking of suspected hate crimes as indicated or required by state law.

### 338.6.1 STATE HATE CRIME REPORTING

The Clay County Sheriff's Office shall report hate crime offenses through Missouri's Uniform Crime Reporting (UCR) program at regular intervals as prescribed by rules adopted by the Missouri State Highway Patrol. This shall be conducted by the Administrative Assistant - Records Unit or assigned to the Investigation Unit.



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### 338.6.2 FEDERAL HATE CRIME REPORTING

The Administrative Assistant - Records Unit should include hate crime data reporting within the National Incident Based Reporting System (NIBRS), Uniform Crime Report (UCR) and Summary Reporting System (SRS) reports pursuant to Records Unit procedures and in compliance with (28 USC § 534(a)).

## 338.7 TRAINING

All deputies of the Clay County Sheriff's Office shall receive training on hate crime recognition and investigation and shall attend annual training which incorporates a hate crime training component.



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# Insubordination

## 339.1 PURPOSE AND SCOPE

Employment is a mutual exchange of interests and benefits between management and its members. In exchange for the privilege of employment and paid compensation, management has the right to expect members to willfully perform the duties and tasks of their positions or any other tasks lawfully assigned and to achieve effective and efficient performance results. It is reasonable to expect members to obey the written and verbal directives of their supervisors. When disagreements between management and members occur, management has the right to expect members to follow the accepted labor principle of "obey now and grieve later."

Insubordination and insubordinate behavior are recognized by labor practices to be among the most serious offenses. If insubordination is allowed to go unchecked, management loses its ability to direct its work force. It shall be the policy of the Clay County Sheriff's Office to require that personnel willfully and cooperatively observe and comply with all verbal and written departmental directives.

## 339.2 POLICY

Members shall willfully observe and obey the lawful verbal and written rules, duties, policies, procedures, and practices. Members shall also subordinate their personal preferences and work priorities to lawful verbal and written rules, duties, policies, procedures and practices as well as to the lawful orders and directives of supervisory personnel.

Insubordination occurs when a member is capable of performing but refuses to do a job or comply with a lawful verbal or written directive.

For the purposes of this policy the term members shall include all employees of the Clay County Sheriff's Office whether full or part time, reserves, volunteers and all members of the Clay County Investigative Squad.

## 339.3 NONEXCLUSIVE LISTING OF NON-VIOLATIONS

The following is a nonexclusive list of behavior that would not be considered an act of Insubordination:

(a) Leaving an assigned area in situations where duty requires it and a reasonable effort to contact the supervisor has failed.

(b) Refusing to obey unlawful directives. Note: A mere belief that a directive is unlawful will not protect a member's job if such belief is deemed unreasonable, unsubstantiated or unfounded in a subsequent hearing.

## 339.4 NONEXCLUSIVE LISTING OF VIOLATIONS

The following is a nonexclusive list of behavior that would be considered an act of Insubordination:

(a) Being absent without leave (AWOL) for a scheduled reporting time or from an assigned duty. (Note: See Standard Clay County Sheriff's Office Standard Operating Policy #1013 Absenteeism and Patterns Thereof for a nonexclusive listing of examples that constitute AWOL.)



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(b) Deliberately defying management's legitimate exercise of its rights.

(c) Refusing to cooperate fully in a complaint or administrative investigation.

(d) Inciting members to react negatively to a lawful management directive, or criticizing management decisions creating a substantial risk of disrupting the work of another or affecting another's morale.

(e) Leaving an assignment or assigned duty area without permission of the supervisor in charge.

(f) Refusing to accept, directly or constructively, management's lawful directives or decisions. Note: This standard does not require that the member agree with such directives.

(g) Refusing to follow the requirements for the use of light duty or sick leave.

(h) Refusing to perform assigned work duties or tasks for the position being held.

(i) Refusing to report to a place of duty at the designated time and location.

(j) Refusing to sign a required document (e.g., a mission statement, oath of office, medical release form, performance evaluation review, disciplinary report and the like.)

(k) Refusing to submit to a lawful examination of body fluids or a chemical test when lawfully directed to do so.

(l) Refusing to subordinate personal preferences to a supervisor's lawful directives or work instructions.

(m) Refusing to turn in a report as specifically directed to do so by a directive or the verbal request of a supervisor.

(n) Refusing to work reasonable amounts of overtime or refusing to work overtime in an emergency situation. (Note: Having an established pattern of sick use and suddenly calling in sick prior to such assignments is substantial evidence of a violation of this rule.)

(o) Repeatedly being unable to be contacted for call-out when given standby notice.

(p) "Working to Rule" or using the tactic of habitually asking for specific clarification of rules or directives that has the effect of slowing down work or frustrating supervisors or other members of the work unit.

## 339.5 ENFORCEMENT GUIDELINE

Insubordination is the cardinal offense in labor relations practices because it goes against the very purpose of work. Therefore, the enforcement guideline is severe. Personnel who behave in a manner that violates this standard of conduct are subject to termination if the member's refusal leads to serious consequences or significantly undermines the supervisor's authority and work relationship with the member or others. Progressive discipline starting at suspension up to and including termination may be considered for all other conditions.



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# Conduct

## 340.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Clay County Sheriff's Office and are expected of its members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning member conduct. Members are also subject to provisions contained throughout this manual as well as any additional guidance on conduct that may be disseminated by the Sheriff's Office or the member's supervisors.

This policy applies to all employees (full- and part-time), reserve deputies, volunteers and members of the CCIS.

## 340.2 POLICY

The continued employment of every employee of the sheriff's office shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action. Notwithstanding anything in this policy, the Clay County Sheriff's Office reserves the right to immediately discharge any employee. All employees are employed at will and nothing in this policy is intended to create an employment agreement and both they and the Clay County Sheriff's Office may terminate the employment relationship at any time, with or without cause, without following any specific procedure, except that, where applicable and required by Missouri Law, hearings will be granted pursuant to § 57.275 RSMo.

### 340.2.1 LAWFUL ORDERS

Employees shall comply with lawful directives and orders from any sheriff's office supervisor or person in a position of authority absent a reasonable and bona fide justification.

An employee who believes any written or verbal order to be unlawful or in conflict with another order shall:

(a) Immediately inform the supervisor issuing the order, the employee's immediate supervisor or the Shift/Unit Supervisor of the conflict or error of the order.

(b) Provide details explaining the grounds for the belief of the conflict or error of the order.

(c) Request clarification, guidance and direction regarding following the order.

(d) Request the order in writing, absent exigent circumstances, should the conflict or perceived error be unresolved.

(e) Respectfully inform the supervisor if he/she intends to disobey what he/she reasonably believes to be a conflicting or unlawful order.

An employee's election to disobey an order he/she believes to be unlawful is not a bar to discipline should the order be determined as lawful.



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## 340.3 CONDUCT THAT MAY RESULT IN DISCIPLINE

Employees shall conduct themselves, whether on- or off-duty, in accordance with the Constitution of the United States, the Missouri Constitution and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

Employees shall familiarize themselves with this manual and be responsible for compliance with each of the policies contained herein. Employees should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be taken for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct. The following are illustrative of causes for disciplinary action and constitute only a portion of the disciplinary standards of the Clay County Sheriff's Office.

### 340.3.1 LAWS, RULES AND ORDERS

(a) Violation of any rule, order, requirement or the failure to follow instructions contained in sheriff's office or County manuals.

(b) Willful disobedience to any legal order issued by any superior officer of the Sheriff's Office.

(c) Violation of federal, state, local or administrative laws, rules or regulations.

### 340.3.2 ATTENDANCE

(a) Leaving the job to which assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness.

(c) Excessive absenteeism or abuse of leave privileges.

### 340.3.3 CONDUCT

(a) Failure to abide by the standards of ethical conduct for employees, including fraud in securing appointment or hire.

(b) Smoking or chewing smokeless tobacco while meeting the general public; smoking or chewing smokeless tobacco in nonsmoking areas, county buildings or county owned vehicles.

(c) The consistent complaining from a member's neighbors concerning the member's violations of law.

(d) Loud or crude language made to or about another member or a member of the public.

(e) Failing to treat members of the public with respect and courtesy.

(f) False or malicious criticisms of our operations when such actions damage the public's trust without providing substantial evidence that such actions were of public concern.

(g) Activity that is incompatible with an employee's conditions of employment as established by law or that violates a provision of any employment agreement or contract.

(h) Any act on- or off-duty which brings discredit to the Sheriff's Office.

(i) Controversial conduct displayed on or off duty that brings public criticism and causes management or supervisory personnel to formally investigate or respond to the criticism.



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(j) Unreasonable and unwarranted force to a person encountered or a person under arrest.

(k) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.

(l) Acceptance of fees, gifts or money contrary to the rules of the Sheriff's Office and/or laws of the state.

(m) Criminal, dishonest, or disgraceful conduct adversely affecting the employee/employer relationship, whether on- or off-duty.

(n) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knew or reasonably should have known of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by the Sheriff's Office. Knowingly associating with any person or frequenting any establishment that is frequented, owned or operated by persons associated with any form of organized crime.

(o) Offer or acceptance of a bribe or gratuity.

(p) Substantiated, active, continuing association on a personal rather than official basis with persons who engage in or are continuing to engage in serious violations of state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Sheriff's Office.

(q) Misappropriation or misuse of public funds, property, personnel or services.

(r) Taking any action that would interfere with the efficiency or integrity of the administration of criminal justice.

(s) Assuming financial obligations that are beyond a member's ability to reasonably satisfy.

(t) Failing to properly identify oneself (such as giving a name, identification number, or badge number) to any person legitimately requesting it.

(u) Failing to wear a designated uniform or present a neat, tasteful appearance and to be suitably attired and groomed during working hours or when representing our organization.

(v) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily injury on another.

(w) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Sheriff of such action.

(x) Using sheriff's office resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.

(y) Engaging in horseplay which reasonably could result in injury or property damage.

(z) Unauthorized possession of, loss of, or damage to sheriff's office property or the property of others, or endangering it through carelessness or maliciousness.

(aa) Failure of any employee to promptly and fully report activities on his/her part or the part of any other employee where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline.

(ab) Using or disclosing one's status as an employee with the Sheriff's Office in any way that could reasonably be perceived as an attempt to gain influence or authority for non- sheriff's office business or activity.



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(ac) The use of any information, photograph, video or other recording obtained or accessed as a result of employment with the Sheriff's Office for personal or financial gain or without the express authorization of the Sheriff or the authorized designee.

(ad) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of the sheriff's office or the County.

(ae) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.

(af) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

(ag) Any other on- or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Sheriff's Office or which is contrary to good order, efficiency or morale or which tends to reflect unfavorably upon the Sheriff's Office or its members.

### 340.3.4 PERFORMANCE

(a) Neglect of duty.

(b) Unauthorized sleeping during on-duty time or assignments.

(c) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.

(d) Concealing, attempting to conceal, removing or destroying defective or incompetent work.

(e) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.

(f) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Sheriff's Office or subverts the good order, efficiency and discipline of the Sheriff's Office, or that would tend to discredit any employee thereof.

(g) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of the Sheriff's Office or employees thereof.

(h) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any sheriff's office record, public record, book or paper document.

(i) Failure to disclose or misrepresenting material facts or the making of any false or misleading statement on any application, examination form or other official document, report or form, or during the course of any work-related investigation.

(j) Failing to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any sheriff's office-related business.

(k) Carrying, while on the premises of the workplace, any firearm or other lethal weapon that is not authorized by the appointing authority.

(l) The unauthorized use of any badge, uniform, identification card or other sheriff's office equipment or property for personal gain or any other improper purpose.



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(m) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).

(n) Attempted or actual theft of sheriff's office property, misappropriation or misuse of public funds, property, personnel or services or the property of others, or the unauthorized removal or possession of sheriff's office property or the property of another person.

(o) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(p) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:

1. While on sheriff's office premises
2. At any work site, while on-duty or while in uniform, or while using any sheriff's office equipment or system
3. Gambling activity undertaken as part of a deputy's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(q) Improper political activity including unauthorized attendance while on-duty at official legislative or political sessions. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on sheriff's office property or while in any way representing him/herself as a member of the Clay County Sheriff's Office, except as expressly authorized by the County policy or the Sheriff.

(r) Engaging in political activities during assigned working hours except as expressly authorized by the County policy or the Sheriff.

(s) Failure to maintain required and current licenses (e.g. driver license) and certifications (e.g. first aid).

(t) Establishing an inappropriate social relationship, as a result of an investigation, with a known victim, witness, suspect or defendant of a sheriff's office case while such case is being investigated or prosecuted.

### 340.3.5 SECURITY

(a) Unauthorized and inappropriate or intentional release of confidential information, materials, data, forms or reports.

(b) Disclosing to any unauthorized person any active investigation information.

(c) Loaning, selling, allowing unauthorized use, giving away or appropriating any sheriff's office badge, uniform, identification card or property for personal use, personal gain or any other improper or unauthorized use or purpose.

### 340.3.6 INTOXICANTS

(a) Reporting for work or being at work while intoxicated or when the employee's ability to perform assigned duties is impaired due to the use of alcohol or drugs, whether legal or illegal.

(b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. An employee who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.



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(c) Unauthorized possession, use of, or attempting to bring a controlled substance or other illegal drug to any work site.

## 340.4 DISHONESTY

Public support is based on public trust and confidence. Performance standards in this area are much higher for public members than for the ordinary citizen. History has shown that having lost trust in its elected or appointed officials, the public is quick to react, often resulting in reductions in operating budgets, creation of external review boards, replacement of officials, and in some cases abolishment of the organization. It shall be the policy of the Clay County Sheriff's Office to protect the public trust by requiring its personnel to be honest and truthful at all times.

Members shall not lie, give misleading information or half-truths, or falsify written or verbal communications in official reports or in their statements or actions with supervisors, another person, or organization when it is reasonable to expect that such information may be relied upon because of the member's position or affiliation with this organization.

### 340.4.1 NON EXCLUSIVE LISTING OF NON-VIOLATIONS

The following is a nonexclusive list of behavior that would be considered a non-violation of standards for Dishonesty or Untruthfulness:

(a) Filing information that proves to be wrong when the member can provide substantial evidence that he or she had no intent to be in error.

(b) Minor omissions or errors on reports or cases that have no significant impact on outcome and when the member has not been working with or has not worked with such reports or cases for a long period of time.

(c) Using legitimate interrogation or investigation techniques to solicit information from a criminal suspect.

### 340.4.2 NONEXCLUSIVE LISTING OF VIOLATIONS

The following is a nonexclusive list of behavior that would be considered a violation of standards for Dishonesty or Untruthfulness:

(a) Conducting a performance evaluation in a manner that does not comply with the policies governing performance evaluations or does not comply with the spirit or intent of the evaluation process.

(b) Covering up or purposefully failing to report violations of directives.

(c) Failing to conduct a professional investigation and, because of it, allowing an innocent person to be prosecuted. (Note: This may also be a violation of the competency standard.)

(d) Falsifying a job application, activity reports, attendance records, certification records, public documents, and the like.

(e) Giving or receiving money, services or other valuable considerations in exchange for special treatment (e.g., transfers, hiring, promotions, job assignments and the like).

(f) Improperly influencing or interfering with another's appointment, promotion, merit, assignments, working conditions and the like.

(g) Falsifying a sick leave report, workers compensation or accident claim.



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(h) Falsifying any report in part or whole or failing to provide a complete and accurate report or account when it is evident to a reasonable and prudent person that a complete report would lead to a different conclusion.

(i) Giving untruthful or misleading statements or partial truths during a legal proceeding, internal investigation, or administrative proceeding.

(j) Making untruthful or misleading statements or partial truths about any member, supervisor, command staff or their operations.

(k) Providing citizens with misleading or false information to avoid performance of duties or delivery of an expected service.

(l) Requesting others to change or withdraw a report or notice without proper cause, or causing the delay of any official communications.

### 340.4.3 ENFORCEMENT GUIDELINES

Personnel who behave in manner that violates this standard of conduct are subject to progressive discipline up to and including termination. Termination is likely if it is determined that it is no longer reasonable to expect that the member can be effective or efficient in his or her current job assignment.

## 340.5 UNSAFE ACTS

Safe behavior is paramount due to the level of public trust and the nature of the equipment involved (e.g., motor vehicles, tools, chemicals, firearms, etc.) in public work. Unsafe behavior or unsafe use and handling of equipment significantly increase the risk of injuries to all and unnecessarily exposes the department to the risk of liability. It shall be the policy of the Clay County Sheriff's Office to require personnel conduct themselves in a safe manner.

Personnel shall not unlawfully commit acts or behave in such a manner that has the potential for endangering or injuring one's self, property, or another person.

### 340.5.1 NONEXCLUSIVE LISTING OF NON-VIOLATIONS

The following is a nonexclusive listing of behavior that would be considered a non-violation of the standards regarding Committing Unsafe Acts or Endangering Self of Others:

(a) An act where risks occur because the member has not received training comparable to that of others.

(b) Assigning a member to perform a task or duty for which he or she has received reasonable training or to assign equipment to use that is considered adequate under a reasonable standards rule.

### 340.5.2 NONEXCLUSIVE LISTING OF VIOLATIONS

The following is a nonexclusive list of behavior that would be considered a violation of the standards regarding Committing Unsafe Acts or Endangering Self or Others:

(a) Knowingly failing to report any on-the-job or work-related accident or injury within 24 hours.

(b) Unsafe or improper driving habits or actions in the course of employment.

(c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

(d) Any personal action contributing to a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.



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(e) Failure to observe or violating sheriff's office safety standards or safe working practices.

(f) Exhibiting behaviors regulated or prohibited by specific guidelines, policies, procedures and practices that are designed to prohibit unnecessary risk to all persons' safety.

(g) Allowing untrained or inexperienced members or civilians to use equipment that has the potential of being damaged or injuring any person.

(h) Failing to keep aware of and attending to events and circumstances ongoing during work hours that have reasonable expectation of causing a safety concern for others or self.

(i) Continuing an activity once conditions create an unreasonable safety hazard (an example for deputies would be to continue a chase for a minor violation once a license number and driver identification are known and substantial evidence exists to indicate the person who can then be apprehended later with less public endangerment).

(j) Failing or refusing to wear a seat belt properly or any other protective or safety equipment.

(k) Failing to drive defensively resulting in a chargeable motor vehicle collision, in nearly causing a motor vehicle collision or resulting in a chargeable complaint.

(l) Failing to provide information or withholding information that creates a personal hazard or placing another member or person at risk to being injured or subject to an unnecessary safety or health hazard.

(m) Failing to report damaged or broken equipment that has the probability of creating a safety hazard.

(n) Mishandling of equipment that results in or creates a potential safety or health risk.

(o) Horseplay or pranks that create injury or the probability of injury.

(p) Using equipment for purposes not specifically designed.

(q) The unauthorized possession or handling of dangerous or explosive devices (e.g., firearms, chemicals and the like).

(r) Leaving security doors open, ajar, or defeating the locking mechanism.

(s) Tampering with equipment making it unsafe.

(t) Leaving unsecured or improperly stored equipment, causing a potential safety hazard.

(u) The unauthorized or unnecessary divulging of information that creates a safety risk for another.

### 340.5.3 ENFORCEMENT GUIDELINES

Personnel who behave in a manner that violates this standard of conduct are subject to progressive discipline up to and including termination for other conditions. Termination will occur if serious injury or extensive property damage occurs to the member or another.

## 340.6 AIDING OTHER MEMBERS

The nature of public work frequently requires the support and assistance of other members. Knowing this support will be rendered in time of need promotes and maintains morale, a sense of well-being among all members, and advances our mission, goals, and objectives. It shall be the policy of the Clay County Sheriff's Office to require personnel support and assist other personnel.



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Members shall, during work hours, come to the aid of another member when a legitimate request or need is made known or should have been known.

### 340.6.1 NONEXCLUSIVE LISTING OF NON-VIOLATIONS

The following is a nonexclusive list of behavior that would be considered a non-violation of standards regarding Aiding Other Members:

(a) Not responding to a call for assistance if response would create an unreasonable safety hazard for which the member has not been adequately trained. (Note: Members are considered to be adequately trained when others in their job categories perform successfully with or without training.)

(b) Avoiding response to a request for assistance when already committed to a higher work priority. (Note: responding to emergencies or ensuring a member's safety always has the highest work priority).

(c) Being ill or injured to such an extent that assistance would be impossible or impractical.

(d) Not assisting another when others who are more capable of providing the assistance required are available and respond properly. (Note: Members are responsible for the consequences of failing to assist another should their judgment in these situations be found in error.)

(e) Not responding to situations in which a request for assistance is not made and it is reasonable to believe assistance is not necessary.

(f) Refusing to assist another in what would amount to a violation of law.

### 340.6.2 NONEXCLUSIVE LISTING OF VIOLATIONS

The following is a nonexclusive list of behavior that would be considered a violation of standards regarding Aiding Other Members:

(a) Establishing a pattern of being habitually unavailable to assist others.

(b) Failing to self-initiate an immediate and appropriate response in an emergency situation or waiting to be told to do so by a supervisor.

(c) Offering assistance, then malingering by waiting around to be told what to do, letting others do the work.

(d) Habitually letting others take the lead in difficult, injurious, dangerous or potentially dangerous situations.

### 340.6.3 ENFORCEMENT GUIDELINES

Personnel who behave in a manner that violates this standard of conduct are subject to progressive discipline up to and including termination. Termination will occur if another member's safety is seriously jeopardized or a member is seriously injured or killed.

## 340.7 COOPERATION

The need to work in a cooperative manner with members of other agencies or public officials is self-evident. In today's society, the effective, efficient and safe delivery of public services requires a coordinated effort of all members and public service agencies. It shall be the policy of the Clay County Sheriff's Office to require that personnel seek affirmatively ways to cooperate and work with other personnel and law enforcement agencies.



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Members are required to seek affirmatively ways to cooperate and work with other members, other public officials, and members of any organization with whom there needs to be a good working relationship in order to achieve our mission, goals or objectives.

### 340.7.1 NONEXCLUSIVE LISTING OF NON-VIOLATIONS

The following is a nonexclusive listing of behavior that would be considered a non-violation of standards of conduct regarding Cooperation with Members and Other Officials:

(a) Directing requests through the established lines of authority when upper management approval is necessary.

(b) Members are not required to compromise professional integrity to gain the cooperation of another individual or organization.

### 340.7.2 NONEXCLUSIVE LISTING OF VIOLATIONS

The following is a nonexclusive listing of behavior that would be considered a violation of standards of conduct regarding Cooperation with Members and Other Officials:

(a) Failing to seek affirmative ways to establish a friendly working relationship or share work-related information with another member, section, division, bureau, work unit or other agency and its members when it is found that such failure resulted in ineffective, inefficient, or unsafe performance of any member's duties and responsibilities, or another agency's duties and responsibilities.

(b) Refusing to turn over a case, investigation or incident to another member or authority that has greater or more appropriate jurisdiction.

(c) Threatening, intimidating, coercing or interfering with the work performance of another or another agency.

### 340.7.3 ENFORCEMENT GUIDELINES

Personnel who behave in a manner that violates this standard of conduct are subject to progressive discipline up to and including termination. Termination will occur if a working relationship is severely damaged or destroyed.

## 340.8 SUPERVISOR' RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

(a) Failure to take appropriate action to ensure that employees adhere to the policies and procedures of the sheriff's office and that the actions of all personnel comply with all laws.

(b) Failure to promptly and fully report any known misconduct of an employee to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.

(c) The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose.

### 340.8.1 DEMONSTRATING RESPECT

Personnel who are treated with respect and concern are typically better performers and have higher morale. Supervisors who respect subordinates and limit criticisms to unsatisfactory work performances obtain greater member cooperation than those who direct their criticisms at the member's character or personality. Because supervisors are



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management's representatives, it will be the policy of the Clay County Sheriff's Office to hold its supervisors to a higher standard in this area and require that they set a positive example for others to follow.

Supervisors shall treat subordinates with the same courtesy and respect that is required of subordinates toward supervisors. Criticisms of a member or of a member's performances will be made directly to the subordinate and, when practicable, in a private setting.

### 340.8.2 NONEXCLUSIVE LISTING OF NON-VIOLATIONS

The following is a nonexclusive list of behavior that would be considered a non-violation of standards of conduct regarding Supervisors Shall Display Respect Towards Subordinate-Ranked Personnel:

(a) Humor of a non-offensive or illegal nature to relieve tension or stress. (Note: Should a member become the victim of targeted harassment, a violation of this standard, as well as others exists.)

(b) Performing supervisory duties with respect to reprimands, counseling, etc., as long as it conforms to good personnel relations practices.

(c) An atypical reaction to a subordinate during the excitement stage of an emergency; or, when a member's unprofessional conduct or behavior provokes disrespectful behavior from a supervisor.

### 340.8.3 NONEXCLUSIVE LISTING OF VIOLATIONS

The following is a nonexclusive listing of behavior that would be considered a violation of standards of conduct regarding Supervisors Shall Display Respect Towards Subordinate-Ranked Personnel:

(a) A supervisor discussing a private conversation with another individual who has no legitimate need to know about the conversation. (Note: The supervisor is required to inform the member prior to engaging in such a conversation whether or not the conversation will be relayed to other parties as well as the reasons for such actions.)

(b) Criticizing the member and not the member's performance or performance results (e.g., "there is no place here for your kind," and the like).

(c) Failing to take advantage of opportunities to speak with a member about performance problems or criticizing the member or the member's performance in private.

(d) Gossiping, or condoning gossip by others, about a member to other members or supervisors.

(e) Having a problem with a subordinate and not coming to the member to deal with it directly, using another person to convey dissatisfaction with the subordinate's performance.

(f) Admonishing a subordinate without full knowledge of the situation or circumstances of the situation or problem.

(g) Using group meetings to criticize other members. (Note: This does not prohibit discussing important information of a performance nature when others at the meeting need to know the information to perform their jobs.)

(h) Threatening or intimidating a subordinate member on or off-duty at any time for any purpose.



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### 340.8.4 ENFORCEMENT GUIDELINES

Personnel who behave in a manner that violates this standard of conduct are subject to progressive discipline up to and including termination. Demotion or removal could occur if the supervisor's credibility or the effectiveness or efficiency of the work unit is severely damaged or compromised.

## 340.9 DISCRIMINATION IN THE PERFORMANCE OF DUTIES

Public members must strive to maintain neutrality in the performance of duties and delivery of services to all persons regardless of their personal characteristics, life styles, social status, or work conditions. Discrimination in services or treatment creates a serious threat to the well being of all as well as exposes our organization to the possibility of civil and criminal action. It shall be the policy of the Clay County Sheriff's Office to require all personnel provide law enforcement services fairly and equally regardless of the characteristic of an individual or group.

In words, deeds, gestures, performance of jobs, duties, tasks and delivery of services, members shall not discriminate; nor shall they establish a pattern of adverse impact in the delivery of services when such discrimination has a basis in such areas as a person's sex, ethnic background, race, color, national origin, lifestyle, preferred sexual orientation, religion, criminal history, age, disability or social status.

### 340.9.1 NONEXCLUSIVE LISTING OF NON-VIOLATIONS

The following is a nonexclusive list of behavior that would be considered a non-violation of standards of conduct regarding Discriminating or Establishing Patterns of Discrimination in the Performance of Duties:

(a) Lawfully conducting a detention interview with a person closely fitting the physical characteristics of a suspect.

(b) Concentrating enforcement efforts or conducting selective enforcement programs for specific violations of codes or ordinances.

(c) Denying service to any person who has not qualified for the service such as failing to follow prescribed procedures for obtaining the service or failing to pay the required fees for a service charge and the like.

### 340.9.2 NONEXCLUSIVE LISTING OF VIOLATIONS

The following is a list of behavior that would be considered a violation of standards of conduct regarding Discriminating or Establishing Patterns of Discrimination in the Performance of Duties:

(a) Not servicing selected neighborhoods in proportion to their demonstrated needs.

(b) The disproportional enforcement of codes against specific demographic groups or individuals.

### 340.9.3 ENFORCEMENT GUIDELINES

Personnel who behave in a manner that violates this standard of conduct are subject to progressive discipline up to and including termination. Termination will occur if actions or inactions result in civil liability because of member culpability.



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## 340.10 COMPETENT PERFORMANCE

In a public organization where much of the work effort involves citizens' liberties, physical safety, and expenditures of public resources, incompetent performance (defined as performance that fails to meet standards) cannot be tolerated. When incompetent performance is discovered, its source must be dealt with effectively and efficiently. When this potential occurs, we run the risk of incurring severe criticism, the loss of public trust, and the potential for civil liability.

It shall be the policy of the Clay County Sheriff's Office to require that personnel perform their duties in a competent manner. Knowledge, skill, and attitude are useless to the organization if the member is unable to apply them in a productive manner.

Members shall perform competently all assigned or assumed job responsibilities, duties and tasks.

As the term is used here, competency is a characteristic of a performance, not a characteristic of an individual. To say that a member's performance lacks competence does not mean the member is incompetent. Competence is based on performance, not member fault. Personnel are hired to achieve results; and if they bring about an acceptable performance result, they have displayed the ability to apply their combination of knowledge, skill, and attitude competently within the context of the situation.

### 340.10.1 NONEXCLUSIVE LISTING OF NON-VIOLATIONS

The following is a nonexclusive list of behavior that would be considered a non-violation of standards of conduct regarding Competent Performance:

(a) A member who asks questions and is not able to competently perform a duty or task because he or she has not had the training or experience available to the typical successful performer who does similar duties or tasks.

(b) A member whose performance drops for a short period of time because of personal problems provided the member recovers in a reasonable period of time (e.g., a few days or weeks).

### 340.10.2 NONEXCLUSIVE LISTING OF VIOLATIONS

The following is a nonexclusive list of behavior that would be considered a violation of standards of conduct regarding Competent Performance:

(a) A regular member has to be repeatedly told how to do the routine tasks of the job.

(b) A supervisor when he or she fails to correct a subordinate's infraction when such infraction is first made known or when the supervisor could have been reasonably expected to be aware of the problem.

(c) Accepting or reporting information related to duties as true or factual without taking reasonable steps to verify the correctness and accuracy of the information.

(d) Consistent failure to enter accurate report data on reports or into information storage files.

(e) Consistent failure to pass regular qualifying exams or tests within the established time periods (e.g., firearms, emergency medical, knowledge of policies or procedures, certification examinations).

(f) Consistent inability to comprehend or understand supervisory instructions, explanations, or directions for work performance through normal communication channels.



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(g) Failing to consistently produce a fair share of the work unit's productivity. (Note: Fair share is defined here as that level of productivity for any unit of measure that is within 20% of any other member's productive output for the work unit.)

(h) Failing to conduct a performance evaluation according to procedure.

(i) Failing to satisfy performance standards on any assigned or assumed duty or task after receiving comparable training and experience as the typical member.

(j) Habitually making the same types of mistakes and being defensive about accepting constructive criticism.

(k) Consistently failing to respond to calls in a normal and timely manner.

(l) Failing to control temper or composure or overreacting to another's verbal comments or physical gestures.

(m) Repeated failure to complete reports in a timely manner when necessary information is available and/or after receiving notice to correct a report.

(n) Taking frustrations out on others or failing to prevent such frustrations that lead to injury or damage to persons or property.

### 340.10.3 ENFORCEMENT GUIDELINES

Personnel who behave in a manner that violates this standard of conduct may be subject to task removal, retraining in problem areas and/or reassignment if the member's performance is satisfactory in all other areas, and the member does not have an ongoing or serious disciplinary problem. In some situations termination may be the result of incompetent performance.

***Performance failures that are caused by the member's lack of desire to perform properly are acts of insubordination covered by Clay County Standard Operating Policy #339 Insubordination.***

## 340.11 COURTESY AND RESPECT WITH SUPERVISORS

The purpose of supervisory positions is to ensure that the mission, goals, and directives of the Clay County Sheriff's Office are carried out in an efficient, effective, and safe manner as well as to provide accountability for the performance of the work unit. Management requires subordinates to display respect and courtesy to higher positions because it provides a sense of order as well as serves as a tangible indication that subordinates are willing to subordinate personal priorities, goals, and objectives to the organization's needs. Furthermore, displaying respect and courtesy to a supervisor is a reasonable assessment of the member's capabilities to set aside personal feelings and priorities when dealing with citizens.

It shall be the policy of the Clay County Sheriff's Office to require that personnel behave in a respectful and courteous manner to persons holding positions of higher authority.

Members shall display courtesy and respect in words, deeds, gestures, and actions towards personnel holding higher levels of authority.

### 340.11.1 NONEXCLUSIVE LISTING OF NON-VIOLATIONS

The following is a nonexclusive list of behavior that would be considered a non-violation of standards of conduct regarding Courteous and Respectful Behavior toward Positions of Authority:



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(a) Contacting a federal, state, or local civil rights commission to report a legitimate violation of civil rights without first going through management personnel.

(b) Merely asking questions concerning a supervisor's directions is not a violation; however, consistently challenging legitimate directions does display disrespect for authority.

(c) Going over a supervisor's head when the supervisor is the problem or part of the problem (particularly in cases of harassment) provided the member follows established procedures to bring a problem to the attention of other management personnel.

### 340.11.2 NONEXCLUSIVE LISTING OF VIOLATIONS

The following is a nonexclusive list of behavior that would be considered a violation of standards of conduct regarding Courteous and Respectful Behavior toward Positions of Authority:

(a) After being instructed to do so, not addressing a superior-ranked member by his or her title, particularly while in public.

(b) Failing to follow the designated chain of command to achieve work goals, objectives, mission, or otherwise resolve individual work-related differences (NOTE: Does not apply when the person in the member's chain-of-command is violating the member's employment rights).

(c) Failing to keep a supervisor in authority informed of pertinent information that affects or has the probability of affecting the effectiveness, efficiency or safety of the work unit.

(d) Using abusive language or gestures at, towards, or about a superior-ranked member. This is particularly serious if committed in the presence of other members or made known to other members or members of the public.

(e) Threatening or intimidating a superior-positioned member on or off-duty at any time for any purpose.

(f) Displaying negative attitude in the form of verbal tone, which would be considered offensive or disrespectful.

### 340.11.3 ENFORCEMENT GUIDELINES

Personnel who behave in a manner that violates this standard of conduct will be subject to progressive discipline up to and including termination. Termination will be considered if the supervisor-subordinate relationship is seriously damaged.

## 340.12 OBSERVANCE OF LAWS

Service and protection of the public, impartial administration and carrying out of duties, observing and obeying the laws, and providing equal service to all are covenants public members have with citizens. Members are bound to honor their obligations in these areas if they wish to remain in public service. Members who lose or destroy public faith and respect weaken our ability to achieve our mission, goals and objectives. It shall be the policy of the Clay County Sheriff's Office to require that personnel obey all constitutional, criminal and civil laws.

Members shall obey all federal and state constitutional, criminal, and civil laws imposed on them as personnel and as citizens.



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### 340.12.1 NONEXCLUSIVE LISTING OF NON-VIOLATIONS

There are NO exemptions to the standards of conduct regarding the Observance of Laws.

### 340.12.2 NONEXCLUSIVE LISTING OF VIOLATIONS

The following is a nonexclusive list of behavior that would be considered a violation of standards of conduct regarding Observance of Laws:

(a) Committing an unlawful search, seizure, or detention of another person or person's property.

(b) Committing non-exempted infractions of traffic codes (e.g., driving over the speed limit, failing to observe traffic control devices, parking in unauthorized locations, failing to wear seat belts, etc.).

(c) Inflicting punishment or mistreatment (includes both physical as well as mental) upon a prisoner, or person in custody or detention, or member of the public.

(d) Unlawfully copying or distributing computer software, publications or other documents or copyright materials.

(e) Unprivileged publication of a false statement that harms the reputation of another member or any person in general.

(f) Interfering with the service of lawful process or the attendance and/or testimony of witnesses through coercion, bribery or other means.

(g) Assisting person's charged or suspected of criminal acts in any manner which enables them to escape detection, arrest, punishment or, which may enable them to dispose of or hide evidence.

### 340.12.3 ENFORCEMENT GUIDELINES

Personnel who behave in a manner that violates this standard of conduct are subject to progressive discipline up to and including termination. Termination will occur if substantial evidence exists to establish that personnel acted with malice, intent, or blatant disregard for another's civil rights.

## 340.13 KNOWING, OBSERVING, AND OBEYING DIRECTIVES AND EXPECTATIONS

Directives are management's fundamental tools to achieve work efficiency, effectiveness and safety in day - to- day operations and decision-making. The purpose of directives is not to boss members around, but to instruct them in their jobs to ensure that their duties and responsibilities are properly achieved.

It shall be the policy of the Clay County Sheriff's Office to require that personnel self-initiate acceptable ways to observe and comply with the lawful directives and expectations of the agency.

Members shall make affirmative and consistent efforts to observe and comply with the lawful directives and expectations (e.g., work rules, policies, procedures, practices, traditions) established for the effective, efficient, and safe operations.

The term "affirmative effort" means to self-initiate acceptable ways to comply with a lawful directive. In other words, the member is expected to actively seek and find proper ways to comply with a directive and not dwell on reasons why the directive should not or cannot be performed.



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### 340.13.1 NONEXCLUSIVE LISTING OF NON-VIOLATIONS

There are NO exemptions to the standards of conduct regarding Knowing, Observing, and Obeying Directives and Expectations.

### 340.13.2 NONEXCLUSIVE LISTING OF VIOLATIONS

The following is a nonexclusive list of behavior that would be considered a violation of standards of conduct regarding Knowing, Observing, and Obeying Directives and Expectations:

(a) Consistently failing to know information in operational manuals, files, and directives. Being the member who consistently gives the excuse, "I did not know it or see it," when no such problem exists for other members.

(b) Habitually challenging policies, procedures, or practices without providing objective and documented facts (in written form) to support justification for such challenges.

### 340.13.3 ENFORCEMENT GUIDELINES

Personnel who behave in a manner that violates this standard of conduct are subject to progressive discipline up to and including termination for all other conditions. Termination will occur if the results of such deviations cause serious or the potential for serious injury to another or severe damage to property.

## 340.14 PRODUCTIVE WORK PATTERNS

The concept of expecting a full day's work for a full day's pay is central in American labor management. Although public work is typically reactive in nature, a large portion of non-responsive work time can be spent performing self-initiated work. It is during self-initiated work periods that the mission, goals and objectives are achieved and provides the greatest opportunities to effectively and efficiently deliver services.

The concept of a full day's work for a full day's pay does not mean members are expected to have identical levels of work from one day to the next. However, work patterns do exist and an analysis of data on a monthly, quarterly, semiannual, or annual basis provides a descriptive picture of the amount and quality of work that can be reasonably expected from members who are truly giving a full effort. It shall be the policy of the Clay County Sheriff's Office to require that personnel give a full day's work for a full day's pay.

Members shall give a full day's work for a full day's pay and not establish patterns of nonproductive work time.

### 340.14.1 NONEXCLUSIVE LISTING OF NON-VIOLATIONS

The following is a nonexclusive list of behavior that would be considered a non-violation of standards of conduct regarding Giving a Full Day's Work for a Full Day's Pay:

(a) Substandard work effort of a short-term nature (e.g., a day, week and perhaps even a month), that does not adversely affect other members when atypical work conditions or personal situations such as a death in the family, divorce, family illnesses, severe injury on the job, or other serious job-related traumatic events occur.

### 340.14.2 NONEXCLUSIVE LISTING OF VIOLATIONS

The following is a nonexclusive list of behavior that would be considered a violation of standards of conduct regarding Giving a Full Day's Work for a Full Day's Pay:



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(a) Acting or behaving in such a manner that unnecessarily disrupts the performances of other members of the work force.

(b) Analyzing a member's work record shows an established pattern of work productivity or nonproductive work that is consistently associated with specific periods of time.

(c) Consistently taking a longer than normal time on a task or job assignment which results in others having to handle the extra workload (i.e., "milking" the job to avoid carrying a fair share of the workload).

(d) Failing to commence productive work at the beginning of the shift or stopping productive work prior to the end of the shift.

(e) Failing to immediately resume normal duties (e.g., continuing to hang around for an additional period of time) after completing a call, normal break or other assigned detail.

(f) Consistently failing to self-initiate work designated as priority during times the member is not committed to assigned tasks (e.g., dispatched calls, assignments and the like).

(g) Initiating a nonproductive work period grouped around the beginning or ending of a shift or a pay day; the last day of the work week; the first day back from normal weekly time off; days preceding, following or in between holidays.

(h) Parking or hiding in out-of-the-way locations to avoid performing one's job duties.

(i) Spending an atypical amount of time on low priority duties, forcing others to do more than their share of priority assignments.

### 340.14.3 ENFORCEMENT GUIDELINES

Personnel who behave in a manner that violates this standard of conduct are subject to progressive discipline up to and including termination.



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# Office Technology Use

## 342.1 PURPOSE AND SCOPE

This policy describes the use of sheriff's office computers, software and systems.

### 342.1.1 PRIVACY POLICY

Any employee utilizing any computer, electronic storage device or media, Internet service, telephone service, information conduit, system or other wireless service provided by or funded by the Sheriff's Office expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy that the employee, sender and recipient of any communications utilizing such service might otherwise have, including as to the content of any such communications. The Sheriff's Office also expressly reserves the right to access and audit any and all communications, including content that is sent, received and/or stored through the use of such device and/or service.

## 342.2 DEFINITIONS

Definitions related to this policy include:

**Computer system** - Includes all computers (on-site and portable), hardware, software and resources owned, leased, rented or licensed by the Clay County Sheriff's Office or Clay County Governmental bodies that are provided for use by office employees.

**Hardware** - Includes, but is not limited to, computers, telephones, computer terminals, network equipment, modems or any other tangible computer device generally understood to comprise hardware.

**Software** - Includes, but is not limited to, all computer programs and applications, including shareware. This does not include files created by the individual user.

**Temporary file, permanent file or file** - Includes any electronic document, information or data residing or located, in whole or in part, on the system, including but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports or messages.

## 342.3 SYSTEM INSPECTION OR REVIEW

There is no expectation of privacy regarding files contained in or on sheriff's office computers or systems. The Sheriff's Information Technology Manager or their authorized designee has the express authority to inspect or review the system, any and all temporary or permanent files and related electronic systems or devices and any contents thereof, whether such inspection or review is in the ordinary course of his/her duties or based on cause.

When requested by a member of the command staff, or during the course of regular duties requiring such information, a member of the Sheriff's Office or Clay County Governments Information Technology staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the system.

Reasons for inspection or review may include, but are not limited to, system malfunctions, problems or general system failure, a lawsuit against the agency involving the employee



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or related to the employee's duties, an alleged or suspected violation of any sheriff's office policy, request for disclosure of data, or a need to perform or provide an agency service.

## 342.4 AGENCY PROPERTY

All information, data, documents, communications and other entries initiated on, sent to or from, or accessed on any sheriff's office computer or through the sheriff's office computer system on any other computer, whether downloaded or transferred from the original agency computer, shall remain the exclusive property of the Clay County Sheriff's Office and shall not be available for personal or non sheriff's office use without the express written authorization of a command staff member.

## 342.5 UNAUTHORIZED DUPLICATION OF SOFTWARE

Employees shall not copy or duplicate any copyrighted and/or licensed software. To reduce the risk of an agency computer virus, employees are not permitted to install personal copies of any software onto the computers owned or operated by the Sheriff's Office. If an employee must copy data onto a removable storage media and download it on a non sheriff's office computer, the employee shall scan the removable storage media for viruses before loading the data on a sheriff's office computer system.

No employee shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the sheriff's office while on sheriff's office premises or on a sheriff's office computer system. The Sheriff's Office and individuals can be subject to civil damages per title copied, along with criminal penalties including fines and imprisonment.

## 342.6 PROHIBITED AND INAPPROPRIATE USE

Access to sheriff's office technology resources, including Internet access provided by, or through, the Sheriff's Office, shall be limited to sheriff's office related business activities. This does not apply to the limited personal access provided to employees through the "Internet Cafe" in the Detention Center. Also, per Clay County Ord. §35.317 Reasonable personal use, *Limited and reasonable use of these tools for occasional employee personal use that does not result in any additional cost or loss of time or resources regarding their intended business purpose is permitted. Such use is permitted before and after work and during break periods, as well as incidental and emergency use during work. Any other extended personal use is not permitted.* Supervisors are expected to monitor their employees to avoid abuse of this privilege. Data stored on, or available through, sheriff's office systems shall only be accessed by authorized employees who are engaged in an active investigation, assisting in an active investigation or who otherwise have a legitimate law enforcement or sheriff's office business-related purpose to access such data. Any exceptions to this policy must be approved by the Sheriff.

An Internet site containing information that is not appropriate or applicable to sheriff's office use and that shall not be intentionally accessed includes, but is not limited to, adult forums, pornography, chat rooms and similar or related websites. Certain exceptions may be permitted with the approval of the Sheriff as a function of an assignment.

Downloaded information shall be limited to messages, mail and data files, which shall be subject to audit and review by the Sheriff's Office without notice. No copyrighted and/or unlicensed software program files may be downloaded.

Employees shall report any unauthorized access to the system or suspected intrusion from outside sources (including the Internet) to their supervisor. The supervisor should then notify the Sheriff's Office Information Technology Manager.



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## 342.7 PROTECTION OF OFFICE SYSTEMS AND FILES

All employees have a duty to protect the system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the system.

It is expressly prohibited for an employee to allow an unauthorized user to access the system at any time or for any reason.



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# Report Preparation

## 344.1 PURPOSE AND SCOPE

Report preparation is a major part of each employee's job. The purpose of reports is to document sufficient information to refresh the employee's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formal and on-the-job training.

### 344.1.1 REPORT PREPARATION

Employees should ensure that their reports are sufficiently detailed for their purpose and reasonably free of errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty, unless permission to delay submission of the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads or arrest reports where the suspect remains in custody should not be delayed.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, witnesses, all pertinent information seen, heard or assimilated by any other sense and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

## 344.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate sheriff's office-approved form unless otherwise approved by a supervisor.

### 344.2.1 CRIMINAL ACTIVITY REPORTING

When an employee responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the employee is required to document the activity. The fact that a victim does not desire prosecution is not an exception to documentation. The following are examples of required documentation:

(a) In every instance where a felony has been reported or observed, the documentation shall take the form of a written report

(b) In every instance where a misdemeanor crime has occurred and the victim desires a report, the documentation shall take the form of a written crime report. If the victim does not desire a report, the incident will be recorded on the CAD

(c) In every case where any force is used against any person by sheriff's office personnel (It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed or restrained.)

(d) All incidents involving reports of domestic violence

(e) All arrests



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### 344.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

(a) Anytime a deputy/detention officer/CCIS member points a firearm at any person

(b) Any use of physical force by a member of this office/CCIS (see the Use of Force Policy)

(c) Any firearm discharge (see Firearms and Qualification Policy)

(d) Anytime a person is reported missing (regardless of jurisdiction) (see the Missing Person Reporting Policy)

(e) Any found property or found evidence

(f) Any traffic accidents above the minimum reporting level (see the Traffic Accident Response and Reporting Policy)

(g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy

(h) All protective custody detentions

(i) Suspicious incidents that may place the public or others at risk

(j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

### 344.2.3 DEATH REPORTS

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigation Policy. A deputy handling a death investigation should notify and apprise a supervisor of the circumstances surrounding the incident and a determination will be made on how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

(a) Sudden or accidental deaths

(b) Suicides

(c) Homicide or suspected homicide

(d) Unattended deaths (no physician or qualified hospice care during the period immediately preceding death)

(e) Found dead bodies or body parts

### 344.2.4 INJURY OR DAMAGE BY COUNTY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a County employee. Reports also shall be taken when there is damage to County property or County equipment.

### 344.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to the Clay County Sheriff's Office shall require a report when:

(a) The injury is a result of a drug overdose.

(b) There is an attempted suicide.

(c) The injury is major or serious, whereas death could result.

(d) The circumstances surrounding the incident are suspicious and it is desirable to record the event.



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The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

## 344.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all employees and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

### 344.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for sheriff's office consistency.

### 344.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS

County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

## 344.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should complete the report correction form, stating the reasons for rejection. The original report and the correction form should be returned to the reporting employee for correction as soon as practicable. It shall be the responsibility of the originating employee to ensure that any report returned for correction is processed in a timely manner.

## 344.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Reports Unit for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Reports Unit may be corrected or modified by the authoring employee only with the knowledge and authorization of the reviewing supervisor.



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# News Media Relations

## 346.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

The purpose of this policy is to establish procedures and guidelines in regard to media relations and the timely and accurate issuance of information to the news media.

This policy shall apply to all commissioned and non-commissioned employees of the Sheriff's Office; to volunteer employees, and to all members of the Reserve Unit. It shall apply to both on and off duty to all matters relating to any Sheriff's Office function.

### 346.1.1 POLICY

The Clay County Sheriff's Office recognizes that the public has a right to be informed of the activities of its law enforcement agencies and expects the news media to provide information through timely and accurate reports. At the same time, the Sheriff's Office realizes that it has a responsibility and an obligation to protect the constitutional rights of victims, witnesses and individuals taken into custody, and to ensure that in progress investigations are not compromised.

Therefore, it will be the policy of the Clay County Sheriff's Office to cooperate fully and impartially with accredited representatives of the various news media in their efforts to gather factual information pertaining to activities of this office, so long as these activities are consistent with established procedures and do not subvert the ends of justice or infringe upon individual rights to privacy.

In most cases, the Media Relations Deputy (MRD), the Sheriff, Undersheriff, or the Commander On Call will be solely responsible for releasing information to the news media. If an emergency situation arises requiring the timely release of information to the news media, and the aforementioned personnel are not available at the scene, a MRD designee will be assigned by the Sheriff, Undersheriff or Commander On Call.

Under no circumstance should any member of the Clay County Sheriff's Office make any comments to the media regarding any law enforcement incident not involving the Clay County Sheriff's Office without prior approval of the Sheriff.

### 346.1.2 DEFINITIONS

**News Media** - Accredited, properly identified representatives of local, national and international news media organizations.

**News Incidents** - The activities of the Sheriff's Office in response to any incident, situation or event, whether public or private.

**Media Relations Deputy (MRD)** - A member of the Sheriff's Administrative Staff who is authorized to distribute information to the news media concerning specific incidents or other Sheriff's Office operations.



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**MRD Designee** - A ranking member of the Sheriff's Office who is directed by the Sheriff, Undersheriff, or Commander On Call, to disseminate information to the news media in the absence of the Media Relations Deputy.

**Public Perimeter (police line)** - A perimeter established around a crime/incident scene by Sheriff's personnel through which the general public may not enter.

**News Media Perimeter** - A second perimeter established within the public perimeter by the on scene commander and the Media Relations Deputy or MRD Designee, which allows the news media closer access to the scene.

**Pool Coverage** - One representative from the news media personnel present at a crime/incident scene is chosen to obtain photos/film of the scene, with the photos/film being shared equally (copies provided) among the news organizations that are present.

**Public Records** - Teletype messages, traffic accident reports, no-traffic accidents, miscellaneous incidents/complaints, arrest or other Sheriff's Office incident information of a routine nature, or other reports, files, or information which are considered public domain.

### 346.1.3 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Sheriff. However, in situations not warranting immediate notice to the Sheriff and in situations where the Sheriff has given prior approval, Division Commanders, Shift/Unit Supervisors and the designated Media Relations Deputy may prepare and release information to the media in accordance with this policy and the applicable law.

## 346.2 PROCEDURE

### 346.2.1 AUTHORITY/FUNCTIONS OF THE MEDIA RELATIONS DEPUTY (MRD)

**Authority/Responsibilities**: The Media Relations Deputy (MRD) shall be designated by and be responsible to the Sheriff or his designee, and shall act as a liaison between the Sheriff's Office and newsgathering organizations. The MRD will be responsible for the timely dissemination of accurate, factual information to the news media during routine and emergency operations, and for channeling/coordinating requests for such information between media and sheriff's office personnel. Additional responsibilities are as follows:

- To coordinate and arrange press conferences for the Office of the Sheriff.
- To coordinate interviews and appearances between Sheriff's Department employees and news gathering agencies.
- To prepare and distribute Department news releases/press bulletins.
- To maintain a close rapport with key personnel in the news gathering agencies.
- To be cognizant of special interest stories concerning the Sheriff's Office and/or its members so as to promote a positive image to the public.
- To remain on 24 hour call so as to respond to the scene of any newsworthy event involving the Sheriff's Office and its members, and to assist Deputies at the scene of such newsworthy events by relaying factual information to any news media representatives on hand.
- To issue, upon request, media identification passes/cards to verified members of newsgathering agencies.



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- To keep news media representatives informed of any changes in policy or procedure concerning the release of information or media access.

### 346.2.2 NOTIFICATION

Whenever newsworthy events occur concerning the Clay County Sheriff's Office, the MRD should be notified by supervisory personnel in charge of the incident, or by the Commander in charge/on call. This notification should be made as soon as possible after the incident occurs to ensure timely release of information and to free the on-scene supervisor from responsibilities associated with keeping the press informed. Newsworthy events occurring in Clay County, being handled by or requiring major assistance from Clay County Sheriff's Office personnel, that require the immediate notification of the MRD include the following:

- Any situation involving the death of a person by other than natural causes.
- All Clay County Sheriff's Office Employee/CCIS member involved shootings.
- Any major fire and aircraft/train accidents.
- Any natural or man-made disaster requiring Sheriff's Office response.
- Searches for missing or wanted persons requiring extensive manpower.
- Kidnappings and hostage/barricade situations involving STAR team mobilization.
- Any other major event that the press has expressed or demonstrated interest in.

Planned major incidents, such as raids and multiple arrests, and planned newsworthy events, such as awards and promotions, should include advance notification to the MRD to allow for proper planning for dissemination of information to the news media. Notification is the responsibility of the affected Division Commander.

### 346.2.3 NEWS MEDIA RELATIONS/EXPECTATIONS

**1. Cooperation & Assistance:**

The Clay County Sheriff's Office and the news media receive mutual benefits when relations between the two are characterized by candor, cooperation and mutual respect. It is important to remember that the news media will furnish information to the public with or without the Sheriff's Office cooperation. Full courtesies will be extended to news media representatives in the field as well as within the facilities of the Sheriff's Office.

Information released to the news media, such as news bulletins, press releases and event/incident updates, will be disseminated equally and impartially. Specific inquires and requests made independently by media representatives will be honored at the time of the request. If it becomes necessary to deny a media request based upon privacy rights, safety of a defendant, witness or victim, or other legitimate factors, the reasons for the denial shall be adequately and courteously explained.

Occasionally, situations may occur where the immediate reporting of certain information may be detrimental to the community, to the victims of crime, or to an investigation. In such cases, this Office will seek the cooperation of the media to delay publication rather than attempt to impose censorship. In situations where this Office has inaccurately reported information to the news media, it will be expected that, upon proper demonstration, the members of the news media will promptly correct the inaccurate information.

**2. News Media Interference/Policy Violations:**



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The news media's major responsibility is to gather information and photographs/video at any newsworthy event. Occasionally, the opportunity to carry out these assignments is short lived. Therefore, employees of the Sheriff's Department shall not unnecessarily obstruct media representatives from carrying out their assignments. However, media representatives are not exempt from any of the laws enforced by the Sheriff's Office.

Problems that arise between news media representatives and Sheriff's Office Personnel shall be referred to the MRD or designee. Media personnel who express a desire to violate the general guidelines of this policy will be asked to remove themselves from a protected area and cease whatever activity which is in violation. Any time a media representative's access to a protected area is revoked, a full report will be written by the MRD or designee, and submitted to the Sheriff. Within a reasonable period of time following the incident, a written memo will be forwarded to the media representative's supervisor describing the unacceptable behavior of the media representative and the actions taken by the Sheriff's Office.

### 346.2.4 NEWS MEDIA ACCESS TO CRIME/INCIDENT SCENES

**1. General Access:** Sheriff's Personnel should extend every courtesy to accredited news media representatives who are at the scene covering an incident. These courtesies may permit closer access than that granted the general public if such access does not endanger life and/or interfere with the investigation. The MRD, in coordination with the on-scene Commander, will be responsible for establishing a news media perimeter at incident scenes, and or insuring that the news media representatives remain within the boundaries of the perimeter. During large-scale operations and/or inclimate weather, a media service area may be established within the public perimeter for the media's convenience. This media service area is to be situated completely away from the Departments Command Post, so as not to interfere with tactical communications and operations, and it shall be the MRD's responsibility to insure that no such interference occurs.

The identity of media representatives will be confirmed prior to being allowed access through the media perimeter, and they shall be required to wear their press I.D. at all times while at the scene. Sheriff's Office Press I.D. and/or valid press credentials from all local, national or international news organizations will be honored. Any questions of validity concerning press I.D.s should be referred to the MRD.

The Sheriff's Office cannot grant Media access to incident scenes located on private property. (Search warrants do not include access to the media). Permission must be obtained from the property owners or their representatives when photographs, films or videotapes are to be taken on private property.

**2. Crime/Major Accident Scenes:**

Direct access by the news media to any crime or major accident scene may be allowed only after all known evidence has been processed and the on-site investigation has been completed. Media presence that would interfere with or hinder life saving efforts will not be allowed. The MRD or designee should be present to accompany the news media when given access to any crime and/or major accident scene.

**3. Hazardous Situations:**

At incident scenes where hazards may be present, media personnel will be informed of any current or potential danger in the area of the incident. Where there is extreme danger of personal injury, media access shall be restricted until the MRD or the Commander in charge



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determines otherwise. In addition, media access will be restricted in situations where it would interfere with life saving efforts or the control of hazardous materials.

It is understood that those in the profession of journalism, especially photojournalists, accept the risks associated with their jobs. To deny the media access to areas in close proximity to law enforcement operations solely for their protection may not be justified. However, the Sheriff's Department will not assume responsibility for the physical safety of media representatives who choose to subject themselves to danger.

**4. Fires/Disasters:**

The ranking Fire Department Official present controls movement within fire lines at fire and disaster scenes. When news media representative arrive at such events, the MRD, MRD Designee or Commander in charge shall confer with the Fire Department Official concerning the establishment of an observation point for the media.

**5. Gas & Chemical Leaks/Spills:**

The ranking Fire Department Official present shall also control Media access to incident scenes involving menaces to health, such as gas or chemical leaks/spills. Media organizations that utilize air support (news/traffic helicopters) should be dissuaded when intending to use air support to cover stories involving poisonous gas or chemical leaks/spills.

**6. Barricaded Subjects/Hostage Situations/Snipers:**

In situations involving barricaded subjects, hostages, or snipers, the initial deputy in charge at the scene shall designate a preliminary news media perimeter for news media representatives who arrive prior to the MRD. Upon arrival, the MRD or designee may establish a perimeter closer to the scene if it is determined that it is safe to do so. In some situations, it may become necessary to utilize pool coverage to minimize risk factors for news media representatives.

If an assault upon a barricade is taking place, or if the perpetrators are firing at law enforcement personnel or others, news media representatives will not be permitted to roam through the danger zone (even at their own risk).

If a hostage-taking incident is in progress and the perpetrators ask for a media representative to assist with negotiations, media representatives will not be allowed to speak with the perpetrators nor enter the barricaded area unless permission has been received from the Sheriff.

### 346.2.5 TEMPORARY FLIGHT RESTRICTION

Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hamper incident operations, the on scene supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Field Operations Division Commander or the Commander On Call. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR 91.137).

### 346.2.6 PHOTOGRAPHS/TAPING OF CRIME & INCIDENT SCENES

**1. General:**



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News media representatives shall be allowed to freely photograph, film or videotape at the scene of any incident so long as their activity does not interfere with the investigation or violate the property/privacy rights of citizens involved. Suspects or persons in custody shall not be deliberately posed for photographs, telecasts or interviews, and no action shall be directed against the news media to prevent or impede their lawful right to photograph such person at incident scenes or in other public places.

**2. Restrictions:**

- The photographing/videotaping of juveniles is prohibited at all times.
- Law enforcement/Fire Department equipment shall not be used as props/stands.
- Media representatives will not be allowed to hook up equipment to the Sheriff's Mobile Command Post.

**3. Censorship:**

No legal authority exists to stop photographs or videotape from being taken at an incident scene, even if the scene in question is one that Sheriff's personnel feel would be in "poor taste" to photograph. However, deputies shall take protective measures, such as covering a body in order to keep it from being photographed, if the Commander/Supervisor in charge deems such actions necessary.

### 346.2.7 ON SCENE INTERVIEWS

**1. General:**

When consenting to an interview concerning an incident, the MRD or designees shall refrain from making statements to the press about information that would compromise investigative efforts or future trials. (See Information Dissemination Guidelines). The MRD or designee should be in uniform, if possible, and should refrain from wearing sunglasses or other unnecessary eyewear. If the uniform hat shades the face it should be removed as well.

Whenever possible, suspects, victims, witnesses and/or persons having information that pertains to an incident shall not be questioned by the press until after interviews and the Investigations Unit has received statements. Media representatives will not be allowed to interview relatives and/or friends of a hostage or perpetrator who have been brought to an incident scene by the Sheriff's Department. These individuals should be required to remain in a designated area away from the press area.

**2. Persons taken into Custody:**

News media representatives will not be allowed to interview persons in custody at the Sheriff's Office Headquarters or the Detention Center without the person's consent and the consent of the affected Division Commander and/or the Sheriff.

### 346.2.8 INFORMATION DISSEMINATION GUIDELINES

**1. Incident Scene Press Briefings:**

The MRD or designee shall act as a liaison between the Sheriff's Command Post and the news media. The MRD, in conjunction with the on scene Commander, will determine what information can be released, and when it can be released. The MRD will establish times for periodic updates, and then conduct such updates with the press even if there is no new information to report. If approached by media representatives seeking information, other Sheriff's Office personnel will inform the representatives to contact the MRD or designee.



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**2. Situations Involving Multiple Agencies:**

In situations where multiple jurisdictions or agencies are present, the MRD or designee shall consult with supervisory personnel representing the different agencies for coordinating the dissemination of information to the news media. In most instances, the agency having primary jurisdiction should be responsible for releasing information to the press.

**3. Pre-Arrest Procedure - What can be Released:**

Information which may normally be released in connection with investigations, unless otherwise restricted, includes:

- The type or nature of an event or crime (homicide, burglary, rape, etc.)
- The location, date and time of the incident; injuries sustained; damages incurred; a description of how the incident occurred; and whether or not there are suspects.
- Amount and type of property taken, including value when known (with the exception of money)
- The identity and general address of a victim. (See exceptions b and c under what can not be released)
- Number of deputies or other personnel involved in an event or investigation, and the length of the investigation.
- Name of deputy in charge of the case and the names of any other primary investigators and their involvement.
- Requests for assistance in locating evidence, a complainant, or suspect.
- The name, address, description, employment, and marital status of a person for whom a warrant has been issued, and the exact offense charged.

**4. Pre-arrest Procedure - What can not be released:**

Information which should not be released in connection with investigations of an event or crime, unless authorized by the Sheriff, includes:

- The identity or location of any suspect. The existence of any suspect may be acknowledged without any further identification.
- The identity of any victim of a sex crime, or related information which if divulged, would tend to lead to the victim's identification; the identity of any victim that would place that victim in clear personal danger; and the identity of any non-victim witnesses.
- The identity of any juvenile who is a suspect, victim or defendant in any case, over which the juvenile court has jurisdiction.
- The identity of any critically injured or deceased victim prior to notification of next of kin.
- The specific cause of death, until determined by the Clay County Medical Examiner's Office.
- Information of an evidentiary nature regarding a criminal case, and references to the results of investigative procedures, such as fingerprints, polygraph examinations, laboratory test, etc. (The fact that the tests were performed can be acknowledged).
- Statements concerning the credibility or anticipated testimony of prospective witnesses.
- Contents of a suicide note.



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- Personal opinion not founded in fact, and unofficial statements concerning personnel and Internal Affairs matters.

**5. Post-arrest Procedure - What can be Released:**

Information that may generally be released at the time of or immediately following an arrest and the placement of formal charges includes:

- The defendant's name, age, residence, employment, marital status, and similar background information.
- The substance or text of the charge as contained in a complaint, warrant, indictment or information.
- The identity of the investigating and/or the arresting deputy(s), or agency, and the length of the investigation.
- The facts and circumstances immediately surrounding an arrest, - time, place, resistance, pursuit, possession or use of weapons, and a general description of contraband seized, if disclosure is not prejudicial.
- Detention and Court information, such as location of detention, bond amount, court dates, results of the various stages in the judicial process, etc.

**6. Post-arrest Procedure - What can not be Released:**

To avoid jeopardizing prosecution of a criminal matter by prejudicing the right of a defendant to a fair trial, the following information may not be released to the news media during the period between arrest and trial:

- Character or reputation of a suspect or the existence, if any, of a prior criminal record, except in the case of a fugitive.
- The existence or contents of any confession, admission or statement of a defendant, or his/her failure to make such.
- The performance or results of any test, or a defendant's refusal or failure to submit to such test.
- The identity, credibility, character, statement or expected testimony of any witness.
- The credibility, character, statement or expected testimony of any victim.
- Any opinion regarding the guilt or innocence of a defendant, or concerning the merits of a case, such as evidence and arguments, whether or not it is anticipated to be used in court.
- Any reports, transcripts or summaries of preceding from which the press and public have been excluded by judicial order.

**7. Sensitive and Confidential Operations/Information:**

The release of information concerning the activities of any special law enforcement operation necessarily deemed to be confidential should be delayed until such release does not interfere with the success of the mission.

The exact details concerning the construction of bombs or other explosive devices and/or details concerning crimes that might be imitated when fully described should not be relayed to the news media.



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### 346.2.9 SPECIAL MEDIA REQUESTS

**1. Department Records/Documents:**

Most Sheriff's Office files are considered public record, and the information contained therein is public information. The news media, like the public, will have access to any item, which is defined as public record. Requests should be made through the Records Department during normal business hours. Subject to restrictions of law, intelligence and investigative reports maintained by the Clay County Sheriff's Office are subject to public inspection provided that prosecution has been completed or a determination not to prosecute has been made. Any media requests for confidential departmental documents or information must be referred to the MRD and/or the Sheriff.

**2. Department Photographs/Mug shots/Filming:**

Any filming or photographs taken by Sheriff's Office Members shall not be released to the news media without prior approval from the Sheriff or Undersheriff. In addition, news media representatives shall not be allowed to photograph, film or videotape inside any secure area of the Sheriff's Office without prior approval from the Sheriff or Undersheriff. When authorization is granted, news media representatives shall not photograph, film or videotape any inmate/detainee in a secure area without first obtaining that inmate/detainee's permission (in writing, preferably).

Copies of mug shots of arrested individuals will be made available to the news media, upon request, within a reasonable period of time after the arrest has been finalized. If requested, it is permissible to allow the news media to videotape a mug shot, provided the mug shot is then promptly returned to a Sheriff's Office Member.

**3. Inmate Interviews:**

News media personnel will be permitted to interview inmates in the Detention Center when prior approval (at least 24 hours advance notice) has been obtained from the Detention Division Commander and/or Sheriff, and the inmate has consented to the interview (in writing, preferably). The time and place of the interview will be determined so as not to affect or interfere with the orderly operations or security of the Detention facility.

**NOTE:** The MRD or designee will be responsible for arranging, coordinating and attending all news media interviews and photo opportunities throughout the Sheriff's Office.

**4. Matters of Policy/Internal Investigations/Complaints Against Members:**

Questions relating to matters of policy or internal investigations should be referred to the Sheriff or Undersheriff. Unless specifically authorized by the Sheriff or Undersheriff, no details of an internal investigation will be revealed to the news media until the case has been brought to a logical conclusion.

Whenever accusations are made against the Clay County Sheriff's Office or its members in regard to neglect, excessive force, or other charges relating to a general office function, or a member is arrested or accused of having committed an offense; only the Sheriff shall be authorized to release information to the press. The exception shall be the accused if they so desire, hopefully upon the advice of counsel.

No member of this office who is under investigation shall be required to submit to media visits or interviews without the consent of the involved employee.

**5. Traffic/Road Condition Inquiries:**



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In an effort to assist deputies, fellow officers, and the monitoring public, the following maybe released to the news media by the dispatcher without prior approval of the MRD or designee:

- Road conditions during inclement weather and location of streets that are icy, flooded, etc.
- Problem areas due to malfunction of traffic lights, construction, etc.
- Location of accidents throughout Clay County (injury and non injury) that may cause traffic problems.

## 346.3 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of deputies and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media nor should media representatives be invited to be present at such actions except with the prior approval of the Sheriff. Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Sheriff will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

### 346.3.1 STATE RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this office (see the Records Release and Security and Personnel Files policies). When in doubt, authorized and available legal counsel should be obtained. Examples of such restricted information include, but are not limited to: The identities of involved deputies when the release hinders a law enforcement purpose or reveals the identity of an undercover peace officer and as otherwise required by law (§ 610.100.3, RSMo). Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation (§ 610.100.2, RSMo). Information pertaining to pending litigation involving this office (§ 610.021(1), RSMo). Information obtained in confidence or that uniquely describes stolen, lost, confiscated or recovered property. Any information that is otherwise privileged or restricted under state or federal law.



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# Court Appearance and Subpoenas

## 348.1 PURPOSE AND SCOPE

This policy has been established to provide for the acceptance of subpoenas and court notices and to ensure that employees appear in court when requested and present a professional appearance.

### 348.1.1 DEFINITIONS

Definitions related to this policy include:

**On-call** - When an employee has appeared in court or is on-duty and has been told by a member of the court that the employee is free to leave the court or return to duty, subject to being available by telephone or pager.

**Standby** - When an employee receives a subpoena or court notice of a type that allows him/her to not appear in court but to remain available by telephone or pager so that the employee may be directed to appear in court within a reasonable amount of time.

**Trailing status** - When an employee remains on standby status for additional court sessions until notified otherwise.

**Mandatory appearance** - Subpoenas and court notices require an employee's physical appearance in the specified court at the specified time unless advised by the notice or issuing attorney otherwise. Failure to appear either intentionally or by negligence may result in disciplinary action.

## 348.2 COURT SUBPOENAS

Employees who receive subpoenas or court notices related to their employment with the Clay County Sheriff's Office are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed or properly notified. This policy applies to civil and criminal subpoenas and notices. Employees are expected to cooperate with the prosecution to ensure the successful conclusion of a case (Sup. Ct. Rule 26.02; § 491.120, RSMo).

### 348.2.1 SERVICE OF SUBPOENA OR DELIVERY OF COURT NOTICES

Service of a subpoena or court notice requiring the appearance of any employee in connection with a matter arising out of the employee's course and scope of official duties may be accomplished by reading in court or personal service on the employee unless the employee has signed a written admission or waiver of personal service.

### 348.2.2 VALID SUBPOENAS

No subpoena or court notice shall be accepted for an employee of the Clay County Sheriff's Office unless it has been properly served and verified to have originated from a recognized legal authority.

### 348.2.3 ACCEPTANCE OF SUBPOENA

(a) Only the employee named in a subpoena or the Sheriff's Office subpoena clerk shall be authorized to accept service of a subpoena. Any employee accepting a subpoena



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shall immediately provide a copy of the subpoena to the Sheriff's Office subpoena clerk. The subpoena clerk shall maintain a chronological log of all sheriff's office subpoenas and provide a copy of the subpoena to each involved employee.

(b) Once the subpoena clerk has accepted a subpoena on behalf of another employee they shall immediately consult with the appropriate Division Commander to check schedules to determine the availability of the named employee for the date listed on the subpoena.

(c) Once a subpoena has been received by the subpoena clerk a copy shall be promptly provided to the named employee.

### 348.2.4 REFUSAL OF SUBPOENA

Training, vacations and regularly scheduled days off are not valid reasons for refusing a subpoena or missing court. If, due to illness or injury, the named employee is unable to appear in court as directed by a previously served subpoena, the employee shall, as soon as reasonably possible, inform the subpoena clerk or the Shift/Unit Supervisor of the expected absence. It shall then be the responsibility of the subpoena clerk to notify the issuing authority of the employee's unavailability to appear.

In cases in which a government entity is not a party, if a subpoena is presented for service to an immediate supervisor or other authorized individual less than five working days prior to the date listed for an appearance, the supervisor or other authorized individual should tell the process server to serve directly to the named witness. If the named witness is not on-duty, the supervisor shall inform the process server of the next available date the witness will be on-duty.

### 348.2.5 COURT STANDBY

To facilitate court standby agreements, employees are required to provide and maintain current information on their address and telephone number with the Clay County Sheriff's Office. Employees are required to notify the Sheriff's Office within 24 hours of any change in residence address or home telephone number, and to provide an accurate and reasonably reliable means or method for contact.

If an employee on standby changes location during the day, the employee shall notify the subpoena clerk how he/she can be reached by telephone. Employees are required to remain on standby each day the case is trailing. In a criminal case, the prosecutor handling the case is the only person authorized to excuse an employee from standby status.

### 348.2.6 OFF-DUTY RELATED SUBPOENAS

Employees receiving valid subpoenas for off-duty actions not related to their employment with the Clay County Sheriff's Office shall comply with the requirements of the subpoena. Employees receiving these subpoenas are not compensated for their appearance. Arrangements for time off shall be coordinated through the immediate supervisor.

### 348.2.7 FAILURE TO APPEAR

Any employee who fails to comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court-imposed civil and/or criminal sanctions for contempt of court.



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## 348.3 CIVIL SUBPOENAS NOT INVOLVING A GOVERNMENT PARTY

The Sheriff's Office will compensate employees who appear in their official capacity on civil matters arising out of the employee's official duties. In such situations, the Sheriff's Office will also reimburse any employee for reasonable and necessary travel expenses.

Except when acting as a witness for a government party, the Sheriff's Office will receive reimbursement for the employee's compensation through the civil attorney of record who called the employee as a witness. Any reimbursement received directly by the employee shall be promptly turned over to the Sheriff's Office.

### 348.3.1 PROCEDURE

To ensure that the employee is able to appear when required, that the employee is compensated for such appearance, and to protect the sheriff's office's right to reimbursement, employees shall follow the established procedures for the receipt of a civil subpoena.

### 348.3.2 CIVIL SUBPOENA ACCEPTANCE

Subpoenas shall not be accepted in a civil action in which the employee or the Sheriff's Office is not a party without properly posted fees pursuant to applicable law (§ 491.130, RSMo; § 491.280.1, RSMo).

### 348.3.3 PARTY MUST DEPOSIT FUNDS

A private party in a civil action who seeks to subpoena an employee must deposit the statutory fee, if any, for each day's appearance before such subpoena will be accepted. Parties seeking to have the employee make multiple appearances must make an additional deposit in advance to include mileage reimbursement and per diem allowed by law (§ 491.130, RSMo; § 491.280.1, RSMo).

## 348.4 OVERTIME APPEARANCES

If the employee appears on his/her off-duty time, he/she will be compensated in accordance with the current Clay County Pay System.

## 348.5 COURTROOM PROTOCOL

Employees must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are scheduled to appear.

### 348.5.1 PREPARATION FOR TESTIMONY

Before the date of testifying, the subpoenaed employee shall request a copy of relevant reports and become familiar with their content in order to be prepared for court.

### 348.5.2 COURTROOM ATTIRE

Employees shall dress in uniform or business attire. Suitable business attire for men would consist of a coat, tie and dress pants. Suitable business attire for female employees would consist of a dress jacket, dress blouse and skirt or slacks.

## 348.6 COURTHOUSE DECORUM

Employees shall observe all rules of the court in which they are appearing, refrain from smoking or chewing gum in the courtroom and shall remain alert to changes in the assigned courtroom where their matter is to be heard.



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## 348.7 TESTIFYING AGAINST THE INTEREST OF THE STATE

Any member or employee who is subpoenaed to testify, who has agreed to testify or who anticipates testifying or providing information on behalf of or at the request of any party other than the State of Missouri, any county, city, other unit of government or any of its officers and employees in which any of those entities are parties, will notify his/her immediate supervisor without delay. The supervisor will then notify the Sheriff and the appropriate prosecuting attorney as may be indicated by the case. The Sheriff should determine if additional legal support is necessary.

This includes, but is not limited to, the following situations:

(a) Providing testimony or information for the defense in any criminal trial or proceeding

(b) Providing testimony or information for the plaintiff in a civil proceeding against any county, city, other unit of government or any government official or its officers and employees, including, but not limited to, personnel and/or disciplinary matters

(c) Providing testimony or information on behalf of or at the request of any party other than any county, city, other unit of government or any government official or its officers and employees, including, but not limited to, personnel and/or disciplinary matters



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# Reserve Deputies

## 350.1 PURPOSE AND SCOPE

The Clay County Sheriff's Office Reserve Unit was established to supplement and assist regular licensed sheriff's deputies in their duties. This unit provides volunteer professional and special function reserve deputies who can augment regular staffing levels.

### 350.1.1 DEFINITION

Definitions related to this policy include:

**Direct supervision** - Supervision in which the supervising deputy monitors the reserve deputy via two-way radio or radio scanner, and is available for voice communication and is able to respond and assist in a timely manner (11 CSR 75-13.010(1)(H)).

**Reserve deputy** - A person commissioned to work less than full-time in a law enforcement capacity who was either previously licensed by the Peace Officer Standards and Training (POST) Commission pursuant to § 590.040.1(3), RSMo or § 590.040.1(4), RSMo or who has completed required POST training (§ 590.040, RSMo).

## 350.2 SELECTION AND APPOINTMENT OF SHERIFF'S RESERVE DEPUTIES

The Clay County Sheriff's Office shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this office.

### 350.2.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures as licensed sheriff's deputies before appointment (§ 590.030, RSMo).

Before appointment as a reserve deputy, an applicant must have completed a Missouri POST-approved basic academy.

### 350.2.2 APPOINTMENT

Applicants who are selected for appointment as reserve deputies shall, on the recommendation of the Sheriff, be sworn in and take the Oath of Office as required for the position. Members of the reserve unit serve at the appointing authority's discretion.

A reserve deputy may not perform any law enforcement function without obtaining a valid peace officer license and commission (§ 590.020.1, RSMo).

### 350.2.3 COMPENSATION FOR SHERIFF'S RESERVE DEPUTIES

A reserve deputy may receive an hourly wage. Additional compensation for reserve deputies is provided as follows:

(a) All reserve deputy appointees are issued one set of uniforms and all designated attire and safety equipment. All property issued to the reserve deputy shall be returned to the Sheriff's Office upon termination or resignation.

(b) The Sheriff's Office may provide hospital and medical assistance to a member of the reserve force who sustains injury in the course of performing official duties.



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### 350.2.4 EMPLOYEES WORKING AS RESERVE DEPUTIES

Qualified employees of the Clay County Sheriff's Office, when authorized, may also serve as reserve deputies. However, the Sheriff's Office shall not utilize the services of a reserve in such a way that it would violate employment laws or labor agreements (e.g., a detention officer working as a reserve deputy for reduced or no pay). Therefore, the Reserve Coordinator should consult with the Human Resources Unit prior to an employee serving in a reserve capacity (29 CFR 553.30).

## 350.3 DUTIES OF RESERVE DEPUTIES

Reserve deputies assist regular deputies in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve deputies will usually be to augment the Field Operations Division. Reserve deputies may be assigned to other areas within the Sheriff's Office as needed.

### 350.3.1 POLICY COMPLIANCE

Sheriff's reserve deputies shall be required to adhere to all sheriff's office policies and procedures. A copy of the policies and procedures will be made available to each reserve deputy upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation or guideline in the Policy Manual refers to a licensed full-time deputy, it shall also apply to a licensed reserve deputy, unless by its nature it is inapplicable.

### 350.3.2 RESERVE DEPUTY ASSIGNMENTS

All reserve deputies will be assigned to duties by the Reserve Coordinator or the authorized designee.

### 350.3.3 RESERVE COORDINATOR

The Sheriff shall delegate the responsibility for administering the Reserve Deputy Program to a Reserve Coordinator.

The Reserve Coordinator shall have the responsibility of, but not be limited to:

(a) Assigning reserve personnel.

(b) Conducting reserve meetings.

(c) Establishing and maintaining a reserve call-out roster.

(d) Maintaining and ensuring performance evaluations are completed.

(e) Monitoring individual reserve deputy performance.

(f) Monitoring the overall Reserve Program.

(g) Maintaining liaison with other agency Reserve Coordinators.

## 350.4 FIELD TRAINING

All reserve deputies shall complete the same sheriff's office -specified field training program as regular deputies as described in the Training Policy.

### 350.4.1 TRAINING OFFICERS

Deputies of the Clay County Sheriff's Office who demonstrate a desire and ability to train reserve deputies may train reserve deputies during Phase II, subject to Shift/Unit Supervisor approval.



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### 350.4.2 PRIMARY TRAINING OFFICER

In completion of the required minimum training and licensing, reserve deputies may be assigned to a primary training officer. The primary training officer will be selected from members of the Field Training Officer (FTO) Committee. The reserve deputy will be assigned to work with his/her primary training officer during the first 160 hours of training. This time shall be known as the Primary Training Phase (Phase I).

### 350.4.3 FIELD TRAINING MANUAL

Each new reserve deputy will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as a deputy with the Clay County Sheriff's Office. The reserve deputy shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

### 350.4.4 COMPLETION OF THE PRIMARY TRAINING PHASE

At the completion of the Primary Training Phase, the primary training officer will meet with the Reserve Coordinator. The purpose of this meeting is to discuss the progress of the reserve deputy in training.

If the reserve deputy has progressed satisfactorily, he/she will then proceed to Phase II of the training. If he/she has not progressed satisfactorily, the Reserve Coordinator will determine the appropriate action to be taken.

### 350.4.5 SECONDARY TRAINING PHASE

The Secondary Training Phase (Phase II) shall consist of 100 hours of additional on-duty training. The reserve deputy will no longer be required to ride with his/her primary training officer. The reserve deputy may now ride with any deputy designated by the Shift/Unit Supervisor.

During Phase II of training, as with Phase I, the reserve deputy's performance will be closely monitored. In addition, rapid progress should continue toward the completion of the deputy's Field Training Manual. At the completion of Phase II training, the reserve deputy will return to his/her primary training officer for Phase III of the training.

### 350.4.6 THIRD TRAINING PHASE

Phase III of training shall consist of 24 hours of additional on-duty training. For this phase, the reserve deputy will return to his/her original primary training officer. The training officer will evaluate the reserve deputy for suitability to graduate from the formal training program.

At the completion of Phase III training, the primary training officer will meet with the Reserve Coordinator. Based upon the reserve deputy's evaluations, plus input from the primary training officer, the Reserve Coordinator shall decide if the reserve deputy has satisfactorily completed his/her formal training. If the reserve deputy has progressed satisfactorily, he/she will then graduate from the formal training process. If his/her progress is not satisfactory, the Reserve Coordinator will decide upon the appropriate action to be taken.

### 350.4.7 COMPLETION OF THE FORMAL TRAINING PROCESS

When a reserve deputy has satisfactorily completed all three phases of formal training, he/she will have had a minimum of 284 hours of on-duty training. He/she will no longer be required to ride with a reserve training officer.



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## 350.5 SUPERVISION

Reserve deputies perform some of the duties of a peace officer and when not licensed shall be under the direct supervision of a licensed peace officer (11 CSR 75-13.010).

### 350.5.1 RESERVE DEPUTY MEETINGS

All reserve deputy meetings will be scheduled and conducted by the Reserve Coordinator. All reserve deputies are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Reserve Coordinator.

### 350.5.2 IDENTIFICATION OF DEPUTIES

All reserve deputies will be issued a uniform badge and a Sheriff's Office identification card. The uniform badge shall be the same as that worn by a regular full-time deputy. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.

### 350.5.3 UNIFORM

Reserve deputies shall conform to all uniform regulation and appearance standards of the Clay County Sheriff's Office.

### 350.5.4 INVESTIGATIONS AND COMPLAINTS

If a reserve deputy has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator, at the discretion of the Field Operations Division Commander in compliance with the Personnel Complaints Policy.

Reserve deputies are considered at-will employees and may be removed from the reserve program at the discretion of the Sheriff or the Reserve Coordinator. Reserve deputies shall have no property interest in continued appointment. However, if a reserve deputy is removed for alleged misconduct, the reserve deputy will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Sheriff or authorized designee.

### 350.5.5 RESERVE DEPUTY EVALUATIONS

While in training, reserve deputies will be continuously evaluated using standardized daily and weekly observation reports. The reserve will be considered a trainee until all of the training phases have been completed. Reserve deputies having completed their field training will be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve deputy.

## 350.6 TRAINING REQUIREMENTS

Reserve deputies are required by the Clay County Sheriff's Office to meet the training requirements established by the Missouri POST Commission (§ 590.030.1, RSMo).

## 350.7 FIREARMS

Reserve deputies shall successfully complete sheriff's office-authorized training in the use of firearms. Their appointment must be approved by the Sheriff prior to being issued a sheriff's office firearm or otherwise acting as a deputy on behalf of the Clay County Sheriff's Office.



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Reserve deputies will be issued a duty firearm as specified in the Duty Firearms Policy. Any reserve deputy who is permitted to carry a firearm other than the assigned duty weapon or any optional firearm may do so only in compliance with the Duty Firearms Policy.

### 350.7.1 CONCEALED FIREARMS

An instance may arise where a reserve deputy is assigned to a plainclothes detail for his/her assigned tour of duty. Under these circumstances, the reserve deputy may be permitted to carry a weapon more suited to the assignment with the knowledge and approval of the supervisor in charge of the detail.

Any reserve deputy who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to sheriff's office standards. The weapon must be registered by the reserve deputy and be inspected and certified as fit for service by the Lead Firearms Instructor.

Before being allowed to carry any optional firearm during an assigned tour of duty, the reserve deputy shall have demonstrated his/her proficiency with such weapon.

### 350.7.2 RESERVE DEPUTY FIREARM TRAINING

Reserve deputies are required to maintain proficiency with firearms used in the course of their assignments. Reserve deputies shall comply with all requirements set forth by the POST Commission and all areas of the firearms proficiency section of the Policy Manual.

## 350.8 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.



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# Mutual Aid and Outside Agency Assistance

## 352.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to deputies when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

It is the policy of the Clay County Sheriff's Office to provide assistance whenever reasonably possible. Assistance shall be consistent with the applicable laws and policies of the sheriff's office when another law enforcement agency requests mutual aid or assistance with an arrest or detention of another person.

At the discretion of the Sheriff, the Clay County Sheriff's Office may:

(a) Provide assistance to other peace officers in the line of their duties and within the course of their employment.

(b) Exchange sheriff's office peace officers with peace officers of another agency on a temporary basis.

The Sheriff may also establish an agreement for reciprocal emergency law enforcement aid with another agency, including those of neighboring states, provided those agreements meet statutory requirements pursuant to §44.090.1, RSMo.

## 352.2 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from other agencies are received via radio transmission and are routed to the Shift/Unit Supervisor or an on-duty Commander for approval. Any such response to assist an outside agency should be considered for authorization pursuant to law or an established mutual aid plan.

When an authorized employee of an outside agency requests the assistance of the Clay County Sheriff's Office in taking a person into custody, available deputies shall respond and assist in making a lawful arrest. If a deputy receives a request in the field for assistance, that deputy shall notify a supervisor. Arrestees may be temporarily detained by the Clay County Sheriff's Office until arrangements for transportation are made by the outside agency. Only in exceptional circumstances will the Clay County Sheriff's Office provide transportation of arrestees to another agency's facilities.

When such assistance is rendered, a case number will be issued to report action taken by Clay County Sheriff's Office personnel.

## 352.3 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES

If assistance is needed from another agency, the employee requesting assistance shall first notify a supervisor of his/her intentions. The handling deputy or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting deputy should secure radio frequencies for use by all involved agencies so that communication can be coordinated as needed. If necessary, reasonable effort should



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be taken to provide radio equipment capable of communicating on the assigned frequency to any personnel who do not have compatible radios.

## 352.4 CRITICAL INCIDENT MUTUAL AID

State, regional or county agencies may be summoned to assist and coordinate emergency services, such as natural disasters, civil unrest, large crime scenes or accidents and hazardous or chemical spills. The Incident Commander is charged with making an immediate appraisal of the situation and its potential. Responders should:

- Establish scene management.
- Detect the presence of dangerous conditions or hazardous materials.
- Begin identification of dangerous conditions or hazardous materials (may use the Emergency Response Guidebook ERG 2008 by the U.S. Department of Transportation).
- Isolate the incident and identify zones of activity.
- Contain the incident without risking unnecessary exposure.
- Perform fire fighting, rescue, emergency medical and other critical life-saving response activities in accordance with the County Emergency Plan Manual.
- Begin evacuation or direct in-place sheltering.
- Consider personal protection/decontamination.
- Seek additional resources if the event exceeds, or is expected to exceed, the capability of local resources, including mutual aid and state or federal assistance. When requesting local, state or federal assistance, the Clay County Sheriff's Office should clarify whether it is requesting assistance only or complete scene management.

## 352.5 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants with contingent sharing requirements should be documented and updated as necessary by the Emergency Management Coordinator. The conditions relative to sharing, the training requirements connected to the use of the supplies and equipment, and those trained in the use of the supplies and equipment should be included in the documentation. Copies of the list should be provided to the Cooperative Communications Center and the Division Commanders to ensure proper use in compliance with agreements.



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# Registered Offender Information

## 356.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Clay County Sheriff's Office will address issues associated with certain offenders who are residing in the jurisdiction and how the Sheriff's Office will disseminate information and respond to public inquiries for information about registered offenders.

## 356.2 POLICY

It is the policy of the Clay County Sheriff's Office to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

## 356.3 REGISTRATION

The Judicial/Community Services Division Commander or their designee shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, a SORE (Sexual Offender Registration Enforcement) member assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Employees assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the SORE member shall ensure that the registration information is provided to the Missouri State Highway Patrol (MSHP) (§ 589.410, RSMo).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

### 356.3.1 CONTENTS OF REGISTRATION

The registration process should include completion of the offender registration form developed by the Missouri State Highway Patrol and a statement signed by the person registering that includes the (§ 589.407, RSMo):

(a) Name, Social Security number, telephone number, license plate number and a copy of a valid driver license and vehicle registration.

(b) Home address, place of employment and any school attended.

(c) Details regarding the underlying crime, including the victim's age and sex.

(d) Fingerprints, palm prints, photograph and a required DNA sample.

## 356.4 MONITORING OF REGISTERED OFFENDERS

The Judicial/Community Services Division Commander or their designee should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:



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(a) Efforts to confirm residence using an unobtrusive method such as an Internet search or drive-by of the declared residence.

(b) Review of information on the MSHP Sex Offender Registry website.

(c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to MSHP Sex Offender Registry.

The Judicial/Community Services Division Commander or their designee should also establish a procedure to routinely disseminate information regarding registered offenders to Clay County Sheriff's Office personnel, including timely updates regarding new or relocated registrants.

## 356.5 DISSEMINATION OF PUBLIC INFORMATION

Employees will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Employees who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Sheriff if warranted. A determination will be made by the Sheriff, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on registrants should be directed to the MSHP Sex Offender Registry at http://www.mshp.dps.missouri.gov/MSHPWeb/PatrolDivisions/CRID/SOR/SORPage.html or the Clay County Sheriff's Office's website.

The SORE Unit supervisor shall release local registered offender information to residents in compliance with state law and the Missouri Sunshine Law (§ 589.417, RSMo). The SORE Unit supervisor shall also maintain, for all offenders registered in this county, a complete list of the names, addresses and crimes for which offenders are registered. This list shall be released upon request (§ 589.417, RSMo).

### 356.5.1 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

(a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.

(b) The information is provided as a public service and may not be current or accurate.

(c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.

(d) The crime for which a person is convicted may not accurately reflect the level of risk.

(e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.



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# Major Incident Notification

## 358.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Clay County Sheriff's Office in determining when, how and to whom notification of major incidents should be made.

## 358.2 POLICY

The Clay County Sheriff's Office recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of the sheriff's office to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

## 358.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Sheriff and the affected Division Commander or Commander On-Call. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Homicides, suspicious deaths or deaths related to law enforcement activity
- Traffic collisions with fatalities
- Officer-involved shooting, whether on- or off-duty (see Officer-Involved Shooting Policy for special notifications)
- Significant injury or death to an employee, whether on- or off-duty
- Death of a prominent Clay County Sheriff's Office official or Clay County Governmental Official
- Arrest of a sheriff's office employee or prominent Clay County Sheriff's Office official or Clay County Governmental Official
- Aircraft, train, boat or other transportation accidents with major damage and/or injury or death
- In-custody deaths
- Any other incident, which has or is likely to attract significant media attention

## 358.4 SHIFT/UNIT SUPERVISOR RESPONSIBILITIES

The Shift/Unit Supervisor is responsible for making the appropriate notification. The Shift/Unit Supervisor shall make reasonable attempts to obtain as much information on the incident as possible before notification, and shall attempt to make the notification as soon as practicable. Notification should be made by using the call notification protocol posted in the Cooperative Communications Center.

### 358.4.1 STAFF NOTIFICATION

In the event an incident occurs as identified in the Minimum Criteria for Notification above, the Sheriff shall be notified along with the affected Division Commander and the Field Operations Division Commander if that division is providing assistance. After normal duty hours the notification process should begin with the Commander On-Call.



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### 358.4.2 INVESTIGATOR NOTIFICATION

If the incident requires that a deputy or investigator respond from home, the immediate supervisor of the appropriate detail shall be contacted.

### 358.4.3 SHIFT/UNIT SUPERVISOR NOTIFICATION

In the event of a traffic fatality or major injury, the Shift/Unit Supervisor shall be notified, who will then contact the appropriate investigator, unless the incident is being investigated by the Missouri State Highway Patrol. The Shift/Unit Supervisor will notify the Division Commander - Field Operations or the Commander On-Call.

### 358.4.4 MEDIA RELATIONS DEPUTY

After members of the staff have been notified, the Media Relations Deputy shall be called if it appears the media may have a significant interest in the incident.



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# Firearm Injury Reporting

## 359.1 PURPOSE AND SCOPE

Investigation of cases involving firearm injuries is important to the Clay County Sheriff's Office and the safety of the public. Some causes of firearm injuries may not be readily apparent and some cases differ substantially from what they appeared to be initially. The Clay County Sheriff's Office takes firearm injury investigations seriously and therefore employees must conduct thorough and complete investigations.

## 359.2 INVESTIGATION

All bullet wounds, gunshot wounds, powder burns or any other injury arising from, or caused by, the discharge of any gun, pistol or any other firearm reported to the Clay County Sheriff's Office shall be thoroughly investigated.

Employees investigating firearm injuries shall contact a supervisor as soon as reasonably possible to determine if further guidance or additional resources are necessary.

All reports or investigations under this section shall be forwarded by the Reports Unit to the appropriate county or state agency as required.

## 359.3 HUNTING OR SPORT SHOOTING INJURIES

When investigating a firearm injury, the handling employee shall determine the general cause of the wound, and upon determining that the wound was caused by an action connected with hunting or sport shooting, shall immediately conduct a detailed investigation into the facts surrounding the incident.

If requested, all reports or investigations under this section may be forwarded to the Missouri Department of Conservation or as allowed by law.



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# Death Investigation

## 360.1 PURPOSE AND SCOPE

The investigation of cases involving a death includes those ranging from natural causes to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appear to be initially. The thoroughness of death investigations to include evidence gathering and witness identification is paramount.

## 360.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Emergency Medical Services shall be called in all suspected death cases, unless the death is obvious (e.g., the person has been decapitated or the body is decomposed). Deputies are not authorized to pronounce death unless they are also a Medical Examiner, a Deputy Medical Examiner or an appointed Medical Examiner Investigator. A supervisor shall be notified in all death investigations.

### 360.2.1 MEDICAL EXAMINER REQUEST

The office of the Medical Examiner shall be called and provided with known facts concerning the time, place, manner and circumstances of the death involving any of the following circumstances (§ 58.720.1, RSMo; § 58.720.2, RSMo):

(a) Violence by homicide, suicide or accident

(b) From thermal, chemical, electrical or radiation injury

(c) From criminal abortion, including any situation where such abortion may have been self-induced

(d) From a disease which may be hazardous, contagious, may constitute a threat to the health of the general public or when a person dies

(e) When the death was sudden and happened to a person who was in good health

(f) Where no physician, chiropractor or accredited Christian Science practitioner is in attendance within the 36-hour period immediately preceding death

(g) While in the custody of law enforcement officials or while incarcerated in a public institution

(h) From external violence, unexplained cause or under suspicious circumstances

(i) When a death occurs outside a licensed health care facility and a member of the Clay County Sheriff's Office is the first official to learn of the death

### 360.2.2 SEARCHING DEAD BODIES

The Medical Examiner or an assistant and authorized investigators are generally the only persons that should move, handle or search a body. The Medical Examiner, with the permission of the Clay County Sheriff's Office, may take property, objects or articles found on the deceased or in the deceased's immediate vicinity that may be necessary for conducting an investigation to determine the identity of the deceased or the cause or manner of death.



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Should exigent circumstances indicate to a deputy that any other search of a known dead body is warranted prior to the arrival of the Medical Examiner, the investigating deputy should first obtain verbal consent from the Medical Examiner when practicable.

A deputy may make a reasonable search of an individual who it is reasonable to believe is dead, or near death, for the purpose of identification or for information identifying the individual as a donor. If a donor document is located, the Medical Examiner shall be promptly notified.

Whenever reasonably possible, a witness, preferably a relative of the deceased or a member of the household, should be requested to remain nearby the scene and available to the deputy pending the arrival of the Medical Examiner. The name and address of this person shall be included in the narrative of the death report.

Whenever personal effects are removed from the body of the deceased by the Medical Examiner, a receipt shall be obtained. This receipt shall be attached to the death report.

### 360.2.3 DEATH NOTIFICATION

When reasonably practicable, and if not handled by the Medical Examiner, notification to the next-of-kin of the deceased person shall be made, in person, by the deputy assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Medical Examiner may be requested to make the notification. The Medical Examiner needs to know if notification has been made. Assigned investigators/deputies may need to talk to the next-of-kin.

If a deceased person has been identified as a missing person, the Clay County Sheriff's Office shall attempt to locate family members and inform them of the death and location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports and properly retained.

### 360.2.4 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Medical Examiner arrives, the Medical Examiner will issue a John Doe" or "Jane Doe number for the report.

### 360.2.5 UNIDENTIFIED BODIES DATA ENTRY

As soon as reasonably possible, but no later than 30 working days after the date a death is reported to the Clay County Sheriff's Office, all available identifying features of the unidentified body, including dental records, fingerprints, any unusual physical characteristics and a description of clothing or personal belongings found on or with the body, should be forwarded to the appropriate agency for entry into the Missouri state database and the National Crime Information Center (NCIC) file.

### 360.2.6 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form. In addition, a deputy should complete an infant death investigation checklist during any unexplained infant death investigation.

### 360.2.7 SUSPECTED HOMICIDE

If the initially assigned deputy suspects that the death involves a homicide or other suspicious circumstances, the deputy shall take steps to protect the scene. The Field



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Operations Division Commander or On Call Commander shall be notified to determine the possible need for an investigator to respond to the scene for further immediate investigation.

If the on-scene supervisor, through consultation with the Investigation Unit supervisor, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

The assigned investigator investigating a homicide or a death under suspicious circumstances may, with the approval of his/her supervisor, request the Medical Examiner to conduct physical examinations and tests, and to provide a report.

### 360.2.8 EMPLOYMENT-RELATED DEATHS OR INJURIES

Any member of this agency who responds to and determines that a death, serious illness or serious injury has occurred as a result of an accident at or in connection with the victim's employment, may ensure that the regional Occupational Safety and Health Administration (OSHA) office is notified by telephone or teletype with all pertinent information.



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# Identity Theft

## 362.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

## 362.2 REPORTING

(a) Upon request from a victim, deputies shall complete a report for identity theft crimes occurring in the County, and for victims who either reside or are present in the County regardless of where the crime occurred (§ 570.222, RSMo).

(b) If the identity theft crime did not occur in the County or the victim is not a resident, the deputy may complete a courtesy report to be forwarded to the agency where the crime was committed or, if the location is unknown, to the victim's residence agency.

(c) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, deputies of the Clay County Sheriff's Office should investigate and report crimes occurring within this jurisdiction that have resulted from the original identity theft (e.g., the identity theft occurred elsewhere but the fraud, usage of services or receipt of goods were acquired or occurred in this jurisdiction).

(d) Deputies should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).

(e) Deputies should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and Department of Motor Vehicles) with all known report numbers.

(f) Following supervisory review and office processing, the initial report should be forwarded to the appropriate investigator for follow-up investigation, coordination with other agencies and prosecution as circumstances dictate.

## 362.3 PREVENTIVE MEASURES

The victim should be advised to place a security freeze on his/her consumer report with the three major credit bureaus. A victim may also access http://ago.mo.gov/publications/idtheft.htm for further information.

The victim may file an identity theft complaint with the Missouri Attorney General's Office, Consumer Protection Unit (http://ago.mo.gov/forms/idtheftcomplaintform.pdf).

## 362.4 INFORMATION

The victim should be encouraged to contact the Federal Trade Commission (FTC), which is responsible for receiving and processing complaints under the Identity Theft and Assumption Deterrence Act. The victim can contact the FTC online at http://www.ftc.gov/bcp/menus/consumer/data/idt.shtm or by telephone at 877-ID Theft (877-438-4338). Additional information may be found at the U.S. Department of Justice website, http://www.usdoj.gov, or a regional FBI division website.



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# Private Person's Arrests

## 364.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for handling private person's arrests and detentions made pursuant to Missouri law.

## 364.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

Deputies should use sound discretion in determining whether to advise an individual of the arrest process.

(a) When advising any individual regarding the right to make a private person's arrest, deputies should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest, as listed below.

(b) Private individuals should be discouraged from using force to effect a private person's arrest. Absent an immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

## 364.3 ARRESTS BY PRIVATE PERSONS

A private person may arrest another under the following circumstances (§ 563.051, RSMo):

(a) When directed by any peace officer to assist a peace officer

(b) When there is a reasonable belief that a crime that has been committed and the person to be arrested has committed the crime

## 364.4 DEPUTY RESPONSIBILITIES

Any deputy presented with a private person who has made a private person's arrest must determine whether there is reasonable cause to believe that such an arrest would be lawful.

(a) Should any deputy determine that there is no reasonable cause to believe that a private person's arrest is lawful, the deputy should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, to determine the lawfulness of the arrest and protect the public safety.

1. Any deputy who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The deputy must include the basis of such a determination in a related report.
2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the deputy, the deputy should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

(b) Whenever a deputy determines that there is reasonable cause to believe that a private person's arrest is lawful, the deputy may exercise any of the following options:

1. Take the individual into physical custody for booking.
2. Release the individual upon a misdemeanor citation or pending formal charges.



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## 364.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a Intent to Prosecute Form. If the person fails or refuses to do so, the arrested subject shall be released unless the deputy has an independent reason to take the person into custody.

In addition to the Intent to Prosecute Form (and any other related documents, such as citations and booking forms), deputies shall complete a narrative report regarding the circumstances and disposition of the incident.



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# Limited English Proficiency Services

## 368.1 PURPOSE AND SCOPE

Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency (LEP) from gaining meaningful access to, or an understanding of important rights, obligations and services. It is the policy of the Clay County Sheriff's Office to take all reasonable steps to ensure timely and equal access to all individuals, regardless of national origin or primary language (Title VI of the Civil Rights Act of 1964; § 601; 42 USC § 2000 d).

### 368.1.1 DEFINITIONS

Definitions related to this policy include:

**Authorized interpreter** - An employee of the Clay County Sheriff's Office who is bilingual and has successfully completed sheriff's office-prescribed interpreter training and is authorized to act as an interpreter or translator.

**Bilingual** - The ability to communicate in two languages fluently, including the ability to communicate technical and law enforcement terminology. Bilingual includes a variety of skill levels. For example, some bilingual individuals may be fluent enough to engage in direct communication in a non-English language but insufficiently fluent to interpret or translate from one language into another. A bilingual individual, depending on his/her skill level, could be utilized to communicate fluently in a non-English language but not to interpret between two languages if he/she does not possess the necessary specialized skills. To be utilized to interpret or translate from one language into another, an individual must possess the skill, training and demonstrated competence. For purposes of this policy, employees, in order to be identified as bilingual, must initially and periodically demonstrate, through a procedure to be established by the Sheriff's Office, the level of skill and competence such that the Sheriff's Office is able to determine the purposes for which an employee's language skills may be used.

**Interpretation** - The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

**Limited English Proficient (LEP)** - Designates individuals whose primary language is not English and who have a limited ability to read, write, speak or understand English. LEP individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

**Translation** - The replacement of written text from one language (source language) into an equivalent written text (target language).

**Qualified interpreter** - An impartial and unbiased person able to render a complete and accurate interpretation or translation of spoken and written English for non-English speaking persons and of non-English oral or written statements into spoken English (§ 476.800(4), RSMo).



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## 368.2 FOUR-FACTOR ANALYSIS

Since there are potentially hundreds of languages Sheriff's Office personnel could encounter, the Sheriff's Office will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) LEP *Guidance to Federal Financial Assistance Recipients* available at the DOJ website, http://www.lep.gov/resources/resources.html, in determining which measures will provide reasonable and meaningful access to various rights, obligations, services and programs to everyone. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis must remain flexible and requires an ongoing balance of the following four factors:

(a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by sheriff's office personnel, or who may benefit from programs or services within the jurisdiction of the Sheriff's Office or a particular geographic area.

(b) The frequency with which LEP individuals are likely to come in contact with sheriff's office personnel, programs or services.

(c) The nature and importance of the contact, program, information or service provided.

(d) The cost of providing LEP assistance and the resources available.

As indicated above, the intent of this analysis is to create a balance that reasonably ensures meaningful access by LEP individuals to critical services, while not imposing undue burdens on the Sheriff's Office or its personnel.

While the Clay County Sheriff's Office will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right, the above analysis will be utilized to determine the availability and level of assistance provided to any LEP individual or group.

### 368.2.1 IDENTIFICATION OF LEP INDIVIDUAL'S LANGUAGE

The Sheriff's Office will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language in an effort to avoid mistakes when identifying a language.

## 368.3 TYPES OF LEP ASSISTANCE AVAILABLE

Depending on the balance of the four factors, the Clay County Sheriff's Office will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services, where reasonably available. LEP individuals may elect to accept interpreter services offered by the Sheriff's Office at no cost or choose to provide their own interpreter services at their own expense.

Sheriff's Office personnel should document in any related report whether the LEP individual elected to use interpreter services provided by the Sheriff's Office or some other source. Sheriff's Office-provided interpreter services may include, but are not limited to, the assistance methods described in this section.

### 368.3.1 BILINGUAL STAFF

Personnel utilized for LEP services need not be certified as interpreters but must have demonstrated, through established sheriff's office procedures, a level of competence to ascertain whether his/her language skills are best suited to monolingual communication, interpretation, translation, or all or none of these functions.



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All personnel used for communication with LEP individuals must demonstrate knowledge of the functions of an interpreter and the ethical issues involved when acting as a language conduit. In addition, employees who serve as interpreters and/or translators must have demonstrated competence in both English and the non-English language. When bilingual personnel from the sheriff's office are not available, personnel from other County departments who have the requisite training may be used.

### 368.3.2 WRITTEN FORMS AND GUIDELINES

The Clay County Sheriff's Office will determine the most frequently used and critical forms and guidelines, and translate these documents into the languages most likely to be requested. The Sheriff's Office will make these translated forms available to sheriff's office personnel and other appropriate individuals.

### 368.3.3 AUDIO RECORDINGS

The Clay County Sheriff's Office may develop audio recordings of information that is either important to or frequently requested by LEP individuals for broadcast in a language most likely to be understood by involved LEP individuals.

### 368.3.4 TELEPHONE INTERPRETER SERVICES

The Shift/Unit Supervisor and the Communications Supervisor will maintain a list of qualified interpreter services. These services shall be available, with the approval of a supervisor, to assist personnel in communicating with LEP individuals via official cellular telephones.

### 368.3.5 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF INTERPRETATION

Where competent bilingual sheriff's office personnel or other County-certified staff are unavailable to assist, responsible members of the community who have demonstrated competence in either monolingual (direct) communication and/or in interpretation and translation (as noted above) may be called upon to assist in communication efforts. Sources for these individuals may include neighboring law enforcement agencies, university language and linguistics departments, local businesses, banks, churches, neighborhood leaders and school officials. Sheriff's Office personnel should ensure that community members are able to provide unbiased assistance. The nature of the contact and relationship between the LEP individual and the individual offering services must be carefully considered (e.g., victim/suspect).

Except for exigent or very informal and non-confrontational circumstances, the use of an LEP individual's bilingual friends or family members, particularly children, is generally not recommended. Sheriff's Office personnel shall make case-by-case determinations on the appropriateness of using such individuals (for further guidance, see Section V(3) of the DOJ Final Guidance available at the DOJ website).

## 368.4 LEP CONTACT SITUATIONS AND REPORTING

While all law enforcement contacts, services and individual rights are important, the Clay County Sheriff's Office will utilize the four-factor analysis to prioritize language services so that these services may be targeted where they are most needed. A supervisor should be informed of any service requests other than those provided by the Sheriff's Office.

Whenever any member of the sheriff's office is required to complete a report or when other documentation and interpretation or translation services are provided to any involved LEP individual, such services should be noted in the related report.



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### 368.4.1 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

In order to provide LEP individuals with meaningful access to law enforcement services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, the Clay County Sheriff's Office has designated its 9-1-1 lines as its top priority for language services. Sheriff's Office personnel will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines through any or all of the above resources.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals who are seeking routine access to services and information by utilizing the resources listed in this policy.

### 368.4.2 EMERGENCY CALLS TO 9-1-1

When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker should quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in the the Cooperative Communications Center, the call-taker should immediately connect the LEP caller to the interpreter.

If an appropriate authorized interpreter is not available, the call-taker will promptly connect the LEP caller to the contracted telephonic interpretation service directly for assistance in completing the call. Dispatchers will make every reasonable effort to dispatch a bilingual deputy to the assignment if one is available.

The Clay County Sheriff's Office will take reasonable steps and will work with the Human Resources Unit to hire and develop in-house language capacity in the Cooperative Communications Center by hiring qualified personnel with specific language skills.

### 368.4.3 FIELD ENFORCEMENT AND INVESTIGATIONS

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and protective orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Sheriff's Office personnel must assess each situation to determine the need and availability for translation services and utilize the methods outlined in this policy to provide appropriate language assistance.

Although not every situation can be addressed in this policy, it is important that sheriff's office personnel are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with an LEP individual. For example, it would be meaningless to request consent to search if the person requesting is unable to effectively communicate with an LEP individual.

### 368.4.4 INVESTIGATIVE INTERVIEWS

In any situation where the translation of an interview may contain information that might be used in a criminal trial, it is important to take certain steps to improve the chances of admissibility. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so the person can be subpoenaed for trial if necessary.



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Any person selected as an interpreter and/or translator must have demonstrated competence in both English and the non-English language involved and knowledge of the functions of an interpreter that allow for correct and effective translation, and should not be a person with an interest in the case. The person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation to the court.

### 368.4.5 CUSTODIAL INTERROGATIONS AND BOOKINGS

In an effort to ensure the rights of LEP individuals are protected during arrest and custodial interrogation, the Clay County Sheriff's Office places a high priority on providing competent interpretation during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, personnel providing interpretation services or translated forms in these situations will have demonstrated competence in interpretation/translation and make every reasonable effort to accurately interpret/translate all communications with LEP individuals.

To ensure that translations during criminal investigations are documented accurately and are admissible as evidence, audio recordings of interrogations, victim interviews and witness interviews should be used whenever reasonably possible.

Employees providing interpretation or translation services shall also be aware of the inherent communication impediments to gathering information from the LEP individual throughout the booking process or any other situation in which an LEP individual is under the control of sheriff's office personnel. Medical screening questions are commonly used to elicit information on an individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, symptoms of withdrawal from certain medications or the need to segregate the arrestee from other prisoners. Therefore it is important for members of the sheriff's office to make every reasonable effort to provide effective language services in these situations.

### 368.4.6 COMPLAINTS

The Clay County Sheriff's Office shall ensure access to LEP persons who wish to file a complaint regarding the discharge of sheriff's office duties. The Sheriff's Office may do so by providing interpretation assistance or translated forms to such individuals. If the Sheriff's Office responds to complaints filed by LEP individuals, the Sheriff's Office shall attempt to communicate its response in an accessible manner.

### 368.4.7 COMMUNITY OUTREACH

Community outreach programs and other such services offered by the sheriff's office have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. The sheriff's office will continue to work with community groups, local businesses and neighborhoods to provide equal access to programs and services to LEP individuals and groups.

## 368.5 TRAINING

To ensure that all personnel who have contact with the public or with those in custody are properly trained, the Clay County Sheriff's Office will provide periodic training on LEP policies and procedures, including how to access sheriff's office-authorized, telephonic and in-person interpreters and other available resources.



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The Training Coordinator shall be responsible for ensuring all new personnel receive LEP training and that all personnel receive refresher training at least once every two years thereafter. The Training Coordinator shall maintain records of all LEP training provided, with a copy in each member's training file, in accordance with established records retention schedules.

## 368.6 INTERPRETERS AND TRANSLATORS

Sheriff's Office personnel who are called upon to interpret, translate or provide other language assistance will be trained annually on language skills competency, including specialized terminology and ethical considerations.

(a) Assessment: The Clay County Sheriff's Office personnel who are identified as bilingual and are willing to act as authorized interpreters will have their language skills assessed by a professional interpreter using a structured assessment tool established by the Training Coordinator. Personnel found proficient in interpreting into and from the target language will be placed conditionally on the authorized interpreters list.

(b) Training: All personnel conditionally placed on the authorized interpreter list must successfully complete the prescribed interpreter training within one year. After successful completion of interpreter training, the individual will be unconditionally placed on the authorized interpreter list. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and the ability to communicate information accurately in both English and in the target language; demonstrate knowledge in both languages of any specialized terms or phraseology used by the LEP person; and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(c) Refresher course for authorized interpreters: Personnel who have been unconditionally placed on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. The Training Coordinator shall be responsible for coordinating the annual refresher training and will maintain a record of training that the interpreters have received.

The LEP coordinator will ensure that the authorized interpreters list is current and forwarded to the Cooperative Communications Center.

## 368.7 SUPPLEMENTAL MATERIALS PROVIDED TO SHERIFF'S OFFICE EMPLOYEES

The following materials will be made available to employees to assist in providing access and service to LEP individuals:

(a) A list of sheriff's office bilingual employees, languages spoken and contact and shift information

(b) A list of sheriff's office-certified interpretation services, bilingual interpreters, languages spoken and contact and availability information

(c) The telephone number and access code of telephonic interpretation services

(d) Language identification cards

(e) Translated *Miranda* warning cards and other frequently used documents

(f) Audio recordings/warnings that are developed in non-English languages



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## 368.8 MONITORING AND UPDATING LANGUAGE ASSISTANCE EFFORTS

### 368.8.1 LEP COORDINATOR

The Sheriff will appoint an LEP coordinator who is responsible for coordinating and implementing all aspects of the Clay County Sheriff's Office services to LEP individuals.

The LEP coordinator shall assess demographic data, review the utilization data obtained from the contracted language access services, and consult with community-based organizations annually to determine if there are additional languages into which vital documents should be translated.

The LEP coordinator will also be responsible for annually reviewing all new documents issued by the Clay County Sheriff's Office to assess whether they should be considered vital documents and be translated.



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# Hearing Impaired/Disabled Communications

## 370.1 PURPOSE AND SCOPE

Individuals who suffer from deafness, hearing impairment, blindness, impaired vision, mental or other disabilities may encounter difficulties in gaining meaningful access to, or an understanding of important rights, obligations and services. In accordance with the Americans with Disabilities Act (ADA), it is the policy of the Clay County Sheriff's Office to take all reasonable steps to accommodate such individuals in any law enforcement contact.

### 370.1.1 DEFINITIONS

Definitions related to this policy include (§ 476.750, RSMo):

**Deaf person** - A person who, because of a hearing loss, is not able to discriminate speech when spoken in a normal conversational tone regardless of the use of amplification devices.

**Qualified interpreter** - An individual certified and licensed by the Missouri interpreter certification system or deemed competent by the Missouri commission for the deaf and hard of hearing, who is able to interpret effectively, accurately and impartially.

## 370.2 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, employees of the Clay County Sheriff's Office should consider all information reasonably available to them when determining how to communicate with an individual suffering from any disability. These factors may include, but are not limited to:

(a) The extent to which a disability is obvious or otherwise made known to the involved employee. Impaired or disabled individuals may be reluctant to acknowledge their condition and may even feign a complete understanding of a communication, despite actual confusion.

(b) The nature of the disability (e.g., total deafness or blindness vs. impairment).

(c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual).

(d) The availability of resources to aid in communications.

When considering these and other available information, the involved employee should carefully balance all factors in an effort to reasonably ensure meaningful access to critical services, while not imposing undue burdens on the Sheriff's Office or its employee's.

### 370.2.1 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, employees should be alert to the possibility of communication problems. They should exercise special care in the use of all gestures and verbal and written communication to minimize initial confusion or misunderstanding when dealing with any individual with known or suspected disabilities or communication impairments.



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## 370.3 TYPES OF ASSISTANCE AVAILABLE

Depending on the balance of the factors available for consideration at the time, the Clay County Sheriff's Office will make every reasonable effort to provide meaningful and timely assistance to disabled individuals through a variety of services, where available. Disabled individuals may elect to accept such assistance at no cost, choose to provide their own communication services at their own expense or any combination thereof. In any situation, the individual's choice of a communication method shall be given primary consideration and shall be honored unless the employee can adequately demonstrate that a more effective method of communication exists under the circumstances.

Employees should document the type of communication utilized in any related report and whether a disabled or impaired individual elected to use services provided by the Sheriff's Office or some other identified source. Sheriff's Office provided services may include, but are not limited to, the following.

### 370.3.1 FIELD RESOURCES

Individual deputies and employees are encouraged to utilize resources immediately available to them in any contact with a known or suspected disabled or impaired person. Examples of this would include such simple methods as:

(a) Hand gestures or written communications exchanged between the employee and a deaf or hearing-impaired individual.

(b) Facing an individual who uses lip reading and speaking slowly and clearly.

(c) Slowly and clearly speaking or reading simple terms to any visually or mentally impaired individual.

### 370.3.2 AUDIO RECORDINGS AND ENLARGED PRINT

From time to time, the Sheriff's Office may develop audio recordings of important information needed by blind or visually impaired individuals. In the absence of such audio recordings, employees may elect to read aloud a sheriff's office form or document, such as a citizen complaint form to a visually impaired individual, or utilize a photocopier to enlarge printed forms for a visually impaired individual.

### 370.3.3 TELEPHONE INTERPRETER SERVICES

The Cooperative Communications Center Supervisor will maintain a list of qualified interpreter services to be contacted at sheriff's office expense and upon the approval of a supervisor, to assist deaf or hearing-impaired individuals. When utilized, notification to such interpreters shall be made at the earliest reasonable opportunity. The interpreter should be available to respond within a reasonable time, generally not to exceed three hours.

### 370.3.4 TTY AND RELAY SERVICES

Individuals who are deaf or hearing-impaired must be given the opportunity to use available text telephones (TTY or TDD). All calls placed by such individuals through such services shall be accepted by the Clay County Sheriff's Office.

### 370.3.5 COMMUNITY VOLUNTEERS

Depending on the circumstances, location and availability, responsible members of the community may be available to provide qualified interpreter services, such as those who are proficient in American Sign Language (ASL). Sources for these individuals may include



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local businesses, banks, churches, neighborhood leaders and school officials. In addition to sources that may be developed by individual deputies, the Sheriff's Office will attempt to maintain and update a list of qualified community volunteers who may be available to respond within a reasonable time.

### 370.3.6 FAMILY AND FRIENDS OF DISABLED OR IMPAIRED INDIVIDUAL

While family and friends of a disabled or impaired individual may frequently offer to assist with interpretation, employees should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in emergency or critical situations. Further, the nature of the contact and relationship between the disabled individual and the individual offering services must be carefully considered (e.g., victim/suspect).

## 370.4 CONTACT SITUATIONS AND REPORTING

While all contacts, services and individual rights are important, the Clay County Sheriff's Office will carefully consider reasonably available information in an effort to prioritize services to disabled and impaired individuals so that such services and resources may be targeted where they are most needed because of the nature and importance of the particular law enforcement activity involved.

Whenever any member of the sheriff's office is otherwise required to complete a report or other documentation, and communication assistance is provided to any involved disabled or impaired individual, such services should be noted in the related report.

### 370.4.1 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

To provide disabled and impaired individuals with meaningful access to law enforcement services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, the Clay County Sheriff's Office has designated its 9-1-1 lines as its top priority for assistance with such services. Sheriff's Office personnel will make every reasonable effort to promptly accommodate disabled and impaired individuals utilizing 9-1-1 lines through any or all of the above resources.

While 9-1-1 calls shall receive top priority, it is also important that reasonable efforts be made to accommodate disabled and impaired individuals seeking more routine access to services and information from the sheriff's office.

### 370.4.2 CUSTODIAL INTERROGATIONS AND BOOKINGS

To ensure that the rights of all disabled and impaired individuals are protected during arrest and custodial interrogation, the Clay County Sheriff's Office places a high priority on providing reasonable communication assistance during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, personnel providing communication assistance in these situations will make every reasonable effort to accurately and effectively communicate with disabled or impaired individuals.

Employees providing such assistance shall also be aware of the inherent impediments to gathering information from disabled or impaired individuals throughout the booking process or any other situation in which a disabled or impaired individual is under the control of sheriff's office personnel. Medical screening questions are commonly used to elicit information regarding an individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, symptoms of withdrawal from certain medications or the need to segregate the arrestee from other prisoners. It is important for the Clay



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County Sheriff's Office to make every reasonable effort to provide effective communication assistance in these situations.

(a) Individuals who require communication aids (e.g., hearing aids) should be permitted to retain such devices while in custody.

(b) While it may present officer safety or other logistical problems to allow a physically disabled individual to retain devices, such as a wheelchair or crutches during a custodial situation, the removal of such items will require that other reasonable accommodations be made to assist such individuals with access to all necessary services.

(c) Whenever a deaf or hearing-impaired individual is detained or arrested and placed in handcuffs, deputies/detention officers should consider, safety permitting, placing the handcuffs in front of the body to allow the individual to sign or write notes.

### 370.4.3 FIELD ENFORCEMENT AND INVESTIGATIONS

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and protective orders, crowd/traffic control and other routine field contacts that may involve disabled or impaired individuals. The scope and nature of these activities and contacts will inevitably vary. The Sheriff's Office recognizes that it would be virtually impossible to provide immediate access to complete communication services to every deputy in the field. Each deputy and/or supervisor must assess each situation to determine the need and availability of communication assistance to any and all involved disabled or impaired individuals.

Although not every situation can be addressed within this policy, it is important that employees are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the deputy is unable to effectively communicate with a deaf individual.

### 370.4.4 COMMUNITY OUTREACH

Community outreach programs and other such services offered by the sheriff's office have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. As such, the sheriff's office will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services to disabled individuals and groups.

## 370.5 TRAINING

To ensure that all personnel who have contact with the public or with those in custody are properly trained, the sheriff's office will provide periodic training, including:

(a) Employee awareness of related policies, procedures, forms and available resources.

(b) Working effectively with in-person and telephone interpreters and related equipment.

(c) Awareness and understanding of the importance of this policy to ensure its implementation. This training will be geared toward the management staff, even if they may not interact regularly with disabled individuals.



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# Developmentally Disabled Persons

## 371.1 PURPOSE AND SCOPE

Persons afflicted with developmental disabilities are limited in their ability to effectively communicate, interact with others, and make reasoned decisions on their own. This can make interactions with such persons difficult in all encounters and may result in inappropriate or counterproductive law enforcement actions if deputies are not prepared to recognize and deal with symptomatic behaviors and reactions of such persons. Therefore, it is the policy of the Clay County Sheriff's Office that personnel understand the symptomatic behavior of such persons and be prepared to deal with them in a manner that will best serve their needs and the Clay County Sheriff's Office mission

## 371.2 GENERAL PROVISIONS

A Developmental Disability is a potentially severe, chronic disability attributable to a physical or mental impairment or combination of impairments, resulting in substantial functional limitations to major life activities such as understanding and expression of language, learning, mobility, self-direction, self-care, capacity for independent living, and economic self-sufficiency. Developmental disabilities, (such as those experienced by persons who have developmental delays, autism, or Tourette's syndrome) are not the same as and should not be confused with forms of mental illness such as schizophrenia or the more common mood disorders.

There are numerous forms of developmental disabilities and many of the persons who have such disabilities have other related but distinct disorders as well. *Although Clay County Sheriff's Office personnel are not in a position to diagnose persons with such disabilities, they should be alert to the symptoms that are suggestive of such disorders.* These include but are not limited to the following symptoms in various combinations and degrees of severity:

- Difficulty communicating and expressing oneself or communication by gestures rather than words
- Repetitive body movements or phrases
- Little or no eye contact and/or apparent aversion to touch, loud noise, bright lights, and commotion
- Tendency to show distress, laugh, or cry for no apparent reason
- Uneven motor skills or over/under sensitivity to pain
- Unresponsiveness to verbal commands; appearance of being deaf even though hearing is normal
- No real fear of danger or the display of self-injurious behavior

Deputies may encounter persons who have developmental disabilities in a variety of situations commonly involving persons without such disabilities. However, due to the nature of developmental disabilities, the following are some of the most common situations in which such persons may be encountered:

- **Wandering** - Developmentally delayed, autistic, or other developmentally disabled persons sometimes evade their parents, supervisor, caregiver, or institutional setting



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and may be found wandering aimlessly or engaged in repetitive or bizarre behavior in public places or stores.

- **Seizures** - Some developmentally disabled persons, such as those suffering from autism, are more subject to seizures and may be encountered by deputies in response to a medical emergency.
- **Disturbances** - Disturbances may develop and a caregiver may be unable to maintain control of the disabled person who is engaging in self-destructive behavior or a tantrum.
- **Strange and bizarre behavior** - Strange or bizarre behavior may take innumerable forms prompting calls for service, such as picking up items in stores (e.g., perceived shoplifting), repetitive and seemingly nonsensical motions and actions in public places, inappropriate laughing or crying, and personal endangerment.
- **Offensive or suspicious persons** - Socially inappropriate or unacceptable acts, such as ignorance of personal space, annoyance of others, or inappropriate touching of others or oneself, are sometimes associated with the developmentally disabled who often are not conscious of acceptable social behavior.

## 371.3 HANDLING AND DEESCALATING ENCOUNTERS

Some persons with developmental disabilities can be easily upset and may engage in tantrums or self-destructive behavior or may become aggressive. Fear, frustration, and minor changes in their daily routines and surroundings may trigger such behavior. Therefore, deputies should take measures to prevent such reactions and deescalate situations involving such persons in the course of taking enforcement and related actions. These include the following:

- **Speak calmly; use nonthreatening body language**. Using a stern, loud, command tone to gain compliance will have either no effect or a negative effect on a developmentally disabled person. Use nonthreatening body language; keep your voice calm and your hands to your sides. Be aware that such persons may not understand the Miranda warning even if they say they do.
- **Keep the commotion down**. Eliminate, to the degree possible, loud sounds, bright lights, and other sources of over stimulation. Turn off sirens and flashers, ask others to move away, or, if possible, move the developmentally disabled person to more peaceful surroundings.
- **Keep animals away**. Keep canines in the patrol vehicle and preferably away from the area, and ensure that other dogs are removed.
- **Look for personal identification**. Look for medical ID tags on wrists, neck, shoes, belt, or other apparel. Some persons carry a card noting that they are developmentally disabled and possibly nonverbal. That card should also provide a contact name and telephone number.
- **Call the contact person or caregiver**. The person's caregiver or institutional or group home worker is an deputy's best resource for specific advice on calming the person and ensuring the safety of the person and the deputy until the contact person arrives on the scene.
- **Prepare for a potentially long encounter**. Dealings with such a person cannot be rushed unless there is an emergency situation. De-escalation of the situation using calming communication techniques can take time, and deputies should inform their dispatcher or supervisor or both that this might be the case if circumstances dictate.



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- **Repeat short, direct phrases in a calm voice**. For example, rather than saying "Let's go over to my car where we can talk," simply repeat "Come here," while pointing until the person's attention and compliance is obtained. Gaining eye contact in this and related situations is essential. Be direct by repeating, "Look at me," while pointing to the person's eyes and yours.
- **Be attentive to sensory impairments**. Many persons who have autism have sensory impairments that make it difficult for them to process incoming sensory information properly. For example, some may experience buzzing or humming in their ears that makes it difficult for them to hear.
- **Be aware of different forms of communication**. Some developmentally disabled persons carry a book of universal communication icons. Pointing to one or more of these icons will allow these persons to communicate where they live, their mother's or father's name, address, or what he or she may want. Those with communication difficulties may also demonstrate limited speaking capabilities, at times incorrectly using words such as "You" when they mean "I."
- **Don't get angry at antisocial behaviors**. For example, when asked a simple question like "Are you all right?" the person may scream, "I'm fine!" Many such persons don't understand that this is not appropriate.
- **Maintain a safe distance**. Provide the person with a zone of comfort that will also serve as a buffer for deputy safety.

Should a deputy identify a sensory impairment, he or she should take precautions to avoid exacerbating the situation:

- **Don't touch the person**. Unless the person is in an emergency situation (e.g., has been seriously injured or is in imminent peril), speak with the person quietly and in a nonthreatening manner to gain compliance.
- **Use soft gestures**. When asking the person to do something, such as look at you, speak and gesture softly. Avoid abrupt movements or actions.
- **Use direct and simple language**. Slang and expressions (e.g., "spread 'em") have little or no meaning to such persons. Normally, they will understand only the simplest and most direct language (e.g., come, sit, stand).
- **Don't interpret odd behavior as belligerent**. In a tense or even unfamiliar situation, these persons will tend to shut down and close off unwelcome stimuli. This behavior is a protective mechanism for dealing with troubling or frightening situations. Don't stop the person from repetitive behavior unless it is harmful to him or her or others.

## 371.4 TAKING PERSONS INTO CUSTODY

Taking custody of a developmentally disabled person should be avoided when reasonably possible as it will invariably initiate a severe anxiety response and escalate the situation. Therefore, in minor offense situations, deputies shall explain the circumstances to the complainant and request that alternative means be taken to remedy the situation. This normally will involve release of the person to an authorized caregiver. In more serious offense situations or where alternatives to arrest are not permissible, deputies should observe the following guidelines:

- Contact a supervisor for advice.
- Avoid the use of handcuffs and other restraints unless unavoidable. If it is safe to do so, provide the person with any comfort items that may have been in his or her possession at the time of arrest (e.g., toys, blankets).



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- Summon the person's caregiver to accompany the person and to assist in the calming and intervention process. If a caregiver is not readily available, summon a mental health crisis intervention worker if available.
- Employ calming and reassuring language and de-escalation protocols provided in this policy.
- Do not incarcerate the person in a lockup or other holding cell if reasonably possible. Do not incarcerate the person in a cell or holding area with others.
- If reasonably possible, put the person in a quiet room with subdued lighting with a caregiver or other responsible individual or another deputy who has experience in dealing with such persons, until other arrangements can be made.

## 371.5 INTERVIEWS AND INTERROGATIONS

Deputies conducting interviews or interrogations of a person who is, or who is suspected of being, developmentally disabled should consult with a mental health professional and the prosecuting attorney's office to determine whether the person is competent to understand his or her rights to remain silent and to have an attorney present. If deputies interview such persons as suspects, victims, or witnesses, deputies should observe the following in order to obtain valid information:

- Do not interpret lack of eye contact and strange actions or responses as indications of deceit, deception, or evasion of questions.
- Use simple, straightforward questions.
- Do not employ common interrogation techniques, suggest answers, recognizing that developmentally disabled persons are easily manipulated and may be highly suggestible.



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# School Employee Arrest Reporting

## 372.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the procedures to follow when a public or private school employee, teacher or non-teacher, has been arrested under certain circumstances.

## 372.2 SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested for any controlled substance offense, a felony involving mortal turpitude, child abuse or sexual abuse, the Sheriff or the authorized designee should report the arrest as follows:

### 372.2.1 ARREST OF A PUBLIC SCHOOL TEACHER

Upon arrest for one of the above crimes, the Sheriff or the authorized designee may notify by telephone the superintendent of the school district employing the teacher and give written notice of the arrest to the superintendent of schools in the county where the person is employed.

### 372.2.2 ARREST OF A PUBLIC SCHOOL NON-TEACHER EMPLOYEE

Upon arrest for one of the above crimes, the Sheriff or the authorized designee may notify by telephone the superintendent of the school district employing the non-teacher and give written notice of the arrest to the governing board of the school district employing the person.

### 372.2.3 ARREST OF A PRIVATE SCHOOL TEACHER

Upon arrest for one of the above crimes, the Sheriff or the authorized designee may notify by telephone the private school authority employing the teacher and give written notice of the arrest to the private school authority employing the teacher.

### 372.2.4 ARREST OF A PRIVATE SCHOOL NON-TEACHER EMPLOYEE

Upon arrest for one of the above crimes, the Sheriff or the authorized designee may notify by telephone the private school authority employing the non-teacher and give written notice of the arrest to the private school authority employing the person.



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# Pupil Arrest Reporting

## 373.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the procedures to follow when a pupil is arrested for specific offenses (§ 167.115.1, RSMo).

## 373.2 PUPIL ARREST REPORTING

In the event a school pupil is arrested for committing any of the following acts, the arresting deputy shall include in the report the necessary information to ensure that the Records Unit notifies the superintendent or an appropriate designee of the school district in which the pupil is enrolled (§ 167.115.1, RSMo):

- First- or second-degree murder (§ 565.020, RSMo; § 565.021, RSMo)
- Kidnapping (§ 565.110, RSMo)
- First- or second-degree assault (§ 565.050, RSMo; § 565.060, RSMo)
- Forcible rape or sodomy (§ 566.030, RSMo; § 566.060, RSMo)
- First-degree burglary (§ 569.160, RSMo)
- First-degree robbery (§ 569.020, RSMo)
- Distribution of drugs, including distribution to a minor (§ 195.211, RSMo; § 195.212, RSMo)
- Arson (§ 569.040, RSMo)
- Voluntary and involuntary manslaughter (§ 565.023, RSMo; § 565.024, RSMo)
- Sexual assault or deviate sexual assault (§ 566.040, RSMo; § 566.070, RSMo)
- Felonious restraint (§ 565.120, RSMo)
- Property damage in the first degree (§ 569.100, RSMo)
- Possession of a weapon (Chapter 571, RSMo)
- Child molestation or sexual misconduct involving a child (§ 566.067, RSMo; § 566.083, RSMo)
- Sexual abuse (§ 566.100, RSMo)

### 373.2.1 ADMINISTRATIVE ASSISTANT - RECORDS UNIT RESPONSIBILITIES

The Administrative Assistant - Records Unit shall be responsible for ensuring that (§ 167.115.2, RSMo):

(a) The school superintendent or an appropriate designee is notified within five days of a petition being filed against a pupil.

(b) The notification, either written or verbal shall:

1. Provide a complete description of the conduct the pupil is alleged to have committed.
2. Provide the dates the conduct occurred.
3. Have the names of any victims redacted prior to the notification.



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### 373.2.2 PUPIL ARREST AFTER NOTIFICATION

Based upon the circumstances of the investigation, it may be appropriate to notify the school prior to the arrest. Prior notification and assistance from the school may reduce disruption to school operations and other students.

### 373.2.3 PUPIL ARREST BEFORE NOTIFICATION

Based upon the circumstances of the investigation, it may be appropriate to arrest the pupil before notifying the school. This may be appropriate if the pupil is a flight risk, if prior notification will impede the investigation or if notification creates additional risks to students, faculty, the deputy or the public.

Proper notification to the school after the pupil's arrest should then be made when circumstances reasonably allow.

### 373.2.4 PARENTAL NOTIFICATION

Upon arrest, it is the arresting deputy's responsibility to ensure that the parents of the arrested pupil are properly notified. Notification shall be made by the deputy, regardless of subsequent notifications by the juvenile detention facility. Notifications should be documented and include the charges and information regarding where the pupil will be taken.



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# Biological Samples

## 374.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction or arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples collected from those required to register, for example, as sex offenders.

## 374.2 POLICY

The Clay County Sheriff's Office will assist in the expeditious collection of required biological samples from arrestees and offenders in accordance with the laws of this state and with as little reliance on force as practicable.

## 374.3 PERSONS SUBJECT TO DNA COLLECTION

The following persons must submit a biological sample (§ 650.055, RSMo):

(a) Persons convicted of felonies or sex offenses under Chapter 566, RSMo, who are not going to be supervised by the Missouri Department of Corrections.

(b) Arrestees who are 17 years or older and arrested for:

1. Burglary in the first degree (§ 569.160, RSMo).
2. Burglary in the second degree (§ 569.170, RSMo).
3. A felony offense under Chapter 565, RSMo (crimes against persons), Chapter 566, RSMo (sex offenses), Chapter 567, RSMo (crimes against family), Chapter 568, RSMo (prostitution) or Chapter 573, RSMo (pornography).

## 374.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall attempt to obtain the sample in accordance with this policy.

### 374.4.1 COLLECTION

The following steps should be taken to collect a sample:

(a) Verify that the individual is required to provide a sample (§ 650.055, RSMo).

(b) Verify that a biological sample has not been previously collected from the offender by querying the Missouri Uniform Law Enforcement System (MULES) or contacting the Profiling Section of the Missouri State Highway Patrol (MSHP) Crime Lab. There is no need to obtain a biological sample if one has been previously obtained.

(c) Use the designated collection kit provided by the MSHP to perform the collection and take steps to avoid cross contamination.

## 374.5 USE OF FORCE TO OBTAIN SAMPLES

If a person refuses to cooperate with the sample collection process, booking personnel should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples **except as authorized by court order** and only with the approval of Command Staff. It is the policy of



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the Clay County Sheriff's Office that if an arrestee refuses to sign the Waiver used by the Sheriff's Office or provide the sample, personnel will fill out the collection card with all known information and write "REFUSED" on the card, then follow all other steps as per procedure.

### 374.5.1 VIDEO RECORDING

A video recording should be made any time force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the office's records retention schedule.

## 374.6 LEGAL MANDATES AND RELEVANT LAWS

Missouri law provides for the following:

### 374.6.1 DESIGNATED COLLECTION SITE

The patrol supervisor will maintain documentation of verification from the MSHP/Department of Corrections that any site used by the Clay County Sheriff's Office is a designated biological sample collection site (§ 650.055, RSMo).

### 374.6.2 COMMUNICATION TO PERSON PROVIDING SAMPLE

Upon inquiry, the person providing the sample should be informed:

(a) That he/she is required by state law to provide a biological sample.

(b) That there is no right to refuse the collection.

(c) That the sample will be sent to the MSHP Crime Lab for analysis and entry into the Combined DNA Index System (CODIS).

### 374.6.3 EXPUNGEMENT

If the prosecutor decides not to file charges, the sample taken upon arrest must be expunged. It is the responsibility of the arresting deputy to notify the MSHP by completing and sending an Expungement Notification Form (SHP-420) within 90 days so that the sample may be removed from the database (§ 650.055, RSMo).



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# Chaplain Program

## 376.1 PURPOSE AND SCOPE

The Clay County Sheriff's Office Chaplain Program is established for the purposes of providing spiritual and emotional support to all members of the Sheriff's Office, their families and members of the public.

## 376.2 POLICY

It is the policy of the Clay County Sheriff's Office that the Chaplain Program shall be a nondenominational, ecumenical ministry provided by volunteer clergy without financial compensation.

## 376.3 GOALS

Members of the Chaplain Program shall fulfill the program's purpose:

(a) By serving as a resource for sheriff's office personnel when dealing with the public in such incidents as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.

(b) By providing an additional link between the community, other chaplain programs and the Sheriff's Office.

(c) By providing counseling, spiritual guidance and insight for sheriff's office personnel and their families.

(d) By being alert to the spiritual and emotional needs of sheriff's office personnel and their families.

(e) By familiarizing themselves with the role of law enforcement in the community.

## 376.4 REQUIREMENTS

Candidates for the Chaplain Program shall meet the following requirements:

(a) Must be above reproach, temperate, prudent, respectable, hospitable, able to teach, not be addicted to alcohol or other drugs, not contentious and free from excessive debt. Must manage his/her household, family and personal affairs well. Must have a good reputation with those outside the church.

(b) Must be ecclesiastically certified and/or endorsed, ordained, licensed or commissioned by a recognized religious body.

(c) Must successfully complete an appropriate level background investigation.

(d) Must have at least five years of successful ministry experience within a recognized faith community.

(e) Must be a member in good standing with the International Conference of Police Chaplains.

(f) Possess a valid driver license.



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## 376.5 SELECTION PROCESS

Chaplain candidates are encouraged to participate in the ride-along program before and during the selection process. Chaplain candidates shall successfully complete the following process prior to deployment as a chaplain:

(a) Submit the appropriate written application.

(b) Include a recommendation from his/her faith's community elders, board or council.

(c) Interview with the Sheriff and chaplain supervisor.

(d) Successfully complete an appropriate-level background investigation.

(e) Complete an appropriate probationary period as designated by the Sheriff.

## 376.6 DUTIES AND RESPONSIBILITIES

Chaplains are volunteer members of the Sheriff's Office, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable policies. The duties of a chaplain include, but are not limited to:

(a) Assisting in making notification to families of sheriff's office members who have been seriously injured or killed.

(b) After notification, responding to the hospital or home of the Sheriff's Office member.

(c) Visiting sick or injured law enforcement personnel in the hospital or at home.

(d) Attending and participating in, when requested, funerals of active or retired members of the Sheriff's Office.

(e) Assisting other personnel in the diffusion of a conflict or incident when requested by on-scene staff.

(f) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Shift/Unit Supervisor aids in accomplishing the mission of the Sheriff's Office.

(g) Being on call, and if possible on-duty, during major demonstrations or any public function that requires the presence of a large number of personnel.

(h) Counseling personnel with personal problems, when requested.

(i) Attending sheriff's office and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.

(j) Being responsible for the organization and development of spiritual organizations in the Sheriff's Office.

(k) Responding to all major disasters, such as floods, bombings and similar critical incidents.

(l) Providing liaison with various religious leaders of the community.

(m) Assisting public safety personnel and the community in any other function of the clergy profession, as requested.

(n) Participating in in-service training classes.

(o) Being willing to train to enhance effectiveness.

(p) Promptly facilitating requests for representatives or leaders of various denominations.

(q) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.



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Chaplains may not proselytize or attempt to recruit members of the Office or the public into a religious affiliation while on-duty unless the receiving person has solicited spiritual guidance or teaching. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any services or any subsequent actions or follow-up that was provided while on-duty as a chaplain for the Clay County Sheriff's Office.

## 376.7 CLERGY-PENITENT CONFIDENTIALITY

No person who provides chaplain services to members of the Sheriff's Office may work or volunteer for the Clay County Sheriff's Office in any capacity other than that of chaplain.

Sheriff's Office chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent privilege and shall inform sheriff's office members when it appears reasonably likely that the member is discussing matters that are not subject to the clergy-penitent privilege (§ 491.060(4), RSMo). In such cases, the chaplain should consider referring the member to a non sheriff's office counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Clay County Sheriff's Office employees concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

## 376.8 COMMAND STRUCTURE

(a) Under the general direction of the Sheriff or the authorized designee, chaplains shall report to the Senior Chaplain and/or Shift/Unit Supervisor.

(b) The Sheriff shall make all appointments to the Chaplain Program and will designate a Senior Chaplain/Chaplain Commander.

(c) The Senior Chaplain shall serve as the liaison between the Chaplain Unit and the Sheriff. He/she will arrange for regular monthly meetings, act as chairperson of all chaplain meetings, prepare monthly schedules, maintain records on all activities of the Chaplain Unit, coordinate activities that may concern the members of the Chaplain Unit and arrange for training classes for chaplains.

## 376.9 OPERATIONAL GUIDELINES

(a) Chaplains will be scheduled to be on-call for a period of seven consecutive days each month, beginning on Monday and ending on the following Sunday.

(b) Generally, each chaplain will serve with Clay County Sheriff's Office personnel a minimum of eight hours per month.

(c) At the end of each watch, the chaplain will complete a Chaplain Shift Report and submit it to the Sheriff or the authorized designee.

(d) Chaplains shall be permitted to ride with deputies during any shift and observe Clay County Sheriff's Office operations, provided the Shift/Unit Supervisor has been notified and has approved the activity.

(e) Chaplains shall not be evaluators of employees.

(f) In responding to incidents, a chaplain shall never function as a deputy.

(g) When responding to in-progress calls for service, chaplains may be required to standby in a secure area until the situation has been deemed safe.



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(h) Chaplains shall serve only within the jurisdiction of the Clay County Sheriff's Office unless otherwise authorized by the Sheriff or the authorized designee.

(i) Each chaplain shall have access to current personnel rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered private and each chaplain will exercise appropriate security measures to prevent distribution of the data.

### 376.9.1 UNIFORMS AND BADGES

A distinct uniform, identification and the necessary safety equipment will be provided for the chaplains. This uniform may be similar to that worn by the personnel of the sheriff's office.

## 376.10 TRAINING

The Sheriff's Office will establish a minimum number of training hours and standards for chaplains. The training may include stress management, death notifications, post-traumatic stress syndrome, burnout for law enforcement personnel and chaplains, legal liability and confidentiality, ethics, responding to crisis situations, the law enforcement family, substance abuse, suicide, officer injury or death, and sensitivity and diversity, as approved by the Training Coordinator.



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# Public Safety Camera System

## 378.1 PURPOSE AND SCOPE

The Clay County Sheriff's Office may operate a public safety camera system for the purpose of creating a safer environment for all those who live, work and visit the County. This policy explains the purpose of the cameras and provides guidelines for their operation and for the storage of captured images.

## 378.2 POLICY

Cameras may be placed in strategic locations throughout the County at the direction or with the approval of the Sheriff. These cameras can be used for detecting and deterring crime, to safeguard against potential threats to the public, to manage emergency response situations during natural and man-made disasters, and to assist County officials in providing services to the community.

## 378.3 PROCEDURE

The following procedures have been established for the effective operation of the public safety camera system.

### 378.3.1 MONITORING

Images from each camera will be recorded on a 24-hour basis every day of the week. These images will be transmitted to monitors installed in the Shift/Unit Supervisor's office and the Cooperative Communications Center. When activity warranting further investigation is reported or detected at any camera location, the dispatcher may selectively view the appropriate camera and relay any available information to responding units. The Shift/Unit Supervisor or the Cooperative Communications Center personnel are authorized to adjust the cameras to more effectively view a particular area for any legitimate public safety purpose.

The Sheriff may authorize video feeds from the public safety camera system to be set up at a location other than the Cooperative Communications Center for monitoring by other than sheriff's personnel when the provision of such access is in furtherance of this policy.

The cameras only record images and do not record sound. Recorded images may be used for a variety of purposes, including criminal investigations and monitoring of activity around high-value or high-threat areas. In addition, the public safety camera system may be useful for the following purposes:

(a) To assist in identifying, apprehending and prosecuting offenders

(b) To assist in gathering evidence for criminal and civil court actions

(c) To help emergency services personnel maintain public order

(d) To monitor pedestrian and vehicle traffic activity

(e) To help improve the general environment on the public streets

(f) To assist in providing effective public services



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### 378.3.2 TRAINING

Personnel involved in video monitoring will be appropriately trained and continuously supervised.

### 378.3.3 PROHIBITED ACTIVITY

Video monitoring will be conducted in a professional, ethical and legal manner. The public safety camera system will not be used to invade the privacy of individuals, to look into private areas or areas where the reasonable expectation of privacy exists. All reasonable efforts will be taken to protect these rights. Video monitoring shall not be used to harass, intimidate or discriminate against any individual or group.

### 378.3.4 CAMERA MARKINGS

Except in the case of covert operations or confidential investigations, all public areas that are monitored by public safety cameras shall be marked in a conspicuous manner with appropriate signs to inform the public that the area is under sheriff's surveillance. Signs shall be well lit to ensure visibility.

## 378.4 MEDIA STORAGE

All media will be stored in a secure area with access restricted to authorized persons.

Recordings not otherwise needed for official reasons shall be retained as required by the organization's records retention schedule. Any recordings needed as evidence in a criminal or civil proceeding shall be copied to a suitable medium and booked into evidence in accordance with current evidence procedures.

## 378.5 REVIEW OR RELEASE OF VIDEO IMAGES

The review or the release of video images shall be done only with the authorization of the Sheriff or the authorized designee and only with a properly completed request. Video images needed for a criminal investigation or other official reason shall be collected and booked in accordance with current office evidence procedures.

### 378.5.1 PUBLIC AND OTHER AGENCY REQUESTS

Recorded videos are classified as public records (§ 109.210(5), RSMo). Requests for recorded video images from other government agencies or by the submission of a court order or subpoena shall be submitted to the Communications Supervisor, who will promptly research the request and submit the results through the Sheriff to the Sheriff's Counsel's office for further handling. Every reasonable effort should be made to preserve the data pursuant to state law until the request has been fully processed by the Sheriff's Counsel's office.

## 378.6 ANNUAL REVIEW OF THE PUBLIC SAFETY CAMERA SYSTEM

The Sheriff or the authorized designee will conduct an annual review of the public safety camera system. The annual review will include an inventory of video monitoring installations, date of installation, summary of the purpose, adherence to this policy and any proposed policy changes. The results of each review will be documented and maintained by the Sheriff or the authorized designee and other applicable advisory bodies. Any concerns or deviations from this policy will be addressed promptly and effectively.



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# Child and Dependent Adult Safety

## 380.1 PURPOSE AND SCOPE

The Clay County Sheriff's Office recognizes that family members who are subjected to traumatic events, such as the arrest of a parent, guardian or caregiver, may experience lasting negative emotional effects.

After such an event, a child or dependent adult may not receive the appropriate care, which can lead to further emotional or physical trauma. This policy is intended to provide guidelines for deputies to create a strong cooperative relationship with local, state and community-based social services. This is to take reasonable steps to minimize the impact to the child or dependent adult when it is necessary to take action involving a parent or guardian.

### 380.1.1 POLICY

It is the policy of this office to mitigate, to the extent reasonably possible, the stressful experience individuals may have when a parent or caregiver is arrested. The Clay County Sheriff's Office will endeavor to create a strong cooperative relationship with local community-based social services to ensure an effective, collaborative response that addresses the needs of those affected.

## 380.2 PROCEDURES DURING AN ARREST

When encountering an arrest situation, deputies should make reasonable attempts to determine if the arrestee is responsible for minor dependent children or dependent adults. In some cases this is obvious, such as when children or dependent adults are present. However, deputies should inquire if the person has any other dependent minor children or adults who are without appropriate supervision. The following steps should be taken:

(a) Inquire about and confirm the location of any children or dependent adults.

(b) Look for evidence of children and dependent adults. Deputies should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.

(c) Inquire of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a dependent child or adult.

Whenever reasonably possible, deputies should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, deputies should allow the parent or caregiver to assure children or dependent adults that he/she will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be nonproductive, the deputy at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the dependent child or adult that he/she will receive appropriate care.

### 380.2.1 AFTER AN ARREST

Whenever an arrest is made, the deputy should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered minor children or dependent adults.



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Deputies should allow the arrestee reasonable time to arrange for care of minor children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. The following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of minor children and dependent adults with a responsible party, as appropriate.

1. Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), deputies should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts. Consideration regarding familiarity with the surroundings, comfort, emotional state and safety should be paramount.
2. Except when a court order exists limiting contact, the deputy should attempt to locate and place dependent children or adults with a non-arrested parent or guardian.

(b) Provide for the immediate supervision of minor children or a dependent adult until an appropriate caregiver arrives.

(c) Notify the Department of Social Services if appropriate.

(d) Notify the field supervisor or Shift/Unit Supervisor of the disposition of minor children or dependent adults.

If children or dependent adults are at school or a known location outside the household at the time of arrest, the arresting deputy should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependents. The result of such actions should be included in the associated report.

### 380.2.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee should be allowed to make additional free local telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any minor dependent child or adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law.

### 380.2.3 REPORTING

(a) For all arrests where children are present or living in the household, the reporting employee will document the following information:

1. Names
2. Sex
3. Age
4. How, where and with whom or which agency the child was placed

(b) For all arrests where dependent adults are present or living in the household, the reporting employee should document the following information about the dependent adult:

1. Identity
2. Whether he/she reasonably appears able to care for him/herself



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3. Disposition or placement information if he/she is unable to care for him/herself

### 380.2.4 SUPPORT AND COUNSELLING REFERRAL

Should it be apparent that law enforcement action may have a delayed or lingering effect upon children or dependent adults, providing referral information for available support, counseling, victim advocate, a crisis line or similar services should be considered.

## 380.3 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any dependent minor children or adults, the handling deputy should consider taking the children or dependent adults into protective custody and placing them with the appropriate county welfare service or other office-approved social service.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the sheriff's facility, transported in a marked patrol car or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

## 380.4 ABANDONED NEWBORN

A deputy may take physical custody of a child he/she reasonably believes is no more than 1 year old under the following circumstances (§ 210.950, RSMo):

(a) The parent voluntarily relinquishes custody and says he/she will not return for the child.

(b) The parent voluntarily delivers the child safely to the deputy.

(c) The parent is not subject to prosecution for abandonment provided the child has not been abused or neglected by the parent prior to the voluntary delivery.

The deputy shall arrange for the immediate transportation of the child to the nearest hospital.

## 380.5 TRAINING

The Training Coordinator is responsible to ensure that all personnel of this office who may be involved in arrests affecting children or dependent adults participate, on a timely basis, in an approved course on effective safety when a parent or guardian is arrested.



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# Service Animals

## 382.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Clay County Sheriff's Office recognizes this need and is committed to making reasonable modifications to its policies, practices and procedures in accordance with Title II of the Americans with Disabilities Act (ADA) and Missouri law to permit the use of service animals that are individually trained to assist a person with a disability.

This policy does NOT apply to the secured portions of the Clay County Detention Center. Any deputy or other law enforcement personnel that have detained an individual with a service animal that are planning on transporting the individual to the Clay County Detention Center for incarceration must make the proper arrangements for the care and custody of the service animal prior to transporting the individual to the Detention Center.

## 382.2 SERVICE ANIMALS

The ADA defines a service animal as any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the owner's disability (28 CFR 35.104).

### 382.2.1 STATE LAW

A service dog means any dog specifically trained to assist a person with a physical disability by performing necessary physical tasks which the person cannot perform, including dogs used for guiding, hearing, mobility and medical alerts (§ 209.150.4, RSMo; § 209.200(2), RSMo).

### 382.2.2 USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people



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with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

## 382.3 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the public is allowed. Clay County Sheriff's Office members are expected to treat individuals with service animals with the same courtesy and respect that the Clay County Sheriff's Office affords to all members of the public (§ 209.150.1, RSMo).

If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations, the employee may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the partner/handler takes prompt, effective action to control the animal. Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of the sheriff's office are expected to provide all services as are reasonably available to the individual with a disability.

If it is apparent or if the employee is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the employee should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal, and no further question as to the animal's status should be asked. The person should not be asked questions about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Clay County Sheriff's Office members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of the sheriff's office should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to permit service animals to accompany their partner/handler in all areas that other customers or members of the public are allowed.

Absent a violation of law independent of ADA, deputies should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of their disability should be referred to the Civil Rights Division of the U.S. Department of Justice.



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# Volunteers

## 384.1 PURPOSE AND SCOPE

It is the policy of the Clay County Sheriff's Office to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Sheriff's Office and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, licensed deputies and civilian personnel. Volunteers can be an important part of any organization and have proven to be a valuable asset to law enforcement agencies. Volunteers help to increase sheriff's office responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Sheriff's Office and prompt new enthusiasm.

This policy does not refer to those volunteers who provide religious services, AA/NA classes,etc in the Clay County Detention Center. Those volunteers are covered under the Clay County Detention Center Standard Operating Procedure #322.

### 384.1.1 DEFINITIONS

Definitions related to this policy include:

**Volunteer** - An individual who performs a service for the Clay County Sheriff's Office without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid deputies, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

### 384.1.2 VOLUNTEER ELIGIBILITY

Requirements for participation as an Clay County Sheriff's Office volunteer include:

(a) Residency in the County of Clay.

(b) At least 18 years of age for all positions other than Explorer.

(c) At least 14 years of age for Explorer.

(d) A valid driver license if the position requires vehicle operation.

(e) Liability insurance for any personally owned equipment, vehicles or horses utilized during volunteer work.

(f) No conviction of a felony, any crime of a sexual nature, any crime related to assault, any crime related to moral turpitude or any crime related to impersonating a peace officer.

(g) No conviction of a misdemeanor crime within the past 10 years, excluding petty traffic offenses.

(h) No condition of mental illness or chemical dependency that may adversely affect the person's ability to serve in the position.

(i) Physical requirements reasonably appropriate to the assignment.

(j) A personal background history and character suitable for a person representing the Clay County Sheriff's Office, as validated by a background investigation.

The Sheriff may apply exceptions for eligibility based on organizational needs and the qualification of the individual.



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## 384.2 VOLUNTEER MANAGEMENT

### 384.2.1 VOLUNTEER COORDINATOR

The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Clay County Sheriff's Office, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The duties of the Volunteer Coordinator or the authorized designee shall include:

(a) Recruiting, selecting and training qualified volunteers for various positions.

(b) Maintaining records for each volunteer.

(c) Tracking and evaluating the contribution of volunteers.

(d) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.

(e) Maintaining a record of volunteer schedules and work hours.

(f) Completion and dissemination as appropriate of all necessary paperwork and information.

(g) Planning periodic recognition events.

(h) Administering discipline when warranted.

(i) Maintaining liaison with other community volunteer programs and assisting in community-wide efforts to recognize and promote volunteering.

### 384.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis in accordance with sheriff's office policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist, the Sheriff's Office in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the chain of command. A complete position description and a requested time frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

### 384.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or the authorized designee should conduct a face-to-face interview with the applicant.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

(a) Traffic and criminal background check

(b) Employment

(c) References

(d) Fingerprint check processed through the Missouri State Highway Patrol (MSHP)

(e) Credit check, or similar check such as TLO



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A truth verification exam may be required of each applicant depending on the type of assignment.

A volunteer whose assignment requires the use of, access to or places him/her in the vicinity of criminal histories, investigative files or information portals shall require submission of prints and clearance through MSHP and the FBI.

### 384.2.4 SELECTION AND PLACEMENT

Service as a volunteer shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Sheriff's Office, who will normally be the Volunteer Coordinator. No volunteer should begin performance of any position until he/she has been officially accepted for that position and completed all necessary screening and documentation.

At the time of final acceptance, each volunteer should complete all necessary enrollment documentation and will receive a copy of the job description and agreement of service with the Sheriff's Office. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and with the needs of the Sheriff's Office.

Reserve Unit volunteers are generally assigned to augment regular staffing levels.

### 384.2.5 EMPLOYEES WORKING AS RESERVE

Licensed employees of the Clay County Sheriff's Office, when authorized, may also serve as reserve deputies. However, the Sheriff's Office must not utilize the services of a reserve or volunteer in such a way that it would violate employment laws or labor agreements (example: a detention officer working as a reserve deputy for reduced or no pay). Therefore, the Reserve Coordinator should consult the Human Resources Unit prior to an employee serving in a reserve, auxiliary or volunteer capacity (29 CFR 553.30).

### 384.2.6 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the sheriff's office, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Depending on the assignment, training may include the following:

(a) Role of the volunteer

(b) Sheriff's Office policies

(c) Training specific to the procedure manual for the volunteer position

(d) Discrimination and harassment training

(e) CPR/first aid

(f) CERT/Citizens Emergency Response Training

(g) Search and rescue techniques



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(h) Scenario-based searching methods

(i) Evidence preservation

(j) Basic traffic direction and control

(k) Roadway incursion safety

(l) Self-defense techniques

(m) Vehicle operations, including specialized vehicles

(n) Horsemanship

(o) Issuance of citations

Training should reinforce to volunteers that they should not intentionally represent themselves as, or by omission infer, that they are licensed deputies or other full-time members of the Sheriff's Office. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Sheriff's Office. Whenever a rule, regulation or guideline in this manual refers to a licensed deputy, it shall also apply to a volunteer, unless by its nature it is inapplicable.

### 384.2.7 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

(a) Driver license

(b) Medical condition

(c) Arrests

(d) Criminal investigations

(e) All law enforcement contacts

All volunteers shall adhere to the guidelines set forth by the Clay County Sheriff's Office regarding drug and alcohol use.

### 384.2.8 DRESS CODE

As representatives of the Clay County Sheriff's Office, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by licensed deputies (not to include Reserve Deputies). No volunteer shall wear his/her uniform or identifiable parts of that uniform while off-duty.

Volunteers shall be required to return any issued uniform or sheriff's office property at the termination of service.



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## 384.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Sheriff's Office must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as, and act as, a supervisor of other volunteers, provided the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Considerations to keep in mind while supervising volunteers include:

(a) Take the time to introduce volunteers to employees on all levels.

(b) Ensure volunteers have work space and the necessary office supplies.

(c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

## 384.4 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to private and confidential information, such as criminal histories or investigative files. Unless otherwise directed by a supervisor, the duties of the position or sheriff's office policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by sheriff's office policy and supervisory personnel.

Each volunteer will receive training in data practices and be required to sign a nondisclosure agreement before being given an assignment with the Sheriff's Office. Subsequent unauthorized disclosure of any private or confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Sheriff's Office, or maintain that they represent the Sheriff's Office in such matters without permission from the proper sheriff's office personnel.

## 384.5 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn and visible at all times while on-duty. Any fixed and portable equipment issued by the Sheriff's Office shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Sheriff's Office and shall be returned at the termination of service.

### 384.5.1 VEHICLE USE

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete:

(a) A driving safety briefing.

(b) Verification that the volunteer possesses a valid driver license.



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(c) Verification that the volunteer carries current vehicle insurance.

The Volunteer Coordinator should ensure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a sheriff's office vehicle, volunteers shall obey all rules of the road, including seat belt requirements.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and is being operated for maintenance purposes only; that it is being operated during an approved skills course; that it is being used to transport equipment; that it is being used to provide supplementary assistance under the direction of an on-duty licensed deputy. Volunteers (not to include Reserve Deputies) are not authorized to operate a sheriff's office vehicle for enforcement patrol operations or under emergency conditions (lights and siren).

### 384.5.2 RADIO AND MDT USAGE

Volunteers shall successfully complete state and federal database access training and radio procedures training prior to using the law enforcement radio or MDT and shall comply with all related provisions. The Volunteer Coordinator should ensure that radio and database access training is provided for volunteers whenever necessary.

## 384.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Sheriff or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing. The hearing shall be limited to a single appearance before the Sheriff or the authorized designee.

Volunteers may resign from volunteer service with the sheriff's office at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

### 384.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Sheriff's Office.

## 384.7 EVALUATION

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum job satisfaction on the part of volunteers.

## 384.8 EMERGENCY CALL-OUT FOR VOLUNTEER PERSONNEL

The Volunteer Coordinator shall develop a plan outlining an emergency call-out procedure for volunteer personnel.



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# Native American Graves Protection and Repatriation

## 386.1 PURPOSE AND SCOPE

This policy is intended to ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001). The protection of Native American human remains, funerary objects, sacred objects or objects of cultural patrimony on federal lands while in the performance of duties is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

## 386.2 DEFINITIONS

Definitions related to NAGPRA include (43 CFR 10.2):

**Native American human remains** - The physical remains of the body of a person of Native American ancestry.

**Funerary objects and associated funerary objects** - Items that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later, with or near individual human remains, or that were made exclusively for burial purposes or to contain human remains.

**Sacred objects** - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents.

**Objects of cultural patrimony** - Items having ongoing historical, traditional or cultural importance central to the Indian tribe or Native Hawaiian organization itself, rather than property owned by an individual tribal or organization member.

## 386.3 COMPLIANCE WITH NAGPRA

Upon discovery or arrival upon a scene where it reasonably appears a Native American grave, human remains, funerary objects, sacred objects or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene, other than scene preservation activity, must cease (43 CFR 10.4 et seq.).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene (43 CFR 10.4(d)):

- When appropriate, notify the Medical Examiner.
- Federal land - Notify the appropriate agency at the U.S. Department of the Interior or the U.S. Department of Agriculture.
- State land - Notify the appropriate Missouri land management agency.
- Tribal land - Notify the responsible Indian tribal official.



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## 386.4 EVIDENCE AND PROPERTY RELEASE

If a location has been investigated as a possible homicide scene prior to its identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.6).



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# Off-Duty Law Enforcement Actions

## 388.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place a deputy as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for deputies of the Clay County Sheriff's Office with respect to taking law enforcement action while off-duty.

## 388.2 POLICY

Deputies generally should not initiate law enforcement action while off-duty. Deputies should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

When the safety of the public or the prevention of major property damage requires immediate action, deputies should first consider reporting and monitoring the activity and only take direct action as a last resort.

Deputies are not expected to place themselves in unreasonable peril. However, any deputy who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death or significant property damage may take reasonable action to minimize the threat.

## 388.3 FIREARMS

Deputies of this office may carry firearms while off-duty in accordance with federal regulations, state law and Clay County Sheriff's Office policy. All firearms and ammunition must meet guidelines as described in the Firearms and Qualification Policy. When carrying firearms while off-duty, deputies shall also carry their Clay County Sheriff's office-issued badge and identification.

Deputies should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any deputy who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the deputy's senses or judgment.

## 388.4 DECISION TO INTERVENE

There is no legal requirement for off-duty deputies to take law enforcement action. However, when considering whether or not to intervene, off-duty deputies must evaluate whether the action is necessary or desirable and should take into consideration:

(a) The tactical disadvantage of being alone and that there may be multiple or hidden suspects.

(b) The inability to communicate with responding units.

(c) The lack of equipment, such as handcuffs, oleoresin capsicum (OC) spray or a baton.

(d) The lack of cover.

(e) The potential for increased risk to bystanders if the off-duty deputy were to intervene.

(f) Unfamiliarity with the surroundings.



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(g) The potential for the off-duty deputy to be misidentified by other peace officers or members of the public.

Deputies should consider waiting for on-duty uniformed deputies to arrive and gather as much accurate intelligence as possible, instead of immediately intervening.

### 388.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the deputy should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty deputy is on-scene and should be provided a description of the deputy if possible.

Whenever practicable, the deputy should loudly and repeatedly identify him/herself as an Clay County Sheriff's Office deputy until acknowledged. Official identification should also be displayed.

### 388.4.2 INCIDENTS OF PERSONAL INTEREST

Deputies should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances, deputies should call the responsible agency to handle the matter.

### 388.4.3 CIVILIAN RESPONSIBILITIES

Civilian personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

### 388.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed deputy in public, uniformed deputies should wait for acknowledgement by the non-uniformed deputy in case he/she needs to maintain an undercover capability.

## 388.5 REPORTING

Any deputy, prior to taking any off-duty enforcement action, shall notify and receive approval of a supervisor (or other applicable law enforcement authority) if acting outside the jurisdiction of the Clay County Sheriff's Office. If prior contact is not reasonably possible, a deputy shall notify the applicable local law enforcement agency as soon as reasonably practicable. The Shift/Unit Supervisor shall determine whether a report should be filed by the employee.

Deputies should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.



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# Chapter 4 - Patrol Operations

# Patrol Function

## 400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Field Operations Division of the Clay County Sheriff's Office to ensure intraorganizational cooperation and information sharing.

### 400.1.1 FUNCTION

Deputies will generally patrol in clearly marked vehicles. They will patrol assigned jurisdictional areas of the Clay County Sheriff's Office, identify community needs, provide support and assistance to the community, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours a day seven days a week.

Patrol will generally provide services within the limits of available resources. These include:

(a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order and the discovery of hazardous situations or conditions.

(b) Crime prevention activities, such as residential inspections, business inspections and community presentations.

(c) Calls for service, both routine and emergency.

(d) Investigation of both criminal and non-criminal acts.

(e) The apprehension of criminal offenders.

(f) Community Oriented Policing and problem-solving activities, such as citizen assists and individual citizen contacts of a positive nature.

(g) The sharing of information between the patrol and other divisions within the Sheriff's Office, as well as other government agencies.

(h) The application of resources to specific problems or situations within the community that may be improved or resolved by Community Oriented Policing and problem-solving strategies.

(i) Traffic direction and control.

### 400.1.2 TERRORISM

It is the goal of the Clay County Sheriff's Office to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Deputies should advise a supervisor as soon as practicable of any activity believed to be terrorism-related and should document such incidents with a written report or Field Interview (FI).

The supervisor should ensure that all terrorism-related reports and FIs are forwarded to the Investigation Unit supervisor in a timely fashion. The Investigation Unit supervisor shall review all terrorism-related reports as soon as practicable and contact the Missouri Office of Homeland Security when there is a reasonable suspicion that a terrorism threat exists.



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## 400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intraorganizational cooperation and information flow between the various divisions of the Clay County Sheriff's Office.

### 400.2.1 CRIME REPORTS

A crime report may be completed by any deputy who receives criminal information. The report will be processed and forwarded to the appropriate bureau for retention or follow-up investigation.

### 400.2.2 PATROL BRIEFINGS

Patrol supervisors, investigative sergeants and special unit sergeants are encouraged to share information as much as reasonably possible. All supervisors and/or deputies will be provided an opportunity to share information through daily patrol briefings, as time permits.

### 400.2.3 INFORMATION CLIPBOARDS

Several information clipboards will be maintained in the briefing room and will be available for review by deputies from all divisions within the Sheriff's Office. These include, but are not limited to, the patrol check clipboard, the wanted persons clipboard and the written directive clipboard.

### 400.2.4 BULLETIN BOARDS

A bulletin board will be kept in the briefing room and the Investigation Unit for display of suspect information, investigative reports and photographs. New Agency Directives will be made available for patrol supervisors and will be discussed at briefings and shift meetings. A copy of the Agency Directive will be placed on the briefing room clipboard.

## 400.3 CROWDS, EVENTS AND GATHERINGS

Deputies may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Deputies should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Deputies responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Deputies are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Deputies should consider enforcement of applicable state and local laws when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.



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# Racial/Bias-Based Profiling

## 402.1 PURPOSE AND SCOPE

This policy provides guidance to office members and establishes appropriate controls to ensure that employees of the Clay County Sheriff's Office do not engage in racial- or bias-based profiling or violate any related laws while serving the community.

### 402.1.1 DEFINITIONS

Definitions related to this policy include:

**Racial- or bias-based profiling** - An inappropriate reliance on factors such as race, ethnicity, national origin, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group as a factor in deciding whether to take law enforcement action or to provide service.

## 402.2 POLICY

The Clay County Sheriff's Office is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of the Clay County Sheriff's Office to provide law enforcement services and to enforce the law equally, fairly and without discrimination toward any individual or group.

Race, ethnicity or nationality, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law.

## 402.3 RACIAL- OR BIAS-BASED PROFILING PROHIBITED

Racial- or bias-based profiling is strictly prohibited. However nothing in this policy is intended to prohibit a deputy from considering factors such as race or ethnicity in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

## 402.4 MEMBER RESPONSIBILITY

Every member of the Clay County Sheriff's Office shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any known instances of racial or bias-based policing to a supervisor.

### 402.4.1 REASON FOR DETENTION

Deputies detaining a person shall be prepared to articulate sufficient reasonable suspicion to justify the detention, independent of the individual's membership in a protected class.

To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) report), the involved deputy should include those facts giving rise to the deputy's reasonable suspicion or probable cause for the detention, as applicable.

Nothing in this policy shall require any deputy to document a contact that would not otherwise require reporting.



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### 402.4.2 REPORTING TRAFFIC STOPS

Each time a deputy makes a traffic stop, the deputy shall report information that includes (§ 590.650, RSMo):

(a) The age, gender and race or minority group of the individual stopped.

(b) The reason for the stop.

(c) The location of the stop.

(d) Whether a search was conducted.

(e) If a search was conducted, whether the individual consented to the search, the probable cause for the search, whether the person or his/her property was searched and the duration of the search.

(f) Whether any contraband was discovered, and, if so, the type of contraband discovered.

(g) Whether a warning or citation was issued as a result of the stop, and, if so, the violation charged or warning given.

(h) Whether an arrest was made as a result of the stop or the search. If an arrest was made, the crime charged.

## 402.5 SUPERVISOR RESPONSIBILITY

Supervisors shall monitor those individuals in their command for any behavior that may conflict with the purpose of this policy and shall handle any alleged or observed violation of this policy in accordance with the Personnel Complaints Policy.

(a) Supervisors should discuss any issues with the involved deputy and his/her supervisor in a timely manner.

(b) Supervisors should periodically review MAV recordings, MDT data and any other available resource used to document contact between deputies and the public to ensure compliance with this policy.

  1. Supervisors should document these periodic reviews.
  2. Recordings that capture a potential instance of racial- or bias-based profiling should be appropriately retained for administrative investigation purposes.

(c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

(d) Supervisors should ensure that no retaliatory action is taken against any member of this office who discloses information concerning racial- or bias-based profiling.

## 402.6 STATE REPORTING

The Sheriff shall submit an annual report to the office of the Attorney General consisting of the information gathered from traffic stops (§ 590.650, RSMo).

## 402.7 ADMINISTRATION

Each year, the Field Operations Division Commander shall review the efforts of the Office to prevent racial- or bias-based profiling and submit an overview, including public concerns and complaints, to the Sheriff. This report should not contain any identifying information regarding any specific complaint, citizen or deputies. It should be reviewed by the Sheriff to identify any changes in training or operations that should be made to improve service.

Supervisors shall review the report submitted under § 590.650, RSMo and the annual report and discuss the results with those they are assigned to supervise.



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## 402.8 TRAINING

Training on racial- or bias-based profiling and review of this policy should be conducted as directed by the Training Unit.

The training shall include continuing education on racial profiling as mandated by § 590.050, RSMo (also see 11 CSR 75-15.010).



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# Roll Call

## 404.1 PURPOSE AND SCOPE

Roll Call is generally conducted at the beginning of the employee's assigned shift. Roll Call provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct roll call. However, other personnel may conduct roll call for training purposes with supervisor approval.

Roll Call should accomplish, at a minimum, certain basic tasks, including:

(a) Briefing employees with information regarding daily patrol activity or detention center activity, with particular attention given to unusual situations and changes in the status of wanted persons/inmates, stolen vehicles and major investigations.

(b) Notifying employees of changes in schedules and assignments.

(c) Notifying employees of new Departmental Directives or changes in Departmental Directives.

(d) Reviewing recent incidents for training purposes.

(e) Providing training on a variety of subjects.

## 404.2 ROLL CALL

Roll Call is generally conducted at the beginning or conclusion of the employee's assigned shift, yet it may occur at another period. Roll Call should incorporate short training segments on a variety of subjects and may include:

(a) Review and discussion of new or updated policies.

(b) Presentation and discussion of the proper application of existing policy to routine and unusual daily activities.

(c) Presentation and discussion of the proper application of existing policy to unusual activities.

(d) Reviewing recent incidents for training purposes.

## 404.3 PREPARATION OF MATERIALS

The individual conducting roll call and/or roll call training is responsible for collection and preparation of the materials necessary for a constructive briefing and/or roll call training. A supervisor may delegate this responsibility to a subordinate employee in his/her absence or for training purposes.

## 404.4 RETENTION OF ROLL CALL RECORDS

Roll Call training materials and a curriculum or summary shall be forwarded to the Training Coordinator for inclusion in training records, as appropriate.



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# Crime and Disaster Scene Integrity

## 406.1 PURPOSE AND SCOPE

The protection and integrity of a crime scene is of the utmost importance for the successful apprehension of criminals and successful prosecution. The integrity of a disaster scene is equally as critical for the protection of life and property and investigation by proper authorities.

## 406.2 CRIME SCENE RESPONSIBILITIES

The first deputy at the scene of a crime or major incident is generally responsible for taking reasonable efforts to preserve the scene. Deputies shall also consider officer safety and public safety, including reasonable efforts to render medical aid to any obviously injured parties. Once a deputy has assumed or been assigned to maintain the integrity of the crime/disaster scene, the deputy shall continue the assignment until relieved by a supervisor.

### 406.2.1 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the functions which the first responder should take at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation, the availability of resources, capacity of personnel and totality of each circumstance:

(a) Ensure no suspects are still in the area.

(b) Broadcast emergency information, including all requests for additional assistance.

(c) Provide first aid to injured parties if it can be done safely.

(d) Evacuate the location as required.

(e) Identify hazards or dangerous conditions to responding personnel.

(f) Secure the inner and outer perimeter if needed.

(g) Protect items of apparent evidentiary value.

(h) Identify potential witnesses.

(i) Start a chronological log noting critical times and personnel allowed access.

(j) Prevent unauthorized access of personnel, the media or the public.

### 406.2.2 EXECUTION OF HEALTH ORDERS

Any licensed member of the Clay County Sheriff's Office is authorized to execute and enforce all orders of the local health officer, which have been issued for the purpose of preventing the spread of any contagious, infectious or communicable disease.

## 406.3 SEARCHES AT CRIME OR DISASTER SCENES

Deputies arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims and to determine if suspects are present and pose a threat. Once deputies are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Deputies should thereafter secure the scene and conduct no further searches until proper authority for the search is obtained.



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### 406.3.1 CONSENT

Deputies should obtain consent to search from authorized individuals where possible, but should also consider obtaining consent and a search warrant in the case of serious crimes or major investigations.



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# Critical Incident Response Team

## 408.1 PURPOSE AND SCOPE

The Clay County Sheriff's Office shall maintain two separate Critical Incident Response Teams. They are:

(a) Detention Response Team (DRT) - managed under the auspices of the Detention Division Commander with a Team Leader designated by the Detention Division Commander with the approval of the Sheriff and responsible for responding to critical incidents within the Clay County Detention Center

(b) Special Tactics and Response Team - (STAR) - managed under the auspices of the Field Operations Division Commander with a Team Leader designated by the Field Operations Division Commander with the approval of the Sheriff and responsible for responding to critical incidents outside the Clay County Detention Center to include the service of high risk warrants and to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appears to be necessary. The STAR team may also be used to assist the DRT when necessary.

## 408.2 POLICY

It is the policy of the Clay County Sheriff's Office to maintain a STAR/DRT team and to provide the equipment, manpower and training necessary to maintain a STAR/DRT team. The STAR/DRT team should develop sufficient resources to perform three basic operational functions:

(a) Command and control

(b) Containment

(c) Entry/apprehension/rescue

It is understood that it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of human life is paramount.

### 408.2.1 ORGANIZATIONAL PROCEDURES

The Clay County Sheriff's Office shall develop a separate written set of organizational procedures that should address, at minimum, the following:

(a) Locally identified specific missions the team is capable of performing

(b) Team organization and function

(c) Personnel selection and retention criteria

(d) Training and required competencies

(e) Procedures for activation and deployment

(f) Command and control issues, including a clearly defined command structure

(g) Multi-agency response



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(h) Extrajurisdictional response

(i) Specialized functions and supporting resources

### 408.2.2 OPERATIONAL PROCEDURES

The Clay County Sheriff's Office shall develop a separate written set of operational procedures for both teams in accordance with their level of capability, using sound risk reduction practices. Because such procedures are specific to CIRT members and will outline tactical and officer safety issues, they are classified as confidential security data and are not included within this policy. The operational procedures should include, at minimum, the following elements:

(a) Personnel responsible for developing an operational or tactical plan should be designated prior to, and/or during STAR/DRT operations (time permitting).

1. All STAR/DRT team members should have an understanding of operational planning.
2. STAR/DRT team training should consider planning for both spontaneous and planned events.
3. STAR/DRT teams should incorporate medical emergency contingency planning as part of the STAR/DRT operational plan.

(b) Plans for mission briefings should be conducted prior to an operation, unless circumstances require immediate deployment.

1. When reasonably possible, briefings should include the specialized units and supporting resources.

(c) Protocols for a sustained operation should be developed. These may include relief, rotation of personnel and augmentation of resources.

(d) A generic checklist to be worked through prior to initiating a tactical action should be developed. This will provide a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of STAR/DRT.

(e) The appropriate role for a trained negotiator should be defined.

(f) A standard method of determining whether a warrant should be regarded as high risk should be developed.

(g) A method for deciding how best to serve a high-risk warrant should be developed, with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.

(h) The elements of post-incident scene management should include:

1. Documentation of the incident.
2. Transition to investigations and/or other units.
3. Debriefing after every deployment of the STAR/DRT team.
   (a) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments. It also helps to identify training needs and reinforces sound risk management practices.
   (b) Debriefing should not be conducted until involved members have had the opportunity to individually complete the necessary reports or provide formal statements.



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(c) To maintain candor and a meaningful exchange, debriefing will generally not be recorded.

(d) When appropriate, debriefing should include specialized units and resources.

(i) Sound risk management analysis should be included.

(j) Standardization of equipment should be addressed.

## 408.3 UNIFORMS, EQUIPMENT AND FIREARMS

### 408.3.1 UNIFORMS

CIRT teams from the Clay County Sheriff's Office should wear uniforms that clearly identify team members as law enforcement/detention officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

### 408.3.2 EQUIPMENT

CIRT teams from the Clay County Sheriff's Office should be adequately equipped to meet the specific mission identified by the Sheriff's Office.

### 408.3.3 FIREARMS

Weapons and equipment used by STAR/DRT, the specialized units and the supporting resources should be sheriff's office-issued or approved, including any modifications, additions or attachments.

### 408.3.4 OPERATIONAL READINESS INSPECTION

The commander of STAR and DRT shall appoint a supervisor to perform an operational readiness inspection of all unit equipment at least yearly. The result of the inspection will be forwarded to the commander. The inspection will include personal equipment issued to members of the unit as well as special use equipment maintained for periodic or occasional use in the STAR vehicle.

## 408.4 OPERATIONAL GUIDELINES FOR CRITICAL INCIDENT RESPONSE TEAM

The following procedures serve as guidelines for the operational deployment of the Critical Incident Response Team. Generally, the STAR team and their negotiator will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the negotiator, such as warrant service operations. This shall be at the discretion of the STAR commander.

### 408.4.1 ON-SCENE DETERMINATION

The supervisor in charge at the scene of a particular event will assess whether the Critical Incident Response Team should respond. Upon final determination by the Shift/Unit Supervisor, the CIRT commander will be notified.

### 408.4.2 APPROPRIATE SITUATIONS FOR USE OF A CRITICAL INCIDENT RESPONSE TEAM

Examples of incidents that may result in the activation of the Critical Incident Response Team include:



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(a) Barricaded suspects who refuse an order to surrender.

(b) Incidents where hostages have been taken.

(c) Cases of suicide threats.

(d) Arrests of persons reasonably believed to be dangerous.

(e) Any situation in which STAR or DRT deployment could enhance the ability to preserve life, maintain social order and ensure the protection of property.

### 408.4.3 OUTSIDE AGENCY REQUESTS

Requests by field personnel for assistance from outside agency crisis units must be approved by the Field Operations Division Commander/Detention Division Commander or the On-Call Commander. Requests for deployment of either of the Clay County Sheriff's Office Critical Incident Response Teams by other agencies must be authorized by the Field Operations Division Commander/Detention Division Commander or the On-Call Commander.

### 408.4.4 MULTIJURISDICTIONAL CIRT OPERATIONS

The STAR/DRT team, including specialized units and supporting resources, should develop protocols, agreements, memorandums of understanding, employment agreements or working relationships to support multijurisdictional or regional responses.

(a) If it is anticipated that multijurisdictional CIRT operations will regularly be conducted, CIRT multi-agency and multidisciplinary joint training exercises are required.

(b) Members of the Clay County Sheriff's Office CIRT teams shall operate under the policies, procedures and command of the Clay County Sheriff's Office when working in a multi-agency situation.

### 408.4.5 MOBILIZATION OF CRITICAL INCIDENT RESPONSE TEAM

The on-scene supervisor shall make a request to the Shift/Unit Supervisor for the Critical Incident Response Team to respond. The Shift/Unit Supervisor shall then notify the CIRT commander. If unavailable, a team supervisor shall be notified. A current mobilization list shall be maintained in the Cooperative Communication Center by the CIRT commander. The Shift/Unit Supervisor will then notify the Field Operations Division Commander/Detention Division or On-Call Commander as soon as practicable.

The Shift/Unit Supervisor should brief the CIRT commander with the following information, if available:

(a) The number of suspects, known weapons and resources

(b) If the suspect is in control of hostages

(c) If the suspect is barricaded

(d) The type of crime involved

(e) If the suspect has threatened or attempted suicide

(f) The location and safe approach to the command post

(g) The extent of any perimeter and the number of deputies involved

(h) Any other important facts critical to the immediate situation, and whether the suspect has refused an order to surrender

The CIRT commander shall then call selected deputies to respond.



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### 408.4.6 FIELD UNIT RESPONSIBILITIES

While waiting for the Critical Incident Response Team, field personnel should, if safe, practicable and if sufficient resources exist:

(a) Establish an inner and outer perimeter.

(b) Establish a command post outside of the inner perimeter.

(c) Establish an arrest/response team. The team actions may include:

  1. Securing any subject or suspect who may surrender.
  2. Taking action to mitigate a lethal threat or behavior.

(d) Evacuate any injured persons or citizens in the zone of danger.

(e) Attempt to establish preliminary communications with the suspect. Once the CIRT has arrived, all negotiations should generally be halted to allow the negotiators and team time to set up.

(f) Be prepared to brief the CIRT commander on the situation.

(g) Plan for and stage anticipated resources.

### 408.4.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the Critical Incident Response Team, the Incident Commander shall brief the CIRT commander and team supervisors. Upon review, it will be the Incident Commander's decision, with input from the CIRT commander, whether to deploy the Critical Incident Response Team. Once the Incident Commander authorizes deployment, the CIRT commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and support for the Critical Incident Response Team. The Incident Commander and the CIRT commander or the authorized designee shall maintain communications at all times.

### 408.4.8 COMMUNICATION WITH CRITICAL INCIDENT RESPONSE TEAM PERSONNEL

All persons who are non-Critical Incident Response Team personnel should refrain from any non-emergency contact or from interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel. No one should interrupt or communicate with CIRT personnel directly. All non-emergency communications shall be channeled through the CIRT Commander or the authorized designee.



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# Citizen Observer Program (Ride-Along)

## 410.1 PURPOSE AND SCOPE

The Office of the Clay County Sheriff recognizes the need for certain groups associated with law enforcement to be able to observe, first hand, the activities of its deputies in the field. It also recognizes the inherent dangers of law enforcement work and the need for its personnel to focus on their job tasks. In an effort to balance these needs it shall be the policy of the Clay County Sheriff's Office to provide a closely monitored and administered ***Citizen Observer*** program. This policy provides the requirements, approval process and hours of operation for the Citizen Observer program.

### 410.1.1 ELIGIBILITY

The Clay County Sheriff's Office ***Citizen Observer*** program is offered to residents, students and those employed within the County. Reasonable efforts should be made to accommodate interested persons. Any applicant may be disqualified without cause from participating in the program.

Factors that may be considered in disqualifying an applicant include, but are not limited to:

- Being under 18 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Sheriff's Office or Clay County
- Denial by any supervisor

Unless otherwise allowed by Clay County Sheriff's Office Standard Operating Policy, civilian passengers are permitted in department vehicles only when transported under official police business or when specifically authorized as a citizen observer.

The ***Citizen Observer*** program will provide certain individuals with a unique opportunity to observe deputies performing their duties allowing them to gain a better understanding into the complexity of law enforcement work. The Program may also serve as a valuable training tool for Regional Law Enforcement Academy participants.

Generally, the following individuals will qualify for participation in the Citizen Observer program:

- College students observing as a Clay County Sheriff's Office intern or to meet the requirements of a college course.
- Commissioned law enforcement personnel from another agency.
- Citizen(s) who possess a specific need or interest in learning about the Clay County Sheriff's Office or law enforcement in general.

The minimum age for any person to qualify as a citizen observer is eighteen (18).

Any person wishing to participate in this program will be referred to the Field Operations Division Commander or designee for processing of a ***Citizen Observer*** program application and a ***"Citizen Observer Program Release of Liability Form."*** After processing of the application, applicants will be notified as to whether or not they are qualified to participate.



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In most situations, law-abiding citizens who meet all requirements will be granted that opportunity. Convicted felons or suspects in criminal activity are not allowed to participate. A criminal background check will be performed on all applicants to determine eligibility. ***The Clay County Sheriff's Office reserves its right to make exceptions to this policy*** .

The Field Operations Division Commander will oversee the ***Citizen Observer*** program and act as liaison between the participant and affected Sheriff's Office personnel. The Field Operations Division Commander will be responsible for development and revision of any forms necessary to administer this program.

The Sheriff or his designee will be the final approving authority for Citizen Observer participants.

### 410.1.2 AVAILABILITY

The ***Citizen Observer*** program is available on most days of the week. The ride-along times are from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Sheriff or the Field Operations Division Commander.

## 410.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, Citizen Observer ride-along requests will be scheduled by the Division Commander - Field Operations. The participant will complete and sign a ***Citizen Observer Program Release of Liability Form***. Information requested will include a valid driver's license, address and telephone number.

The Division Commander - Field Operations will schedule a date, based on availability, at least one week after the date of application. If approved, a copy of the ***Citizen Observer*** waiver form will be forwarded to the respective Shift/Unit Supervisor as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the Sheriff's Office will contact the applicant and advise him/her of the denial.

### 410.2.1 PROGRAM REQUIREMENTS FOR CITIZEN OBSERVERS

If the individual is approved to observe with a sworn deputy sheriff, they are responsible for following a number of rules and regulations to ensure a safe and enjoyable experience. ***Citizen Observer*** participants:

- May not participate in the ride along program more than two (2) times in a calendar year; nor ride with the same officer more than one (1) time in a calendar year. This limit may be waived by written permission of the Division Commander. An exception would apply to the following: qualified volunteers, chaplains, reserves, auxiliary and sheriff's applicants with approval of the Shift/Unit Supervisor.
- Only observe with officers approved by the Division Commander.
- Are an observer only. They should not become involved in or interfere with any situation, either physically or verbally.
- Never carry a firearm or any other weapon while on a ride along. (This does not apply to active commissioned law enforcement personnel.)
- Are not permitted to have cameras, video or tape recorders while participating as a ***Citizen Observer***.



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- Must be dressed in uniform, business attire or neat and clean casual attire, and must wear their ID badge if not in uniform. Jeans, shorts, spandex, leggings, T-shirts or sweatshirts are not acceptable.
- Must follow all lawful directions of the deputy they are assigned to observe.

Citizen Observers will be allowed to observe as much of any situation as is possible, consistent with their safety. The ability to observe or to accompany deputies as they perform their job tasks shall be subject to the following guidelines. ***Citizen Observers***:

- Are not allowed to exit the police vehicle during a traffic stop prior to the occupants being secured, unless it is necessary to insure their safety or in "deputy down" situation.
- Are not allowed to accompany a deputy into private residences or into any other place not readily open to the public when the deputy's legal basis for entering is not based upon consent (e.g., warrant execution, 3rd party call, crime in progress). This requirement may be waived if the person in control of the property expressly consents to the entry or when directly assisting the deputy (intern assisting with searching or evidence collection).
- May accompany deputies any place that is open to the public, subject to state and local laws (i.e. underage persons not to enter a tavern).

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one participant will be allowed in the deputy's vehicle at a given time.

### 410.2.2 SUITABLE ATTIRE

Any person approved to participate as a ***Citizen Observer*** is required to be suitably dressed in a collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the sheriff's vehicle. The Shift/Unit Supervisor may refuse a ride-along to anyone not properly dressed.

### 410.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty members of the Clay County Sheriff's Office/CCIS or any other law enforcement agency will not be permitted to ride-along with on-duty deputies without the express consent of the Field Operations Division Commander. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent him/herself as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

### 410.2.4 CITIZEN OBSERVER CRIMINAL HISTORY CHECK

All ***Citizen Observer*** applicants are subject to a criminal history check. The criminal history check may include a local records check and a Missouri Automated Criminal History Site (MACHS) and National Crime Information Center (NCIC) criminal history check prior to approval as a citizen observer participant (provided that the participant is not an employee of the Clay County Sheriff's Office).

## 410.3 DEPUTY'S RESPONSIBILITIES

The deputy shall advise the dispatcher that a ***Citizen Observer*** participant is present in the vehicle before going into service. Deputies shall consider the safety of the participant at all times.



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Deputies should use sound discretion when encountering a potentially dangerous situation, such as a high-speed pursuit. If practicable, the participant should be let out of the vehicle in a safe, well-lighted place. The dispatcher will be advised of the situation and as soon as practicable have another sheriff's unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

Conduct by a person participating in a ride-along that results in termination of the ride or is otherwise inappropriate should be immediately reported to the Shift/Unit Supervisor.

The Division Commander - Field Operations is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, a copy of the ***Citizen Observer Program Release of Liability Form*** shall be returned to the Division Commander - Field Operations with any comments that may be offered by the deputy.

## 410.4 CONTROL OF RIDE-ALONG

The deputy shall maintain control over the participant at all times and instruct him/her in the conditions that necessarily limit participation. These instructions should include the following:

(a) The participant will follow the directions of the deputy.

(b) Explain the hazards associated with riding in a police vehicle.

(c) Explain radio safety equipment including emergency radio procedures.

(d) Explain that the passenger may be required to testify as a witness to criminal activity observed during the ride-along.

(e) The participant will not become involved in any investigation, handling of evidence, discussions with victims or suspects or handling any sheriff's equipment.

(f) The participant may terminate the ride at any time and the deputy may return the observer to his/her home, the place of the ride origin or to the station if the participant interferes with the performance of the deputy's duties.

(g) Ride-along participants may be allowed to continue riding during the transportation and booking process, provided this does not jeopardize their safety.

(h) Deputies will not allow any participant to be present in any residence or situation that would jeopardize his/her safety or cause undue stress or embarrassment to a victim or any other person.

(i) Under no circumstance shall a civilian participant be permitted to enter a private residence with a deputy without the express consent of the resident or other authorized person.

## 410.5 MEDIA OBSERVERS

Media representatives must complete a Citizen Observer application form and a "Citizen Observer Program Release of Liability Form". The Sheriff or his designee will review both documents and approve or disapprove the applicant. If approved, individuals are allowed to observe with a deputy sheriff approved by the Field Operations Division Commander.

Representatives of the media are prohibited from:

- Entering private residences or any other location where there is a reasonable expectation of privacy. (Supreme Court case of Wilson v. Layne).
- Assisting the deputy on a call except in "officer down" situations.
- Carrying a firearm or any other weapon while observing.



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- Releasing any information, photographs, or videotape to the general public unless regarded as public information by the sheriff's office.
- Showing the faces of juveniles unless authorized by the sheriff and Clay County Sheriff's Office legal counsel.



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# Hazardous Material Response

## 412.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees and others as a result of their exposure. To comply with applicable law, the following represents the policy of the Clay County Sheriff's Office.

### 412.1.1 HAZARDOUS MATERIAL DEFINED

Definitions related to this policy include:

**Hazardous material** - A substance which by its nature, containment and reactivity, has the capability of inflicting harm to people, other living organisms, property or the environment during exposure. Hazardous materials are characterized as being toxic, corrosive, flammable, explosive, oxidizing, asphyxiating, pathogenic, allergenic, biohazardous, or radioactive and pose a threat to health when improperly managed (see generally § 260.500(5), RSMo; 10 CSR 24-2.010(7)).

## 412.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic collision, chemical spill or fire. When employees come into contact with a suspected hazardous material, they should take certain steps to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond and mitigate most hazardous materials and biohazards.

Responders should not perform tasks or use equipment without proper training.

A responder entering the area may require decontamination before he/she is allowed to depart the scene and should be evaluated by appropriate technicians and medical professionals for signs of exposure.

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Make the initial assessment of a potential hazardous material from a safe distance.

(b) Remain upwind, uphill and at a safe distance, maintaining awareness of weather and environmental conditions, until the material is identified and a process for handling has been determined.

(c) Wear personal protective gear, being cognizant that some hazardous material may quickly volatilize into a form which is readily inhaled.

(d) Attempt to identify the type of hazardous material from a safe distance using optical aids (binoculars/spotting scopes) if they are available. Identification can be determined by:

1. Placards and use of the Emergency Response Guidebook.
2. Driver's statements or shipping documents from the person transporting the material.



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3. Information obtained from any involved person with knowledge regarding the hazardous material.

(e) Obtain information from any involved party who has knowledge regarding the hazardous material. Information should include:

1. The identity of the material.
2. How to secure and contain the material.
3. Any other information to protect the safety of those present, the community and the environment.

(f) Notify the appropriate fire department. Provide weather conditions, wind direction, a suggested safe approach route and any other information pertinent to responder safety.

(g) Provide first aid to injured parties if it can be done safely and without contamination.

(h) Begin evacuation of the immediate and surrounding areas, dependent on the material. Voluntary evacuation should be considered. Depending on the material, mandatory evacuation may be necessary.

(i) Make reasonable efforts to secure the scene to prevent access from unauthorized personnel.

(j) Establish a decontamination area when needed.

(k) Call the Emergency Environmental Response 24-hour hotline at 573-634-2436 to request assistance from the Missouri Environmental Services Program.

(l) If available, activate reverse 9-1-1 calling to the affected area.

## 412.3 REPORTING EXPOSURE

Sheriff's Office personnel who believe they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an interdepartmental memorandum, which shall be forwarded via chain of command to the Division Commander as soon as practicable. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness, in addition to a crime report or incident report.

### 412.3.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to treat the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Sheriff's Office will be obtained through the appropriate fire department.



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# Labor Relations

## 413.1 PURPOSE AND SCOPE

To establish Clay County Sheriff's Office policy regarding the Agencies role in labor disputes.

### 413.1.1 GUIDELINES

Negotiation and collective bargaining are legally recognized methods of peacefully settling labor disputes. It is not the function of the Clay County Sheriff's Office to deal with the issues involved; rather, it is the role of the Agency to protect the rights of the public and those involved in the dispute by enforcing the law and by maintaining order. Strikes and picketing are not, in themselves, violations of the law. It is the illegal acts, which arise from these activities, which are the concern of law enforcement.

The effectiveness of the Sheriff's Office in labor disputes is maintained by its remaining impartial regarding the parties and the issues involved and by taking appropriate action whenever criminal violations are observed or reported. Violations of court orders and injunctions do not ordinarily constitute criminal offenses for which the Sheriff's Office will take action.

Recognizing that misunderstandings and law violations are minimized in an atmosphere of cooperation and trust, the Sheriff's Office will meet with officials of labor and management to discuss law enforcement problems arising from such disputes. By seeking the cooperation of the parties involved, tensions are reduced and self-control is encouraged so that the parties may police their own conduct.

Deputies will not normally be deployed at strike scenes, however, when such deployment becomes necessary, it is the responsibility of the Sheriff's Office to take the necessary law enforcement action to prevent crime and to keep the peace.



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# Hostage and Barricade Incidents

## 414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where deputies have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the deputies by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that deputies encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

This policy is also not intended for those incidents which occur inside the Clay County Detention Center. Those incidents will be handled as per Detention Center Standard Operating Procedure or per Detention Emergency Response Team (DERT) procedures.

### 414.1.1 DEFINITIONS

Definitions related to this policy include:

**Barricade situation** - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

**Hostage situation** - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

## 414.2 POLICY

It is the policy of the Clay County Sheriff's Office to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

## 414.3 COMMUNICATION

When circumstances permit, initial responding deputies should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Deputies should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, sheriff's office-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

## 414.4 FIRST RESPONDER CONSIDERATIONS

First responding deputies should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.



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The first responding deputy should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding deputy shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The deputy shall continually evaluate the situation, including the level of risk to deputies, to the persons involved and to bystanders, and the resources currently available.

The handling deputy should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

### 414.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, deputies handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(d) Provide responding emergency personnel with a safe arrival route to the location.

(e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.

(g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.

(h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(i) Determine the need for and notify the appropriate persons within and outside the Sheriff's Office, such as command officers and the Media Relations Deputy.

(j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

(k) Establish a command post.

### 414.4.2 HOSTAGE SITUATION

Deputies presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that deputies react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:



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(a) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.

(b) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(c) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(d) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).

(e) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.

(f) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(g) Provide responding emergency personnel with a safe arrival route to the location.

(h) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(i) Coordinate pursuit or surveillance vehicles and control of travel routes.

(j) Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.

(k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(l) Determine the need for and notify the appropriate persons within and outside the Sheriff's Office, such as command officers and the Media Relations Deputy.

(m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

## 414.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a STAR Team response if appropriate and apprising the STAR team Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

(a) Ensure injured persons are evacuated and treated by medical personnel.

(b) Ensure the completion of necessary first responder responsibilities or assignments.

(c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.

(d) Establish a command post location as resources and circumstances permit.

(e) Designate assistants who can help with intelligence information and documentation of the incident.

(f) If it is practicable to do so, arrange for video documentation of the operation.

(g) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).



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(h) Ensure adequate law enforcement coverage for the remainder of the County during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or the Cooperative Communications Center.

(i) Identify a media staging area outside the outer perimeter and have the Media Relations Deputy or designated temporary media representative provide media access in accordance with the News Media Relations Policy.

(j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.

(k) Debrief personnel and review documentation as appropriate.

## 414.6 STAR TEAM RESPONSIBILITIES

It will be the Incident Commander's decision, with input from the STAR Team Commander, whether to deploy the STAR Team during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the STAR Team Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the STAR Team. The Incident Commander and the STAR Team Commander or the authorized designee shall maintain communications at all times.

### 414.6.1 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling deputy at the scene is responsible for completion and/or coordination of incident reports.



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# Response to Bomb & Arson Calls

## 416.1 PURPOSE AND SCOPE

These guidelines have been prepared to assist deputies in their initial response to incidents involving explosives, explosive devices, suspected explosive devices, suspicious packages or explosion/bombing incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety shall always be the primary consideration.

## 416.2 FOUND EXPLOSIVES/SUSPECT DEVICES

When a deputy responds to a call of a suspected explosive device, the following guidelines shall be followed:

(a) The device should not be touched or transported to any other location.

(b) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.

(c) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance even when in doubt.

(d) A perimeter should be secured for a minimum of 300 feet around the location, or an otherwise safe distance depending on the surrounding physical environment and allowing for ingress of support personnel.

(e) As much initial information as possible should be relayed to the Shift/Unit Supervisor without touching the device, including:

1. The stated threat
2. Exact comments
3. Time of discovery
4. Exact location of the device
5. Full description (e.g., size, shape, markings, construction)

(f) Deputies should not transmit on any equipment that produces radio frequency energy within 300 feet.

(g) Consideration should be given to the possibility of evacuation if a device is located within a building.

(h) An additional perimeter should be secured around any suspected device.

(i) Deputies should consider the ingress/egress of additional support personnel, such as paramedics and fire department personnel.

(j) A search of the area should be conducted for secondary devices or other objects that are either hazardous or foreign to the area.

(k) Explosive or military ordnance of any type should be handled only by bomb squad technicians.

## 416.3 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multiple considerations that may confront a deputy. As in other catastrophic incidents, a rapid response will help to minimize such



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things as further injury to victims, contamination of the scene by gathering crowds, additional damage from resulting fires or unstable structures.

Whether the explosion was the result of an accident or a criminal act, the deputy should consider the following:

- Assess the scope of the incident, including the number of victims and extent of injuries.
- Assist with first-aid.
- Assist with evacuation of victims.
- Identify and take appropriate precautions to mitigate scene hazards such as collapsed structures, bloodborne pathogens, hazardous materials and secondary explosive devices.
- Request additional resources as needed.
- Identify witnesses.
- Preserve evidence.
- Existence of additional or secondary devices.

### 416.3.1 NOTIFICATIONS

When an explosion has occurred, the following people shall be notified as soon as practicable if their assistance is needed:

(a) Fire department and/or state fire marshal
(b) Bomb squad
(c) Additional deputies
(d) Field Operations Division Commander or On-Call Commander
(e) Shift/Unit Supervisor
(f) Investigators
(g) Forensic science services
(h) Bureau of Alcohol, Tobacco, Firearms and Explosives (BATF)

### 416.3.2 CROWD CONTROL

Scene access should be restricted to those with a legitimate public safety purpose.

### 416.3.3 SCENE OF INCIDENT

As in any other crime scene, steps should immediately be taken to preserve the scene. The scene could extend over a wide area. Evidence may be imbedded in nearby structures or hanging in trees and bushes.

## 416.4 BOMB THREATS AT SHERIFF'S FACILITY

This procedure shall be followed should a bomb threat be received at a sheriff's facility and a search is initiated for a destructive device.

### 416.4.1 BOMB THREATS RECEIVED BY TELEPHONE

The following questions shall be asked if a call of a bomb threat is received at a sheriff's facility:

- When is the bomb going to explode?



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- When did you place the bomb?
- What would cause the bomb to explode?
- Where is the bomb?
- What kind of bomb is it?
- What does it look like?
- Why did you place the bomb?
- Where are you?
- Who are you? To avoid possible termination of the call, this should be asked after the preceding questions.

Attempt to keep the caller on the line as long as possible and obtain expanded answers to these prior questions. During this time, document the following:

- Time of the call
- Exact words of the person as accurately as possible
- Estimated age and gender of the caller
- Speech patterns and/or accents
- Background noises

If the threat is received at a sheriff's facility on a recorded line, steps should be taken to ensure that the recording is preserved in accordance with current evidence procedures.

### 416.4.2 RESPONSIBILITIES

As soon as a bomb threat has been received, the Shift/Unit Supervisor will be advised and fully informed of the details. The Shift/Unit Supervisor will then direct and assign deputies/detention officers as required for coordinating a general building search or evacuation as deemed appropriate.

## 416.5 BOMB THREATS AT PUBLIC OR PRIVATE FACILITY

This procedure shall be followed should a bomb threat occur at a private facility or another public facility and the Sheriff's Office is informed of the threat.

### 416.5.1 BOMB THREAT RESPONSE OPTIONS

The options available to the person in charge of the facility are generally:

(a) No search and no evacuation.

(b) Search without evacuation.

(c) Evacuation without search.

(d) Evacuation and search.

### 416.5.2 REQUEST FOR ASSISTANCE

Should the person in charge of the facility request assistance, the Shift/Unit Supervisor shall be notified and will make the decision whether the Sheriff's Office renders assistance and to what level. Should the information and circumstances indicate a reasonably apparent imminent threat to safety, a more active approach, including law enforcement control over the facility, may be considered.



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### 416.5.3 EVACUATION OR SEARCH ASSISTANCE

Should the Shift/Unit Supervisor determine that the Sheriff's Office will assist or control a bomb threat incident, the Shift/Unit Supervisor will determine:

(a) The level of assistance.

(b) The plan for assistance.

(c) Whether to evacuate and/or search.

(d) The appropriate support necessary.

Considerations regarding the involvement of the facility staff in searching and evacuating are important. A search or evacuation can be difficult without a working familiarity of the facility. The person in charge of the facility should be made aware of the possibility of damage to the facility as a product of a search. The safety of all participants is the paramount concern.

Consideration for additional support resources should include notification and response, or standby notice, for fire, medical and ambulance.

### 416.5.4 BOMB THREATS AT A FEDERAL BUILDING OR PROPERTY

A bomb threat incident at a federal building or property shall be reported to the Federal Protective Service (FPS) (877-437-7411). The FPS will provide a uniformed police response, which may include use of its Explosive Detector Dog Teams.

## 416.6 RESPONSE TO ARSON CALLS

The highest-ranking Fire Department Officer on the scene shall be in charge of the scene during fire fighting operations. When fire-fighting operations are completed, the scene shall be released to Fire and Sheriff's Arson Investigators. The following procedures shall be followed whenever there has been a fire and arson is suspected as the cause:

(a) At all in-progress or suspected arson scenes, the appropriate Fire Department shall be notified if they are not already present, and the suspected crime scene shall be secured. Only those personnel directly involved in the investigation shall be allowed inside the crime scene. A Crime Scene Admission Log shall be maintained by a deputy assigned by the supervisor in charge.

(b) The Detective Unit shall be notified immediately. An arson investigator of the Fire Department and a detective from the Sheriff's Department shall jointly conduct a subsequent investigation.

(c) The scene of a suspected arson shall only be vacated when:

1. The scene investigation is complete and the fire is definitely out, or
2. Fire Department personnel are left on scene with a charged hose line.



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# Crisis Intervention

## 417.1 PURPOSE AND SCOPE

The Clay County Sheriff's Office recognizes that persons suffering from mental and/or substance abuse disorders may be limited in their ability to communicate and interact with others. Members of the law enforcement community will sometimes be placed in situations where it is necessary to assess the mental state and intentions of persons suffering from mental illness and/or substance abuse. Therefore, it is the policy of the Clay County Sheriff's Office that its personnel will afford persons who have mental/emotional illness the same rights, dignity and access to law enforcement and other resources as provided to all citizens.

***Note: This policy is for intervening in mental health crisis situations where no crime has been committed. No assistance provided by a CIT deputy shall supersede that of road patrol units that may have further responsibility for the incident (Crimes against persons, domestic violence). When an individual is arrested and there is reason to believe that person may have a mental illness or may harm themself or another, the arresting officer shall notify the Clay County Detention Center using the intake form so that appropriate safety measures can be initiated and follow-up by a Detention CIT Deputy or Detention Officer can occur.***

## 417.2 GENERAL PROVISIONS

***Mental illness*** or ***mental health disorder*** refers to a wide range of mental health conditions - these illnesses affect a person's thinking, emotional state, and behavior and disrupt the person's ability to work or carry out other daily activities and engage in satisfying personal relationships. Examples of mental illness include depression, anxiety disorders, schizophrenia, eating disorders and addictive behaviors.

A ***mental health crisis*** is a situation where an individual's normal coping mechanisms have become overwhelmed causing that individual to pose an immediate and significant risk to themselves or others.

A Crisis Intervention Team (CIT) shall be established to assist in and coordinate resources for persons involved in a mental health crisis. All personnel designated as CIT members shall receive appropriate training as such. This will include a 40-hour course developed in cooperation with the National Alliance for the Mentally Ill (NAMI) and additional in-service training as applicable. The sheriff shall designate a CIT member to act as coordinator for all team functions.

All Clay County deputies shall attend a ***Basic Mental Health First Aid Awareness Course*** so they can assist individuals with mental health problems or in a mental health crisis obtain proper health care, when needed or requested and share information on available resources.

## 417.3 IMMINENT THREAT SITUATIONS

Chapters 632.305 of the Missouri Revised Statutes authorize peace officers to take persons into custody for mental health and substance abuse issues under limited circumstances. Persons may be taken into custody if a peace officer has reasonable cause to believe the person suffers from a mental disorder or substance abuse and the person presents an



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imminent likelihood of serious harm to himself or others as a result of these issues unless taken into custody.

When these conditions are met, the peace officer may present the person to the appropriate facility and complete an application for initial detention for evaluation and treatment for a period not to exceed ninety-six hours.

Where there is reasonable cause to believe that serious harm is imminent to an individual or others if action is not taken, peace officers of the Clay County Sheriff's Office shall ensure the individual is presented to an appropriate facility involuntarily.

A CIT deputy or a deputy having the most knowledge of the circumstances shall respond to the receiving facility and complete and submit copies of required reports that may include a "Crisis Intervention Team Report" an "Affidavit in Support of Application for Detention, Evaluation and Treatment/Rehabilitation-Admission for 96 Hours" (DMH Form132), ""List of Witnesses" (DMH Form 137) and "Affidavit" (DMH Form 142).

## 417.4 NON-IMMINENT THREAT SITUATIONS

In many cases, a deputy may be faced with a situation where there are indications of mental health or substance abuse issues that do not rise to the level of imminent and immediate danger. In these situations, peace officers shall ensure that information about mental health resources is made available and may utilize the following options:

- ***Information*** - In less-pronounced cases, peace officers may inquire about current treatments and provide resource information, assist in contacting an appropriate provider or provide basic guidance for an individual.
- ***Referral*** - Crisis Hotlines, Mobile Crisis Teams, Family Guidance screening personnel and other resources are also available in situations in which a person may have more pronounced symptoms, but does not clearly meet the criteria for involuntary detention. In these instances, persons trained in evaluation of persons in these situations may interview the individual by phone or on scene and arrange for treatment and/or placement as necessary.
- ***Other*** - Deputies may elect to contact family or other persons to assist the individual when the peace officer believes that doing so provides an appropriate level of support for the situation

***NAMI*** resource packets are available to consumers and family members providing information and resources on mental illness.

## 417.5 CARE AND TRANSPORTATION OF THE MENTALLY ILL

If an individual meets the criteria for a mental evaluation under Chapter 632.305 and 631.120 of the Missouri Revised Statutes, a deputy shall transport the person or arrange for medical transportation via ambulance to a mental health facility. Whenever possible, a CIT deputy should conduct the transport.

If a person is physically injured, has a pre-existing condition requiring attention, has a mental condition that may be drug or alcohol induced, or request medical treatment, physical medical care needs will take priority.

EMS personnel will be contacted to examine the person to determine if emergency medical treatment is required. If treatment is required, the person will be transported to a hospital emergency room. A deputy may accompany a person in the ambulance.



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Upon arrival at the hospital emergency room, the deputy shall complete the necessary forms for involuntary commitment. (*As listed in Section III, Imminent Threat Situations*).

## 417.6 COOPERATIVE COMMUNICATION CENTER PROCEDURE

It shall be the responsibility of the CIT Coordinator to maintain a current list of CIT qualified deputies and provide a copy of that list to the Cooperative Communications Center.

Upon beginning a tour of service, all CIT qualified deputies will be identified in Computer Aided Dispatching status screen by placing an asterisk after their name.

When the Cooperative Communications Center receives a report of a situation that is known to involve a mental health crisis, the dispatcher shall immediately dispatch the appropriate road patrol units. If any responding road patrol unit is CIT qualified, no further action is necessary.

If responding road patrol units are not CIT qualified, dispatch shall notify a CIT deputy and they shall respond to the scene, if available.

If no CIT deputy is on duty, the responding deputy will draw from their training in Mental Health First Aid as well as a list of resources to diffuse the situation.

If dispatch receives a report of a situation that is not immediately recognized as a mental health crisis, but the first arriving road patrol unit determines a CIT deputy is needed, the road patrol deputy shall immediately request a CIT deputy respond.

Upon the conclusion of a situation and receiving a copy of a CIT incident form, dispatch may enter a person or address as hazardous for future reference and officer safety.

## 417.7 REPORTING

A criminal or incident report shall be generated by the primary road patrol deputy responding to the call. When a CIT deputy is not available, the primary road patrol deputy shall provide any immediate assistance available to the individual involved and complete and forward a copy of their approved report to the CIT Coordinator for follow-up care and/or assessment by the CIT Review Committee.

When a CIT deputy responds to a situation involving a person in crisis, he or she will be responsible for completing a Supplement Report and a CIT Activity Report including involuntary detentions, referrals or other activities. Copies of the CIT Activity Report shall be forwarded as follows:

- Detective Unit to be placed in the Incident folder
- Dispatch to update CAD with any necessary hazardous information
- CIT Coordinator for tracking purposes

Road patrol deputies that are CIT qualified and responding to a mental health call shall complete both the Incident Report and CIT Report and forward them as listed above.

***CIT Activity Reports are only authorized for use by CIT deputies***.

## 417.8 CRISIS INTERVENTION TEAM DEPUTY RESPONSIBILITIES

The primary responsibility of the CIT deputy on the scene is to use his/her specialized skills for the successful conclusion of the incident. Upon arrival at the scene of a mental health crisis the CIT deputy will determine the circumstances and shall be responsible for



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the initiation of the appropriate response. CIT deputies will be responsible for handling aspects of the call that relate to the mental illness. Responding road patrol deputies will be responsible for offense/incident or other reports normally required.

Persons with on-going mental health problems should be identified and measures taken to reduce the frequency of law enforcement contacts.

If the CIT deputy determines the individual involved presents an imminent likelihood of serious harm to themself or others, the CIT deputy shall have the primary responsibility to arrange for transportation to a mental health treatment facility or hospital emergency room. Any forms necessary for admission shall be arranged by the CIT deputy. This may include affidavits required by either the individual's family members or the CIT deputy.

If the individual is not a danger to themself or others and therefore will not be taken into protective custody or taken into custody for a crime committed, the CIT deputy will be responsible for notifications made to the appropriate mental health professionals for further care of the individual.

When a CIT deputy receives a copy of an incident report in which no CIT deputy was present at the scene, a followup contact will be conducted by the CIT deputy and documented.

## 417.9 RESPONSIBILITIES OF THE CIT COORDINATOR

The primary responsibility for a CIT coordinator is to monitor the functions of Crisis Intervention Team. The coordinator responsibilities shall include but, is not limited to, the following:

(a) Ensuring that CIT deputies/detention officers complete the Crisis Intervention Team Report when applicable and those reports are forwarded to the appropriate areas within the Sheriff's Office

(b) Review all CIT Report Forms and maintain a central file for reference and statistical purposes

(c) Ensuring that CIT deputies/detention officers conduct follow-up investigations, if necessary or assigned

(d) Ensuring that CIT deputies/detention officers and the Clay County Cooperative Communications Center receive accurate/updated lists of all CIT qualified deputies/detention officers with their contact numbers.

(e) Conduct periodic CIT meetings and in-service training

(f) Ensure all CIT deputies/detention officers have a basic 40-hour training course in Crisis Intervention and a refresher or advanced training at least every 3 years

(g) Acting as the liaison between mental health providers, the National Alliance for the Mentally Ill and law enforcement agencies in Clay County

(h) Attend all Mid-America Law Enforcement CIT Council meetings and relay the information to administration and CIT deputies

(i) The CIT supervisor shall be alert and flag any specific issues that may require special attention. Examples are calls for attempted suicides, drug overdoses and repeated contacts with the same individuals for domestic violence. These cases shall be forwarded to the CIT Review Committee.



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## 417.10 CRISIS INTERVENTION TEAM REVIEW COMMITTEE

The Clay County Sheriff's Office shall have a CIT Review Committee. This Committee is responsible for reviewing select cases and determining a course of action that may be taken proactively to prevent further contact with the consumer.



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# Mental Illness Commitments

## 418.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the deputies of the Clay County Sheriff's Office with guidance to effectively respond to situations involving individuals who may require detention for purposes of mental health evaluation.

## 418.2 POLICY

Law enforcement encounters with individuals suffering from mental illnesses require special consideration and sensitivity. It is therefore the policy of the Clay County Sheriff's Office to treat such individuals in a respectable and fair manner as well as to appropriately train members of the Sheriff's Office to manage situations involving individuals who may require detention for purposes of mental health evaluation.

## 418.3 AUTHORITY OF A DEPUTY

A deputy may take a person into custody for evaluation and treatment when the deputy has reasonable cause to believe that such person is suffering from a mental disorder and presents an imminent likelihood of serious harm to him/herself or others if not immediately taken into custody. The period of detention and evaluation may not exceed 96 hours (§ 632.305, RSMo).

## 418.4 DEPUTY CONSIDERATIONS AND RESPONSIBILITIES

Any deputy responding to or handling a call involving a person who is experiencing a mental health crisis should consider utilizing:

(a) Any available information that might assist in determining the possible cause and nature of the mental illness, such as developmental disabilities, intoxication or chemical dependency.

(b) CIT deputies

(c) Conflict resolution and de-escalation techniques for potentially dangerous situations involving a mentally ill person.

(d) Language that is appropriate for interacting with a mentally ill person.

(e) If circumstances reasonably permit, alternatives to deadly force when interacting with a potentially dangerous mentally ill person.

(f) Community resources that may be readily available to assist with a mentally ill person.

(g) Inquiring about any advance directive document in which a person has specified his/her choice about care and treatment should the person later become incapable of exercising choice.

(h) Medical treatment and clearance should be obtained when warranted prior to transportation to the receiving mental health facility.

### 418.4.1 DETENTION

The detention of a person under this policy does not constitute an arrest. When a person is detained for mental health evaluation, that person shall not be held in the Clay County Detention Center (CCDC).



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### 418.4.2 TRANSPORTATION

When transporting any individual in custody for a mental illness evaluation, and if reasonably practicable, the handling deputy should have the Cooperative Communications Center notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and any special medical care needs of the individual that are reasonably known to the deputy.

Deputies may transport the detained individual in the patrol unit and shall secure them in accordance with the Handcuff Policy. Violent individuals or those who are medically unstable may be restrained and transported by ambulance and ambulance personnel. A deputy should accompany a violent individual when transported by ambulance. Transporting violent individuals in a patrol unit equipped with a barrier or cage is generally safer with two deputies in the vehicle.

The deputy will escort the detained individual into the facility and place that person in a designated treatment room, as directed by a facility staff member. It is important to note that once the deputy arrives at the hospital, the individual they are transporting becomes a patient of the hospital under EMTALA and the hospital needs to secure and treat the individual. The deputy needs to complete the necessary paperwork and clear as soon as possible, as we do not want to take on any additional liabilities that may occur while the consumer is interacting with hospital staff and the deputy is present.

### 418.4.3 RESTRAINTS

If the patient is violent or potentially violent, the deputy will notify the staff. The staff member in charge will have discretion as to whether soft restraints will be used. If these restraints are desired, the deputy will wait while they are being applied to help provide physical control of the patient, if needed.

### 418.4.4 WRITTEN DOCUMENTATION

The deputy shall complete and provide the appropriate application and any associated affidavits and witness lists to the facility staff. The application shall be based upon the deputy's personal observations or investigation and must set forth the factual information that led the deputy to reasonably believe the individual required immediate detention (§ 632.305, RSMo).

The deputy will retain a copy of the admission documents for inclusion in the case report.

The deputy should also provide a verbal summary to a receiving facility staff member regarding the circumstances leading to the involuntary detention.

### 418.4.5 SECURING OF WEAPONS

If a receiving facility prohibits weapons or if an extraordinary event occurs in the treatment facility and deputies determine a need to secure their firearms, the firearm shall be secured in the appropriate gun locker at the facility or in the sheriff's unit.

## 418.5 MENTALLY ILL PERSON CHARGED WITH A CRIME

Any person charged with a crime who also appears to be mentally ill shall be transported to the Clay County Detention Center for criminal confinement and treatment.

If the person has injuries or some other medical condition, he/she may be taken directly to the hospital for initial medical treatment with the approval of a supervisor. After medical



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clearance is received, the person may be booked at the Clay County Sheriff's Office Detention Center for criminal confinement and mental illness treatment.

## 418.6 SAFEKEEPING OF FIREARMS AND OTHER WEAPONS

Whenever a person has been detained or taken into custody for mental illness evaluation and is found to have in his/her possession or under his/her immediate control, any firearm or other deadly weapon, the handling deputy should consider confiscating the firearm or weapon for safekeeping. A property receipt shall be given to the owner and the firearm or other deadly weapon shall be booked into evidence until further processing and release.

If consent is not given to take any deadly weapons, deputies are cautioned that a search warrant may be needed before entering a residence to search for any deadly weapons, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, valid consent).

The handling deputy shall further advise the person of the procedure for the return of any firearm or other lethal weapon that has been taken into custody.

## 418.7 TRAINING

As part of advanced personnel training programs, this agency will endeavor to include sheriff's office-approved training on interacting with mentally disabled persons and 96-hour holds.



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# Citation Releases

## 420.1 PURPOSE AND SCOPE

State law permits law enforcement agencies to use citation/summons release or a penalty assessment notice procedure in lieu of taking a person into custody and before a judge for traffic, misdemeanor or petty offenses, with certain exceptions.

## 420.2 STATUTORY REQUIREMENTS

The Clay County Sheriff's Office authorizes citation releases for certain traffic, misdemeanor or petty offenses as have been approved by the Clay County Circuit Court. Release by citation with a promise to appear can be accomplished by issuing a notice to appear from a citation book or an electronic device (Sup. Ct. Rule 33.01(a); Sup.Ct. Rule 37.15(a); § 300.580, RSMo; § 544.045, RSMo; § 544.170, RSMo).

### 420.2.1 DISCRETION TO ARREST

While the Clay County Sheriff's Office recognizes the statutory power of peace officers to make arrests throughout the state, deputies are encouraged to use sound discretion in the enforcement of the law. On-duty arrests will not generally be made outside the jurisdiction of the Clay County Sheriff's Office, except in cases of hot or fresh pursuit, while following up on crimes committed within the County, when acting under a joint powers agreement or mutual aid agreement, or while assisting another agency. On-duty deputies who discover criminal activity outside the jurisdiction of the County should, when circumstances reasonably permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

Off-duty deputies observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction. In such situations, the involved deputy shall clearly identify him/herself as a sheriff's deputy pursuant to the Off-Duty Law Enforcement Actions Policy.

Deputies are authorized to use verbal or written warnings in lieu of arrest or citation to resolve minor traffic and minor criminal violations when appropriate.

## 420.3 SHERIFF'S OFFICE PROCEDURE

The following procedure will be followed to comply with the law.

### 420.3.1 FIELD CITATIONS

In most misdemeanor cases an arrestee 17 years or older may be released on citation provided that the offense has been approved by the Clay County Circuit Court for signature release, the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present.

### 420.3.2 DISQUALIFYING CIRCUMSTANCES

A person arrested for a misdemeanor should be released on a notice to appear if the offense has been approved by the Clay County Circuit Court for a signature release unless one of the following situations is present:



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(a) The offense is not bailable (§ 544.470.1, RSMo).

(b) The person is reasonably believed to be an alien unlawfully present in the United States (§ 544.470.2, RSMo).

(c) There is a reasonable likelihood that the offense or offenses would continue or resume or that the safety of persons or property would be imminently endangered by the release of the person arrested.

(d) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically stated.

(e) The person does not have adequate proof of identification to verify their identity to be issued a citation.

(f) The crime involves domestic violence.

(g) The crime involves violence or dangerous weapons/firearms.

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release should be noted in the incident report and submitted to the Shift/Unit Supervisor for approval and inclusion with the case file in the Reports Unit.

### 420.3.3 OTHER REASONS FOR NON-RELEASE

If the person arrested is not released for one or more of the reasons specified in this policy, the Shift/Unit Supervisor or arresting deputy should state on the booking form, as well as in the incident report, the reason for non-release. Such reasons for non-release may include:

(a) Previous failure to appear is on record.

(b) The person lacks ties to the area, such as a residence, job or family.

(c) Unusual circumstances lead the deputy responsible for the release of prisoners to conclude that the suspect should be held for further investigation.

## 420.4 JUVENILE CITATIONS

Completion of citations for juveniles is generally only appropriate for misdemeanor traffic violations and minor misdemeanor ordinance violations.

All misdemeanor violations for juveniles shall be documented with a case number. Cases not closed by citation should be referred to the Investigation Unit, if necessary, for further investigation and diversion or forwarded to the prosecutor.

## 420.5 REQUESTING CASE NUMBERS

Many cases involving a criminal citation release can be handled without requesting a case number. Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. However, most state statute sections will require a case number to document the incident properly in a report. This section does not preclude a deputy from requesting a case number if he/she feels the situation should be documented more thoroughly in a case report.



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# Diplomatic and Consular Contacts

## 422.1 PURPOSE AND SCOPE

The Vienna Convention on Consular Relations sets forth certain rights of foreign nationals from member countries when they are arrested, detained or imprisoned by law enforcement officials in this country. This policy provides direction to deputies when considering a physical arrest or detention of a foreign national. All Foreign Service personnel shall be treated with respect and courtesy, regardless of the level of established immunity. As noted herein, the United States is a party to several bilateral agreements that obligate authorities to notify the consulate upon the person's detention, regardless of whether the detained person requests that his/her consulate be notified. The list of specific countries that the United States is obligated to notify can be found on the U.S. Department of State (DOS) website.

### 422.1.1 DEFINITIONS

Definitions related to this policy include:

**Foreign national** - Anyone who is not a citizen of the United States. A person with dual U.S. and foreign citizenship is not a foreign national.

**Immunity**- Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments. These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official missions (i.e., embassies and consulates) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized and to maintain reciprocal treatment of U.S. personnel abroad.

Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the DOS Office of Foreign Missions (OFM) that illegal acts by Foreign Service personnel should always be pursued through proper channels. The host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

## 422.2 ARREST OR DETENTION OF FOREIGN NATIONALS

Deputies should take appropriate enforcement action for all violations observed, regardless of claims of diplomatic or consular immunity by violators. A person shall not, however, be subjected to in-custody arrest when diplomatic or consular immunity is claimed by the individual or suspected by the deputy, and the deputy has verified or reasonably suspects that the claim of immunity is valid.

## 422.3 LEVELS OF IMMUNITY

The specific degree of immunity afforded to Foreign Service personnel within the U.S. is directly related to their function and position in this country.



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### 422.3.1 DIPLOMATIC AGENTS

Diplomatic agents (e.g., ambassadors and United Nations representatives) are afforded the highest levels of immunity. They are exempt from arrest or detention and are immune from all criminal (and most civil) prosecution by the host state. The family members of diplomatic agents enjoy these same immunities.

### 422.3.2 CONSULAR OFFICERS

Consular officers are the ranking members of consular posts, who perform various formal functions on behalf of their own governments. Typical titles include consul general, consul and vice consul. These officials are immune from arrest or detention, except pursuant to a felony warrant. They are only immune from criminal and civil prosecution arising from official acts. Official acts immunity must be raised as an affirmative defense in the court of jurisdiction, and its validity determined by the court. Under this defense, the prohibited act itself must have been performed as an official function. It is not sufficient that the consular agent was on-duty or in an official capacity at the time of the violation. The family members of consular officers generally enjoy no immunity. However, any family member who has a higher level of immunity is issued an identification card by DOS enumerating any privileges or immunities on the back of the card. Examples are consular officers and family members from Russia or China.

There are several permanent consulates in Missouri, with most located in Kansas City or Saint Louis.

### 422.3.3 HONORARY CONSULS

Honorary consuls are part-time employees of the country they represent and are either permanent residents of the U.S. or U.S. nationals (unlike career consular officers, who are foreign nationals on temporary assignment to the U.S.). Honorary consuls may be arrested and detained. Limited immunity for official acts may be available as a subsequent defense. Family members have no immunity.

## 422.4 IDENTIFICATION

All diplomatic and consular personnel who are entitled to immunity are registered and issued distinctive identification cards by the DOS Protocol Office. These cards are the best means of identifying Foreign Service personnel. They include a photograph, identifying information, and on the reverse side, a brief description of the bearer's immunity status. These identification cards are not always promptly issued by DOS. In addition to the DOS identification card, Foreign Service personnel should have a driver license issued by the DOS Diplomatic Motor Vehicle Office (DMVO) which, in most circumstances, replaces the operator's license issued by the state.

### 422.4.1 VEHICLE REGISTRATION

Vehicles that are owned by foreign missions or foreign service personnel and their dependents are registered with the DOS OFM, and display distinctive red, white and blue license plates. Vehicles assigned to diplomatic or consular officers will generally have license plates labeled with the words diplomat or consul . Vehicles owned by honorary consuls are not issued OFM license plates but may have Missouri license plates with an honorary consul label. A driver's identity or immunity status should not be presumed from the type of license plates displayed on the vehicle. The status of an OFM license plate should be run via the National Law Enforcement Telecommunications System (NLETS), designating U.S. as the state, if the deputy has reason to question the legitimate possession of the license plate.



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## 422.5 ENFORCEMENT PROCEDURES

The following procedures provide a guideline for handling enforcement of foreign nationals.

### 422.5.1 CITABLE OFFENSES

An enforcement document shall be issued at the scene for all violations warranting such action, regardless of the violator's immunity status. The issuance of a citation is not considered an arrest or detention under current DOS guidelines. Whenever the equivalent of a notice to appear is issued to an immunity claimant, the following additional procedures shall be followed by the issuing deputy:

(a) Identification documents are to be requested of the claimant.

(b) The title and country represented by the claimant are to be recorded on the back of the deputy's copy of the notice to appear for later reference. Do not include this information on the face of the notice to appear.

(c) Verified diplomatic agents and consular officers, including the staff and family members from countries with which the U.S. has special agreements, are not required to sign the notice to appear. The word "Refused" shall be entered in the signature box and the violator shall be released.

(d) Claimants other than verified diplomatic agents and consular officers shall be requested to sign the notice to appear. If the claimant refuses, the identity and immunity status of the individual shall be conclusively established.

(e) Verified consular staff members, excluding those from countries with which the U.S. has special agreements, are generally obligated to sign the notice to appear. But a signature shall not be required if the immunity status is uncertain.

(f) All other claimants are subject to the provisions of policy and procedures outlined here.

(g) The violator shall be provided with the appropriate copy of the notice to appear.

### 422.5.2 IN-CUSTODY ARRESTS

Diplomatic agents and consular officers are immune from arrest or detention unless they have no identification and the detention is to verify their diplomatic status. Proper identification of immunity claimants is imperative in potential in-custody situations. Claimants who are not entitled to immunity shall be placed in custody in accordance with the provisions outlined in this policy.

A subject who is placed under arrest and claims diplomatic or consular immunity shall not be physically restrained before verification of the claim, unless restraint is necessary for the protection of the deputy or others. A supervisor shall be promptly notified and should respond to the scene when reasonably possible. Field verification of the claimant's identity is to be attempted as follows:

(a) An identification card issued by the DOS Protocol Office is the only valid evidence of diplomatic or consular immunity. The following types of identification cards are issued: Diplomatic (blue bordered), Consular (red bordered) and Official (green bordered). The DOS identification cards are 3-3/4 inch by 1-1/2 inch and contain a photograph of the bearer.

(b) Newly arrived members of diplomatic or consular missions may not yet have official DOS identity documents. Verify immunity by telephone with the DOS any time an individual claims immunity and cannot present satisfactory identification, if the deputy



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has reason to doubt the claim of immunity, or there is a possibility of physical arrest. Sheriff's Office personnel should use the following numbers in order of preference:

Office of Foreign Missions
Chicago, IL
(312) 353-5762
(0800-1645 CST)

Office of Foreign Missions
Diplomatic Motor Vehicle Office
Washington D.C.
(202) 895-3521 (Driver's License Verification) or
(202) 895-3532 (Registration Verification)
(202) 895-3533 FAX
(0815-1700 EST)

Department of State
Diplomatic Security Service
Command Center
Washington D.C.
(202) 647-7277
(202) 647-1512
(Available 24 hours)
(202) 647-0122 FAX

Members of diplomatic or consular missions also may have other forms of identification. These include identification cards issued by the state of Missouri, local law enforcement agencies, the foreign embassy or consulate, a driver's license issued by DOS, and DOS license indicia on the vehicle. All these items are only an indication that the bearer may have some form of immunity.

Subjects verified through the above procedures as being officials entitled to immunity (diplomatic agent, consular officers and consular staff and family members from countries with which the U.S. has special agreements) may not be arrested. The procedures below shall be followed. These procedures should also be used in the event immunity cannot be verified but another form of identification indicates that immunity is probable.

If the release of the violator will not create an additional hazard, adequate information to properly identify the violator shall be obtained before the official is released. A supervisor's approval for the release shall be obtained whenever reasonably possible. The necessary release documents and/or a Certificate of Release Form should only be issued under the proper conditions.

If the violator appears to have been driving while under the influence, field sobriety tests, including Preliminary Alcohol Screening (PAS) device tests and chemical tests should be offered and obtained whenever reasonably possible. However, these tests cannot be compelled. The subject shall not be permitted to drive. A supervisor's approval for release shall be obtained whenever reasonably possible and alternative transportation should be arranged.

All facts of the incident shall be documented in accordance with this policy in an Driving While Impaired (DWI) Arrest - Investigation Report, and/or any other relevant report form. Notwithstanding the field release of the subject, prosecution is still appropriate and should be pursued if the violator is either stopped or issued a notice to appear for a violation while operating a motor vehicle. The deputy shall either complete a notice to appear or a written report documenting the incident.

The Clay County Sheriff's Office shall then contact DOS as soon as practicable to verify the violator's status and immunity. Within five working days of the stop, the sheriff's office shall send to the Bureau of Diplomatic Security, OFM of the DOS, a copy of the notice to appear and any collision or other written report documenting the incident. The DOS will take



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appropriate sanctions against errant Foreign Service personnel, even where prosecution is not undertaken by the Sheriff's Office.

## 422.6 TRAFFIC ACCIDENTS

Persons involved in traffic accidents who possess a DOS OFM Diplomatic Driver License, issued by the DMVO, shall have D coded in the license class box of the Traffic Accident Report. The actual driver license class (e.g., 1, 2, 3, or A, B, C, M) shall be entered in the miscellaneous box on page two of the traffic report. If subsequent prosecution of the claimant is anticipated, the claimant's title, country and type of identification presented should be recorded for future reference. Issuance of a citation to, or arrest of, an immunity claimant at the accident scene should be handled in accordance with the procedures specified in this policy.

### 422.6.1 VEHICLES

Vehicles which are owned by subjects with full immunity may not be searched, stored or impounded without the owner's permission. Such permission may be assumed if the vehicle has been stolen. These vehicles may, however, be towed the necessary distance to remove them from obstructing traffic or creating any other hazard.

### 422.6.2 REPORTS

A photocopy of each Traffic Accident Report involving an identified diplomat and/or immunity claimant shall be forwarded to the office of the Sheriff within 48 hours, regardless of whether the claim is verified. The words "Immunity Claim" shall be marked on the photocopy, together with a notation of the claimant's title, country and type of identification presented, if applicable. In addition to the report, a follow-up cover memorandum should be submitted if the violation was flagrant, if the claimant was uncooperative, or if there were any other unusual aspects of the enforcement contact that should be reported to DOS for further action. The Shift/Unit Supervisor or Traffic Unit supervisor apprised of the incident/collision shall also send a copy of all documents and reports submitted by the investigating deputy, along with any supervisor's notes, materials or logs, to the Sheriff's office within 48 hours of the incident. The Sheriff's office will check to ensure that notification of DOS and all necessary follow-up occurs.

## 422.7 FOREIGN NATIONALS WHO DO NOT CLAIM IMMUNITY

These policies and procedures apply to foreign nationals who do not claim diplomatic or consular immunity.

Deputies shall arrest foreign nationals only under the following circumstances:

(a) There is a valid warrant issued for the person's arrest.

(b) There is probable cause to believe that the foreign national has violated a federal criminal law, a state law or a local ordinance.

(c) Deputies shall not arrest foreign nationals solely for alleged undocumented entry into the U.S. unless the undocumented entry is committed in the deputy's presence.

After a lawful detention or criminal arrest, deputies may detain foreign nationals solely for alleged undocumented presence in the U.S. if ICE is contacted and can respond to take custody within a reasonable time. Deputies shall not arrest foreign nationals for undocumented presence. Federal courts have consistently held that undocumented presence is not a crime but a federal civil violation only enforceable by federal officers.

- Deputies shall not stop or detain persons solely for determining immigration status.



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- International treaty obligations provide for notification of foreign governments when foreign nationals are arrested or otherwise detained in the U.S.
- Whenever a deputy arrests and incarcerates a foreign national or detains a foreign national for investigation for over two hours, the deputy shall promptly advise the individual that he/she is entitled to have his/her government notified of the arrest or detention. If the individual wants his/her government notified, the deputy shall begin the notification process.

### 422.7.1 ARREST PROCEDURE

Whenever a deputy physically arrests or detains an individual for criminal investigation and the deputy reasonably believes the person to be a foreign national, the deputy shall inquire to determine the person's citizenship.

If the individual indicates that he/she is other than a U.S. citizen, the deputy shall advise the individual that he/she has a right to have the nearest appropriate embassy or consulate notified of the arrest/detention (Vienna Convention on Consular Relations, Art. 36, (1969)).

If the individual requests such notification, the booking personnel in the Clay County Detention Center as soon as practicable will complete the appropriate embassy/consulate notification. Notification will include at least the following information concerning the individual:

- Country of citizenship
- Full name of the individual, including paternal and maternal surname, if used
- Date of birth or age
- Current residence
- Time, date, place, location of incarceration/detention and the 24-hour telephone number of the place of detention, if the place of detention is different from the Sheriff's Office

If the individual claims citizenship of one of the countries for which notification of the consulate/embassy is mandatory, booking personnel shall complete the appropriate notification process, regardless of whether the individual desires that the embassy/consulate be notified. This procedure is critical because of treaty obligations with the particular countries. The list of countries and jurisdictions that require notification can be found on the DOS website, http://www.travel.state.gov.

### 422.7.2 DOCUMENTATION

Deputies shall document on the face page and in the narrative of the appropriate arrest or investigation report, the date and time that Clay County Detention Center personnel were notified of the foreign national's arrest or detention and his/her claimed nationality.



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# Rapid Response and Deployment

## 424.1 PURPOSE AND SCOPE

Violence in schools, workplaces and other locations by any individual or group of individuals presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist deputies in implementing rapid response and deployment to such situations.

## 424.2 POLICY

The policy of the Clay County Sheriff's Office in dealing with a crisis situation shall be:

(a) To obtain and maintain complete operative control of the incident.

(b) To explore every reasonably available source of intelligence regarding the circumstances, location and suspect in the incident.

(c) To attempt, by every means available, to attain any tactical advantage over the suspect.

(d) To attempt, whenever practicable, a negotiated surrender of the suspect and release of the hostages through the expertise of the members of the sheriff's office and others.

Nothing in this policy shall preclude the use of necessary force, deadly or otherwise, by members of the sheriff's office in protecting themselves or others from death or injury.

## 424.3 PROCEDURE

Deputies must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources. If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding deputies should consider reasonable options to immediately eliminate the threat.

(a) Whether sufficient personnel are available on-scene to advance on the suspect. Any advance on a suspect should be made using two or more deputies whenever reasonably possible.

(b) Whether individuals who are under imminent threat can be moved out of danger with reasonable safety.

(c) Whether the deputies have the ability to effectively communicate with others in the field.

(d) Whether planned tactics can be effectively deployed.

(e) The availability of rifles, shotguns, shields, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

(f) In a case of a barricaded suspect with no hostages and no immediate threat to others, deputies should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

(g) If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, the deputy should take immediate action, if reasonably possible, to stop the threat presented by the suspect while calling for additional assistance.



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# Reporting Law Enforcement Activity Outside of the Jurisdiction

## 426.1 PURPOSE AND SCOPE

This policy provides general guidelines for reporting law enforcement activity, while on- or off-duty, that is occurring outside the jurisdiction of the Clay County Sheriff's Office.

### 426.1.1 ASSISTANCE TO AGENCIES OUTSIDE THE COUNTY

When a deputy is on-duty and is requested by an outside agency to participate in law enforcement activity in another jurisdiction, he/she shall obtain prior approval from their immediate supervisor or the Shift/Unit Supervisor and shall respond to the request as outlined in the Mutual Aid and Outside Agency Assistance Policy. If the request is of an emergency nature, the deputy shall notify the Cooperative Communications Center before responding and thereafter notify a supervisor as soon as practicable.

### 426.1.2 LAW ENFORCEMENT ACTIVITY OUTSIDE THE COUNTY

Any on-duty deputy who engages in self-initiated law enforcement activities of any type outside the immediate jurisdiction of the Clay County Sheriff's Office that are not part of a mutual aid request shall notify his/her supervisor or the Shift/Unit Supervisor as soon as practicable. Any off-duty deputy who engages in any law enforcement activities, regardless of jurisdiction, shall notify the Shift/Unit Supervisor as soon as reasonably practicable.

The supervisor shall determine if a case report or other documentation of the deputy's activity is required. The report or other documentation shall be forwarded to the deputy's Division Commander.



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# Immigration Violations

## 428.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to employees of the Clay County Sheriff's Office in reporting, investigating and enforcing immigration laws.

## 428.2 POLICY

It is incumbent upon all employees of the Clay County Sheriff's Office to make a personal and professional commitment to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of the Sheriff's Office in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their immigration status.

## 428.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may often be necessary to determine the identity of a victim or witness, employees shall treat all individuals equally and without regard to race, color or national origin in any way that would violate the United States or Missouri Constitutions.

## 428.4 ENFORCEMENT

Deputies may detain an individual when there are facts supporting a reasonable suspicion that the individual entered into the United States in violation of a federal criminal law. Federal authorities shall be notified as soon as possible and the detained individual shall be immediately released if the federal authorities do not want the individual held. Deputies should not detain for any length of time any individual, for a civil violation of federal immigration laws.

### 428.4.1 FEDERAL CIVIL VERSUS CRIMINAL OFFENSES

An individual who enters into the United States illegally has committed a misdemeanor 8 USC § 1325(a). Generally, an alien who initially made a legal entry into the United States but remains beyond what is a legal period of time has committed a federal civil offense.

Reasonable suspicion that a criminal immigration violation has occurred shall not be based on race, color, national origin or any other generalization that would cast suspicion on or stigmatize law-abiding citizens except to the extent permitted by the United States or Missouri Constitution. Instead, the totality of the circumstances shall be used to determine reasonable suspicion and include factors weighing for and against reasonable suspicion.

Factors that may be considered in determining reasonable suspicion that a criminal violation has occurred may include, but are not limited to:

(a) An admission that the person entered the United States illegally.

(b) Reason to suspect that the person possesses immigration documentation that is forged, altered or otherwise indicative that the person is not legally present in the United States.



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(c) While a lack of English proficiency may be considered, it should not be the sole factor in establishing reasonable suspicion. When practicable, reasonable effort should be made to accommodate persons with limited English proficiency.

(d) Other factors based upon training and experience.

### 428.4.2 IMMIGRATION CHECKS

Immigration status may be determined through any of the following sources:

(a) A peace officer who is authorized by the federal government under 8 USC § 1357 to verify or ascertain an alien's immigration status (sometimes referred to as a 287(g) certified officer), or

(b) Immigration and Customs Enforcement (ICE), or

(c) U.S. Customs and Border Protection (CBP).

The deputy shall verify from a 287(g) certified officer, ICE or CBP whether the person's presence in the United States relates to a federal civil violation or a criminal violation.

If the deputy has facts that establish probable cause to believe that the detained person has committed a criminal immigration offense, the deputy may continue the detention and may request ICE or CBP to respond to the location to take custody of the detained person. In addition, deputies should notify a supervisor as soon as practicable.

Deputies are encouraged to forgo detentions made solely on the basis of a misdemeanor criminal federal immigration offense when time limitations, availability of personnel, issues of officer safety, communication capabilities or the potential to obstruct a separate investigation outweigh the need for the detention.

### 428.4.3 SUPERVISOR RESPONSIBILITIES

When notified that a deputy has detained a person and established probable cause to believe the person has violated a criminal immigration offense, the supervisor should:

(a) Confirm that the detained person's immigration status was properly verified.

(b) Ensure that the detained person is taken into custody when appropriate and that no steps are taken that would unreasonably limit or restrict the enforcement of immigration laws. Appropriate steps may include, but are not limited to:

1. Transfer to federal authorities.
2. Lawful arrest for a criminal offense or warrant.

## 428.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

In the event that an arrestee is confined to jail, the arresting deputy shall query the Law Enforcement Support Center (LESC) of the United States Department of Homeland Security (DHS) or other office or agency designated for that purpose by DHS to determine if the prisoner is in the United States unlawfully. If it is determined that the person is in the United States unlawfully, the deputy will notify DHS. No arrestee who is otherwise ready to be released on a bond or other form of release shall be detained longer than necessary because questions about the person's status are unresolved (§ 577.680, RSMo).

The arresting deputy need not query LESC since the Clay County Detention Center has operational procedures to handle the query and notification.



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## 428.6 INFORMATION SHARING

Unless otherwise dictated by law, it is the policy of the Clay County Sheriff's Office that:

(a) No employee will prohibit, or in any way restrict, any other employee from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

- Sending information to, or requesting or receiving such information from, ICE.
- Maintaining such information in sheriff's office records.
- Exchanging such information with any other federal, state, or local government entity.

(b) Employees should cooperate with state and federal agencies and officials on matters pertaining to enforcement of state and federal laws governing immigration (§67.307 RSMo).

## 428.7 U-VISA/T-VISA NON-IMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits to victims and witnesses of certain qualifying crimes (8 USC 1101(a)(15)(U), 8 USC 1101(a)(15)(T)). A declaration/certification for a U-Visa/T-Visa from the U.S. Citizenship and Immigration Services may be completed on the appropriate DHS Form supplements (I-918 or I-914) by law enforcement and must include information on how the individual can assist in a criminal investigation or prosecution in order for a U-Visa/T-Visa to be issued.

Any request for assistance in applying for U-Visa/T-Visa status should be forwarded in a timely manner to the Investigation Unit supervisor assigned to supervise the handling of any related case. The Investigation Unit supervisor should do the following:

(a) Consult with the assigned detective to determine the current status of any related case and whether further documentation is warranted.

(b) Review the instructions for completing the declaration/certification. Instructions for completing Forms I-918/I-914 can be found on the DHS website at http://www.uscis.gov/portal/site/uscis.

(c) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the declaration/certification has not already been completed and whether a declaration/certification is warranted.

(d) Address the request and complete the declaration/certification, if appropriate, in a timely manner.

Ensure that any decision to complete or not complete the form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed certification in the case file.

## 428.8 TRAINING

The Training Coordinator shall ensure that all applicable employees receive appropriate immigration training.

## 428.9 ICE REQUEST FOR ASSISTANCE

Specific requests for assistance by ICE or any other federal agency should be directed to a supervisor. The sheriff's office may provide available support services, such as traffic control or peacekeeping efforts, to ICE or other federal agencies.



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# Emergency Utility Service

## 430.1 PURPOSE AND SCOPE

The Clay County Highway Department has personnel available to handle emergency calls 24 hours a day, seven days a week. Calls for service during non-business hours are frequently directed to the Sheriff's Office. Requests for such service received by the sheriff's office should be handled in the following manner.

### 430.1.1 BROKEN WATER LINES

Clay County and the Highway Department have no responsibility for any water lines or water service to private or commercial establishments. Clay County Facilities Management personnel will respond to water line issues in county owned buildings. Citizens requesting assistance should be referred to the appropriate water service provider.

### 430.1.2 ELECTRICAL LINES

Clay County does not maintain electrical lines to street light poles. When a power line poses a hazard, a deputy should be dispatched to protect against personal injury or property damage that might be caused by power lines. The appropriate electric company should be promptly notified.

### 430.1.3 BLOCKED ROADWAYS

Clay County Highway Department personnel will respond to assist with roadways that have been blocked due to downed trees, tree limbs, trash, etc. They will not assist with removing vehicles.

### 430.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for Clay County Highway emergencies will be maintained by the Cooperative Communications Center.

## 430.2 TRAFFIC SIGNAL MAINTENANCE

The Clay County Highway Department is NOT responsible for maintenance of ANY traffic signals within the County. All traffic signals are maintained by the Missouri Department of Transportation (MoDOT) or the local jurisdiction.

### 430.2.1 DEPUTY'S RESPONSIBILITIES

Upon observing a damaged or malfunctioning signal, the deputy will advise the Cooperative Communications Center of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.



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# Patrol Rifles

## 432.1 PURPOSE AND SCOPE

To more effectively and accurately address the increasing level of firepower and body armor utilized by criminal suspects, the Clay County Sheriff's Office will make patrol rifles available to qualified deputies as an additional and more immediate tactical resource.

## 432.2 PATROL RIFLE

### 432.2.1 DEFINITIONS

Definitions related to this policy include:

**Patrol rifle** - An authorized weapon owned by the Sheriff's Office, which is made available to properly trained and qualified deputies as a supplemental resource to their duty handgun or shotgun. No personally owned rifles may be carried for patrol duty unless pre-approved in writing by the Sheriff and the Sheriff's Office Lead Firearms Instructor.

## 432.3 SPECIFICATIONS

Only weapons and ammunition that meet agency authorized specifications, approved by the Sheriff and issued by the Clay County Sheriff's Office, may be used by deputies in their law enforcement responsibilities. The authorized patrol rifle issued by the Sheriff's Office is the Colt 6933 M4.

## 432.4 RIFLE MAINTENANCE

(a) Primary responsibility for maintenance of patrol rifles shall fall on the Lead Firearms Instructor, who shall insure that each patrol rifle is inspected and serviced on an annual basis.

(b) Each patrol deputy carrying a patrol rifle may be required to field strip and clean an assigned patrol rifle as needed.

(c) Each patrol deputy shall be responsible for promptly reporting any damage or malfunction of an assigned patrol rifle to a supervisor or the Lead Firearms Instructor.

(d) Any patrol rifle found to be unserviceable shall also be clearly identified as non-serviceable, including details regarding the unserviceable condition.

(e) Each patrol rifle shall be subject to inspection by a supervisor or the Lead Firearms Instructor at any time.

(f) No modification shall be made to any patrol rifle without prior written authorization from the Lead Firearms Instructor.

## 432.5 TRAINING

Deputies shall not carry or utilize the patrol rifle unless they have successfully completed approved Sheriff's Office training. This training shall consist of an initial twelve-hour patrol rifle user's course and qualification score with a certified patrol rifle instructor. Deputies shall thereafter be required to successfully complete any training as designated by the Lead Firearms Instructor and at least yearly firearms proficiency qualification conducted by a certified patrol rifle instructor.



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Any deputy who fails to qualify or who fails to successfully complete two or more office-sanctioned training/qualification sessions within a calendar year will no longer be authorized to carry the patrol rifle without successfully retaking the initial patrol deputies user's course and qualification.

## 432.6 DEPLOYMENT OF THE PATROL RIFLE

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

(a) Situations where the deputy reasonably anticipates an armed encounter.

(b) When a deputy is faced with a situation that may require the delivery of accurate and effective fire at long range.

(c) Situations where a deputy reasonably expects the need to meet or exceed a suspect's firepower.

(d) When a deputy reasonably believes that there may be a need to deliver fire on a barricaded person or a person with a hostage.

(e) When a deputy reasonably believes that a suspect may be wearing body armor.

(f) When authorized or requested by a supervisor.

(g) When needed to euthanize an animal.

## 432.7 DISCHARGE OF THE PATROL RIFLE

The discharge of the patrol rifle shall be governed by the Use of Force and Firearm Discharge policies.

## 432.8 PATROL READY

Any qualified deputy carrying a patrol rifle in the field shall maintain the weapon in a patrol ready condition until deployed. A rifle is considered in a patrol ready condition when it has been inspected by the assigned deputy, the fire selector switch is in the safe position, the chamber is empty and a fully loaded magazine is inserted into the magazine well.

## 432.9 RIFLE STORAGE

(a) When not issued, patrol rifles will be stored in the Sheriff's Office armory in rifle racks

(b) When not deployed, in-service patrol rifles should be secured in the vehicle in a locked gun rack or locked in the trunk.



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# Aircraft Accidents

## 434.1 PURPOSE AND SCOPE

This policy describes situations involving aircraft accidents, the responsibilities of personnel, making proper notifications and documentation.

### 434.1.1 DEFINITIONS

Definitions related to this policy include:

**Aircraft accident** - An occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight and all such persons have disembarked, and in which any person suffers death or serious injury, or in which the aircraft receives substantial damage (49 CFR 830.2).

## 434.2 RESPONSIBILITIES

In the event of an aircraft accident, the employee responsibilities are as follows.

### 434.2.1 DEPUTY RESPONSIBILITIES

Deputies should treat an aircraft accident site as a crime scene until it is determined that such is not the case. If a military aircraft is involved, additional dangers, such as live ordnance or hazardous materials, may be present. The scene may require additional security due to the potential presence of confidential equipment or information.

The duties of the field deputy at the scene of an aircraft accident include the following:

(a) Determine the extent of the accident.

(b) Request additional personnel and other resources to respond as needed.

(c) Provide assistance for the injured parties until the arrival of fire department personnel and/or other emergency personnel.

(d) Cordon off and contain the area to exclude unauthorized individuals as soon as practicable.

(e) Provide traffic and crowd control and other assistance until directed otherwise by a supervisor.

(f) Ensure the appropriate Medical Examiner's Office is notified if a death occurs.

Entering an aircraft or tampering with parts or debris is only permissible for the purpose of removing injured or trapped occupants, protecting the wreckage from further damage or protecting the public from danger. If reasonably possible, the investigating authority should first be consulted before entering or moving any aircraft or any accident debris. Photographs or sketches of the original positions should be made whenever practicable.

The fire department will be responsible for control of the accident scene until the injured parties are cared for and the accident scene has been rendered safe for containment. Thereafter, sheriff's personnel will be responsible for preserving the scene until relieved by the investigating authority.



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Once the scene is relinquished to the investigating authority, personnel from this agency may assist in containment of the scene until the investigation is completed or assistance is no longer needed.

An airport service worker or the airport manager may respond to the scene to assist the on-scene commander with technical expertise, should it be needed during the operation.

### 434.2.2 NATIONAL TRANSPORTATION SAFETY BOARD

The National Transportation Safety Board (NTSB) has the primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will be involved in the investigation. The NTSB is concerned with several aspects of an accident as described in this section.

Every effort should be made to preserve the scene to the extent reasonably possible in the condition in which it was found until such time as the NTSB or other authorized personnel arrive to take charge of the scene.

Military personnel will respond to take charge of any military aircraft involved, regardless of any injury or death.

If the accident did not result in a death or injury and the NTSB elects not to respond, the pilot or owner may assume control of the aircraft.

Removal of the wreckage shall be done under the guidance of the NTSB or military authorities. If the NTSB is not responding for an on-site investigation, it will be removed at the discretion of the pilot or the owner.

### 434.2.3 THE COOPERATIVE COMMUNICATIONS CENTER RESPONSIBILITIES

Dispatchers are responsible to make notifications as directed once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage and the type of aircraft involved. Generally, the dispatcher will need to notify the following agencies or individuals when an aircraft accident has occurred.

(a) Fire department

(b) The appropriate airport tower

(c) Closest military base if a military aircraft is involved

(d) Ambulances or other assistance as required

When an aircraft accident is reported to the Sheriff's Office by the airport tower personnel, the dispatcher receiving such information should verify that the tower personnel will contact the Federal Aviation Administration (FAA) Flight Standards District Office and the NTSB. In the event that airport personnel are not involved, the dispatcher should notify the FAA and the NTSB.

### 434.2.4 ADMINISTRATIVE ASSISTANT - REPORTS UNIT RESPONSIBILITIES

The Administrative Assistant - Reports Unit's responsibilities include:

(a) Forwarding and maintaining an approved copy of the report to the Missouri Department of Transportation, Aviation Section.

(b) Forwarding a copy of the report to the Field Operations Division Commander and the manager of the affected airport.



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### 434.2.5 MEDIA RELATIONS DEPUTY RESPONSIBILITIES

The Sheriff's Office Media Relations Deputy's responsibilities include:

(a) Obtaining information for a press release from the on-scene commander or the authorized designee.

(b) When practicable, coordinating with the FAA Press Information Officer on preparing a press release and distributing it to the media.

Information released to the press regarding any aircraft accident should be handled by the Sheriff's Office Media Relations Deputy or in accordance with existing policy.

## 434.3 DOCUMENTATION

Any aircraft accident within the County, regardless of whether injuries or deaths occur, shall be documented.



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# Field Training Officer Program

## 436.1 PURPOSE AND SCOPE

The Field Training Officer (FTO) Program is intended to provide a standardized program to facilitate the deputy's transition from the academic setting to the actual performance of general law enforcement duties of the Clay County Sheriff's Office.

It is the policy of this office to assign all new sheriff's deputies to a structured FTO Program that is designed to prepare the new deputy to perform in a patrol assignment and to acquire all of the skills needed to operate in a safe, productive and professional manner.

## 436.2 FIELD TRAINING OFFICER

The FTO is an experienced deputy trained in the art of supervising, training and evaluating entry level and lateral sheriff's deputies in the application of their previously acquired knowledge and skills.

### 436.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

(a) Desire to be an FTO
(b) Minimum of four years of patrol experience, two of which shall be with this office
(c) Demonstrated ability as a positive role model
(d) Participate and pass an internal oral interview selection process
(e) Evaluation by supervisors and current FTOs
(f) Possess a valid Missouri peace officer license

### 436.2.2 TRAINING

A deputy selected as an FTO shall successfully complete an FTO course approved by the Office prior to being assigned as an FTO.

All FTOs must complete an FTO update course approved by the Office every three years while assigned to the position of FTO.

## 436.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The FTO Program supervisor will be selected from the rank of sergeant or above by the Field Operations Division Commander or the authorized designee.

The responsibilities of the FTO Program supervisor includes:

(a) Assign trainees to FTOs.
(b) Conduct FTO meetings.
(c) Maintain and ensure FTO/trainee performance evaluations are completed.
(d) Maintain, update and issue the Field Training Manual to each trainee.
(e) Monitor individual FTO performance.
(f) Monitor the overall FTO Program.



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(g) Maintain liaison with FTO coordinators of other agencies.

(h) Maintain liaison with academy staff on recruit performance during the academy.

(i) Develop ongoing training for FTOs.

The FTO Program supervisor will be required to successfully complete a Field Training Administrator's Course approved by this office within one year of appointment to this position.

## 436.4 TRAINEE DEFINED

**Trainee** - Any entry level or lateral sheriff's deputy newly appointed to the Clay County Sheriff's Office, who possesses a valid peace officer license issued by the state of Missouri.

## 436.5 REQUIRED TRAINING

Entry level deputies shall be required to successfully complete the Field Training Program.

The training period for lateral deputies may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of eight weeks.

To the extent practicable, entry level and lateral deputies should be assigned to a variety of FTOs, shifts and geographical areas during their Field Training Program.

### 436.5.1 FIELD TRAINING MANUAL

Each new deputy will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and skills necessary to properly function as a deputy with the Clay County Sheriff's Office. The deputy shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules and regulations of the Clay County Sheriff's Office.

## 436.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

### 436.6.1 FIELD TRAINING OFFICER

(a) FTOs shall complete and submit a written evaluation on the performance of their assigned trainee on a daily basis.

(b) FTOs shall review the Daily Trainee Performance Evaluations with the trainee each day.

(c) A detailed end-of-phase performance evaluation on the assigned trainee shall be completed by the FTO at the end of each phase of training.

(d) FTOs shall be responsible for signing off on all completed topics contained in the Field Training Manual, noting the method of learning and evaluating the performance of the assigned trainee.



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### 436.6.2 IMMEDIATE SUPERVISOR

The FTO's immediate supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Administrator.

### 436.6.3 FIELD TRAINING ADMINISTRATOR

The Field Training Administrator will review and approve the Daily Trainee Performance Evaluations submitted through the FTO's immediate supervisor.

The Field Training Administrator will hold periodic meetings with all FTOs to ensure understanding and compliance with the requirements of the Field Training Program. At least annually, the Field Training Administrator will hold a process review meeting with all FTOs to discuss changes needed in the FTO Program. A summary of this meeting, with any recommendations or changes made, will be documented and forwarded to the Sheriff for review and approval.

### 436.6.4 TRAINEE

At the completion of the Field Training Program, the trainee shall submit a performance evaluation of each of his/her FTOs and of the Field Training Program.

## 436.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in the deputy's training files and will consist of the following:

(a) Daily Trainee Performance Evaluations

(b) End of phase evaluations

(c) A Certificate of Completion, certifying that the trainee has successfully completed the required number of hours of field training



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# Air Support

## 438.1 PURPOSE AND SCOPE

The use of air support can be invaluable in certain situations. This policy specifies potential situations where the use of air support may be requested and the responsibilities for making a request.

## 438.2 REQUEST FOR AIR SUPPORT

If a supervisor or deputy in charge of an incident determines that the use of air support would be beneficial, a request to obtain air support may be made.

### 438.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for air support, the Shift/Unit Supervisor or the authorized designee will call the closest agency having air support available. The Shift/Unit Supervisor will apprise that agency of the specific details of the incident prompting the request.

### 438.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Law enforcement air support may be requested under conditions that include:

(a) When the aircraft is activated under existing mutual aid agreements.

(b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the aircraft may reduce such hazard.

(c) When the use of aircraft will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community.

(d) When an aircraft is needed to locate a person who is lost and whose continued absence constitutes a serious health or safety hazard.

(e) Vehicle pursuits.

(f) Pre-planned events or actions that require air support.

(g) When the Shift/Unit Supervisor or equivalent authority determines a reasonable need exists.

While it is recognized that the availability of air support will generally provide valuable assistance to ground personnel, the presence of air support will rarely replace the need for deputies on the ground.



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# Contacts, Detentions and Photographing Detainees

## 440.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for conducting field interviews (FI) and the taking and retention of photographs of persons detained in the field but not arrested.

## 440.2 POLICY

The Clay County Sheriff's Office respects the rights of the members of our community to be free from unreasonable detentions or searches. Due to a variety of situations confronting the deputy, the decision to FI or photograph a field detainee shall be left to the deputy based on the totality of the circumstances and officer safety considerations.

## 440.3 DEFINITIONS

Definitions related to this policy include:

**Detention** - Occurs when a deputy intentionally, through words, actions or physical force causes an individual to reasonably believe he/she is being required to restrict his/her movement. Detentions also occur when a deputy actually restrains a person's freedom of movement.

**Consensual encounter** - Occurs when a deputy contacts an individual but does not create a detention through words, actions or other means. In other words, a reasonable individual would believe that his/her contact with the deputy is voluntary.

**Field Interview (FI)** - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the deputy's suspicions.

**Field photographs** - Posed photographs taken of a person during a contact, detention or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Video Recorder (MAV) system or Personal Video Recording PVR) system when persons are not posed for the purpose of photographing are not considered field photographs.

**Pat-down search** - This type of search is used by deputies in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the deputy, the detainee or others.

**Reasonable suspicion** - Occurs when, under the totality of the circumstances, a deputy has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

## 440.4 FIELD INTERVIEWS

Deputies may stop individuals for the purpose of conducting an FI where reasonable suspicion is present. In justifying the stop, the deputy should be able to point to specific facts which, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to:



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(a) The appearance or demeanor of an individual that suggests he/she is part of a criminal enterprise or is engaged in a criminal act.

(b) Actions of the suspect that suggest he/she is engaged in a criminal activity.

(c) Whether the hour of day or night is inappropriate for the suspect's presence in the area.

(d) The suspect's presence in the particular area is suspicious.

(e) The suspect is carrying a suspicious object.

(f) The suspect's clothing bulges in a manner that suggests he/she is carrying a weapon.

(g) The suspect is located in proximate time and place to an alleged crime.

(h) The deputy has knowledge of the suspect's prior criminal record or involvement in criminal activity.

### 440.4.1 INITIATING A FIELD INTERVIEW

Based on observance of suspicious circumstances or upon information from investigation, a deputy may initiate the stop of a person when there is articulable, reasonable suspicion to do so. A person, however, should not be detained longer than is reasonably necessary to resolve the deputy's suspicions.

Nothing in this policy is intended to discourage consensual contacts. Frequent and random casual contacts with consenting individuals is encouraged by the Clay County Sheriff's Office to strengthen community involvement, community awareness and problem identification.

### 440.4.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may be lost or the integrity of their statements compromised with the passage of time, deputies should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available personnel for the following:

(a) Identifying all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.

2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, deputies should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by sheriff's office personnel.

1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a sheriff's office vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.



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### 440.4.3 DURATION OF DETENTION

A subject may be detained to conduct an FI only for the period reasonably necessary to determine the individual's identity and resolve the deputy's suspicions. The interview should not extend beyond the immediate vicinity of the place of detention unless the detainee is arrested.

## 440.5 PAT-DOWN SEARCHES

Once a valid stop has been made, a deputy may pat a suspect's outer clothing if they have a reasonable, particularized suspicion that the suspect is armed. The purpose of this limited search is not to discover evidence of crime, but to allow the deputy to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include, but are not limited to:

(a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.

(b) Where more than one suspect must be handled by a single deputy.

(c) The hour of the day and the location or area where the stop takes place.

(d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.

(e) The appearance and demeanor of the suspect.

(f) Visual indications that suggest the suspect is carrying a firearm or other weapon.

## 440.6 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the deputy shall carefully consider, among other things, the factors listed below.

### 440.6.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. When taking a consensual photograph, the deputy should have the individual read and sign the appropriate form accompanying the photograph.

### 440.6.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The deputy must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the deputy's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

## 440.7 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This



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is not to imply that supervisor approval is required before each photograph is taken. Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

## 440.8 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Shift/Unit Supervisor with either an associated FI form or other memorandum explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Shift/Unit Supervisor should review and forward the photograph to one of the following locations:

(a) If the photograph and associated FI or memorandum is relevant to criminal gang enforcement, the Shift/Unit Supervisor will forward the photo and documents to the gang unit supervisor. The gang unit supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Street Gangs Policy.

(b) Photographs that do not qualify for retention in the criminal gang file or that are not evidence in an investigation with an assigned case number shall be forwarded to the Reports Unit. These photographs will be purged as described in this policy.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs will be kept in compliance with the sheriff's office records retention schedule.



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# Criminal Street Gangs

## 442.1 PURPOSE AND SCOPE

It is the policy of the Clay County Sheriff's Office to establish a procedure for identifying criminal street gangs, participants of criminal street gangs and patterns of criminal or delinquent activity.

The intent of this policy is to establish a procedure that will be used to develop and maintain a file of information used for enhancing criminal prosecution of criminal street gang participants.

## 442.2 DEFINITIONS

Definitions related to this policy include:

**Criminal street gang** - Any ongoing organization, association or group of three or more persons, whether formal or informal:

(a) Which has as one of its primary objectives or activities the commission of one or more criminal acts defined by state law as criminal street gang predicate crimes, and

(b) Which has a common name or common identifying sign or symbol, and

(c) Whose members individually or collectively engage in or have engaged in a pattern of criminal street gang activity (§ 578.421(1), RSMo).

**Pattern of criminal gang activity** - The commission, attempt, conspiracy or solicitation of two or more listed criminal acts which are committed on separate occasions or by two or more persons (§ 578.421(2), RSMo).

## 442.3 IDENTIFICATION OF CRIMINAL STREET GANGS/PARTICIPANTS

The gang information unit shall be authorized to collect information on individuals who are suspected of participating in a criminal street gang and groups that are suspected of being criminal street gangs.

(a) A group of three or more individuals shall be designated a criminal street gang when:

1. They have a common name or common identifying sign or symbol.
2. There is evidence, substantiated by crime and informational reports, that a primary activity of the group is the commission of one or more criminal or delinquent acts.
3. One or more members individually or collectively have engaged in a pattern of criminal gang activity.
4. A designated representative of the Prosecuting Attorney reviews the available evidence and concurs with a sheriff's office finding that the group meets the criteria for being a criminal street gang.

(b) An individual shall be designated as a participant in a criminal street gang and included in a gang file when at least two of the following elements have been verified by a gang information unit member and there is a reasonable basis for believing such affiliation has been established. Inclusion in the gang file shall be approved by a supervisor.

1. An individual admits membership in a criminal street gang.



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2. A reliable informant or known gang member identifies an individual as a participant in a criminal street gang.
3. An informant of previously untested reliability identifies an individual as a participant in a criminal street gang when that identification is corroborated by independent information.
4. An individual resides in or frequents a particular criminal street gang's area and affects the gang's style of dress, color of dress, use of jewelry, tattoos, monikers or any other identifiable mannerism associated with that particular criminal street gang, and where the deputy documents reasonable suspicion that the individual is involved in criminal street gang activity or enterprise.
5. A person has been arrested in the company of identified criminal street gang members for offenses that are consistent with criminal street gang activity or criminal street gang-related crimes.
6. An individual is identified as a gang member in a criminal street gang document or the individual is depicted in a criminal street gang member's photograph in such a manner as to clearly indicate membership in a criminal street gang.
7. An individual otherwise meets the criteria of a criminal gang participant under the guidelines of a sheriff's office approved gang intelligence database and/or 28 CFR 23.20.

(c) An individual may be designated as a gang affiliate only when the individual is known to associate with active criminal street gang members and a deputy has established that there is reasonable suspicion that the individual is involved in criminal activity or delinquent acts. A deputy's belief must be premised upon reasoning and logic coupled with sound judgment based upon law enforcement experience.

## 442.4 CRIMINAL STREET GANG TEMPORARY FILE

The gang unit supervisor may maintain a temporary file of reports and field interviews (FIs) that is separate from any criminal gang intelligence database when an individual has been identified as a suspected street gang participant or group has been identified as a suspected street gang but they do not meet the criteria necessary for entry into a criminal gang intelligence database.

Inclusion in a temporary file may be done only if there is a reasonable likelihood that, within one year of the contact, the individual or group will meet the criteria for entry into a criminal gang intelligence database approved by the Sheriff's Office. Reports and FIs will only be included in a temporary gang file with the written authorization of the gang unit supervisor. A temporary file of street gang participants shall include the following:

(a) Names, aliases, monikers, addresses and other relevant identifying information

(b) Gang name

(c) Justification used to identify an individual as a criminal street gang participant

(d) Vehicles known to be used

(e) Cross references to other identified gangs or gang members

### 442.4.1 REVIEW AND PURGING OF TEMPORARY CRIMINAL GANG FILE

Temporary files shall not be retained longer than one year. At the end of one year, temporary files must be purged if the information does not qualify for entry into a criminal gang intelligence database approved by the Sheriff's Office.



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The gang unit supervisor shall periodically review temporary files to verify that the information was properly obtained and meets the criteria for retention. Validation and purging of temporary criminal gang files is the responsibility of the gang unit supervisor. Retention and purging shall comply with the sheriff's office's records retention schedule.

### 442.4.2 CRIMINAL GANG INTELLIGENCE DATABASES

While this policy does not establish a criminal gang intelligence database, the Sheriff may approve one or more criminal gang intelligence databases for use by members of the gang unit. Any such database must be compliant with federal law regulating criminal intelligence systems (28 CFR § 23.20). Employees must obtain the requisite training before accessing any such database.

It is the gang unit supervisor's responsibility to determine whether a report or FI contains information that would meet the criteria for entry into a criminal gang intelligence database approved by the Sheriff's Office. After giving written approval for entry of the record, the gang unit supervisor should forward any such reports/FIs to the Reports Unit after appropriate database entries are made. The submitting gang unit supervisor should clearly mark the report/FI as gang intelligence information.

It is the responsibility of the Field Operations Administrative Assistant - Reports Unit to retain reports and FIs in compliance with the procedures of the sheriff's office approved gang/intelligence file and federal law (28 CFR § 23.20). The Field Operations Administrative Assistant - Reports Unit may not purge these reports or FIs without the approval of the gang unit supervisor.

Validation and purging of gang intelligence databases is the responsibility of the gang unit supervisor.

### 442.4.3 INQUIRY BY PARENT OR GUARDIAN

When an inquiry is made by a parent or guardian as to whether a juvenile's name is in the street gang participant's file, such information shall be provided by the gang unit supervisor unless the release of such information can be clearly shown to jeopardize an ongoing criminal investigation.

Employees must strictly comply with the procedures governing the release of information from a criminal gang intelligence database approved by the Sheriff's Office.

### 442.4.4 RIGHT TO REQUEST REVIEW OF CRIMINAL INFORMATION

When the parent or guardian of a juvenile who is documented as a criminal gang member submits a written request challenging the accuracy of the information contained within that file, the Sheriff or the authorized designee shall review the information in the file. If, after conducting a review of the information, it is determined that the information is not accurate, all records shall be purged and disposed in compliance with the organization's records retention schedule.

## 442.5 FIELD CONTACTS

Deputies who contact individuals who are, or may be, participants in criminal street gang activity should complete an FI form and document the reasonable suspicion underlying the contact and the exact circumstances leading to the suspicion that the individual is a criminal street gang participant (e.g., subject states he/she is a member of XYZ gang, has XYZ tattoo on right hand near thumb, is wearing a ball cap with the gang name printed in blue or red ink).



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Photographing known or suspected criminal street gang participants shall be done in accordance with the provisions of the Contacts, Detentions and Photographing Detainees Policy.

## 442.6 DISSEMINATIONS OF THE FILE INFORMATION

Information from the temporary criminal gang participant files may only be furnished to Sheriff's Office personnel and other public law enforcement agencies on a need-to-know basis. This means information that may be of use in the prevention of gang-related criminal activity or information concerning the investigation of gang-related crimes shall only be released to members of the Clay County Sheriff's Office and other law enforcement agencies.

The release of information from any sheriff's office approved gang intelligence file must comply with the rules established for that particular temporary file or database.

## 442.7 REPORTING CRITERIA AND ROUTING

Incidents that appear to be criminal gang related shall be documented on a report form and shall at minimum include:

(a) A description of any document, statements, actions, dress or other information that would tend to support the deputy's belief that the incident may be related to the activities of a criminal gang.

(b) Whether any photographs were taken and a brief description of what they depict.

(c) What physical evidence, if any, was observed, collected or booked.

(d) A specific request that a copy of the report be routed to the gang unit.

Any photographs taken or evidence collected shall be booked in accordance with current evidence booking procedures.



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# Shift/Unit Supervisors

## 444.1 PURPOSE AND SCOPE

Each shift or unit must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with sheriff's office policies, procedures, practices, functions and objectives. To accomplish this goal, a Shift/Unit Supervisor heads each shift or unit.

## 444.2 DESIGNATION AS ACTING SHIFT/UNIT SUPERVISOR

When a Shift/Unit Supervisor is unavailable for duty in most instances the qualified Assistant Shift/Unit Supervisor shall be designated as acting Shift/Unit Supervisor. This policy does not preclude designating a less senior deputy as an acting Shift/Unit Supervisor when operational needs require or training permits.



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# Mobile Audio Video

## 446.1 PURPOSE AND SCOPE

The Clay County Sheriff's Office has equipped certain vehicles with Mobile Audio Video (MAV) recording systems to provide records of events and assist deputies/members in the performance of their duties. Technological innovations often allow law enforcement greater flexibility in the use of audio and video recording. The Clay County Sheriff's Office recognizes the use of Mobile Audio Video systems provides persuasive documentary evidence and helps defend against civil litigation and allegations of personnel misconduct. However, as with other technologies, proper selection and use of these systems is essential if they are to meet the needs of the agency and the personnel in the operational environment. Therefore it shall be the policy of the Clay County Sheriff's Office to control and closely monitor the use of MAV's.

### 446.1.1 DEFINITIONS

Definitions related to this policy include:

**Activate** - Any process that causes the MAV system to transmit or store video or audio data.

**In-car camera system and Mobile Audio Video (MAV) system** - Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor.

**MAV technician** - Personnel certified or trained in the operational use and repair of MAVs, duplicating methods, storage and retrieval methods and procedures, and who have a working knowledge of video forensics and evidentiary procedures.

**Recorded media** - Audio-video signals recorded or digitally stored on a storage device or portable media.

### 446.1.2 GENERAL GUIDELINES

The Clay County Sheriff's Office has adopted the use of MAVs to accomplish the following objectives:

- To enhance safety.
- To accurately capture statements and events during the course of an incident.
- To enhance the ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation/presentation.
- To provide an impartial measurement for self-critique and field evaluation during recruitment and new employee training.
- To capture visual and audio information for use in current and future investigations.

Personnel assigned the use of these devices shall adhere to the operational objectives and protocols outlined herein so as to maximize the effectiveness and utility of the MAV and the integrity of evidence and related video documentation.

Personnel shall record media (activate their MAV) anytime they are involved in the following legitimate law enforcement activities including, but not limited to, traffic stops (to include,



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but not limited to traffic violations, stranded motorist assistance and all crime interdiction stops); priority responses; vehicle pursuits; prisoner transports; crimes in progress; any situation or incident that they, through training and experience, believe has a legitimate law enforcement purpose and should be audibly and visually recorded.

When the MAV is activated, personnel shall ensure that the audio portion is also activated so all events are properly documented. Personnel should consider narrating events using the audio recording, so as to provide the best documentation for pretrial and courtroom presentation.

It shall be the responsibility of the fleet manager to ensure that the audio-video recording equipment is properly installed according to the manufacturer's recommendations. MAV equipment shall automatically activate when emergency equipment (lights) or the MAV's audio wireless transmitter is operating. The system may also be activated manually from the control panel affixed to the interior of the vehicle. Placement and operation of system components within the vehicle shall be based on safety requirements.

All personnel shall successfully complete this department's approved course of instruction prior to being deployed with MAV systems in operational settings.

## 446.2 POLICY

It is the policy of the Clay County Sheriff's Office to use mobile audio and video technology to more effectively fulfill the Sheriff's Office mission and to ensure these systems are used securely and efficiently.

## 446.3 DEPUTY RESPONSIBILITIES

Prior to going into service, each deputy will properly equip him/herself to record audio and video in the field. At the end of the shift, each deputy will follow the established procedures for providing to the Office any recordings or used media and any other related equipment. Each deputy should have adequate recording media for the entire duty assignment. In the event a deputy works at a remote location and reports in only periodically, additional recording media may be issued. Only Clay County Sheriff's Office identified and labeled media with tracking numbers is to be used.

Inspection and general maintenance of MAV equipment installed in agency vehicles shall be the responsibility of the deputy assigned to the vehicle. MAV equipment in unassigned fleet vehicles shall be the responsibility of any deputy who uses the vehicle. MAV equipment shall be operated in accordance with the manufacturer's recommended guidelines and agency training and policies.

Prior to beginning each shift, the assigned personnel shall perform an inspection to ensure that the MAV is performing in accordance with the manufacturer's recommendations covering the following matters.

- Remote Audio Transmitter functional: Adequate power source; connected to the recording equipment; remote activation of system via transmitter.
- Camera Lens: Windshield and camera lens free of debris; camera facing intended direction.
- Recording mechanism: Capturing both audio and video information; system plays back both audio and video tracks

Malfunctions, damage or theft of MAV equipment shall be reported to the immediate supervisor prior to placing the unit into service. A subsequent written memorandum shall



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include information on the suspected cause(s) of equipment failure, as available, and any recommendations for corrective action. A copy of the memorandum shall be forwarded to the fleet manager for corrective action. The supervisor shall determine if the unit shall be placed in service. If the vehicle is placed in service without an operating MAV, the Division Commander shall be notified.

System documentation is accomplished by the deputy recording his/her name, serial number, badge or PIN number and the current date and time at the start and again at the end of each shift. If the system is malfunctioning, the deputy shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

## 446.4 ACTIVATION OF THE MAV

The MAV system is designed to turn on whenever the unit's emergency lights are activated. The system remains on until it is turned off manually. The audio portion is independently controlled and should be activated manually by the deputy whenever appropriate. When audio is being recorded, the video will also record.

### 446.4.1 REQUIRED ACTIVATION OF THE MAV

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. A deputy may activate the system any time the deputy believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The MAV system should be activated in any of the following situations:

(a) All field contacts involving actual or potential criminal conduct within video or audio range:
    1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
    2. Priority responses
    3. Vehicle pursuits
    4. Suspicious vehicles
    5. Arrests
    6. Vehicle searches
    7. Physical or verbal confrontations or use of force
    8. Pedestrian checks
    9. DUI/DWI investigations including field sobriety tests
    10. Consensual encounters
    11. Crimes in progress
    12. Responding to an in-progress call

(b) All self-initiated activity in which a deputy would normally notify the Cooperative Communications Center.

(c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:



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1. Domestic violence calls
2. Disturbance of peace calls
3. Offenses involving violence or weapons

(d) Any other contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording.

(e) Any other circumstance where the deputy believes that a recording of an incident would be appropriate.

### 446.4.2 CESSATION OF RECORDING

Once activated, the MAV system should remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if a deputy is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

### 446.4.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MAV system is not required when exchanging information with other deputies/detention officers/members or during breaks, lunch periods, when not in service or actively on patrol.

No member of the Clay County Sheriff's Office/CCIS may surreptitiously record a conversation of any other member of the Clay County Sheriff's Office/CCIS except with a court order or when authorized by the Sheriff or the authorized designee for the purpose of conducting a criminal or administrative investigation.

### 446.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of the Cooperative Communications Center.

Supervisors shall issue unrecorded media storage devices and when possible prior to issuance, shall assign and affix an identification number to the exterior of the media. The numbered media should then be recorded in a chain of custody log. The chain of custody log shall include, but need not be limited to:

- Tracking number of media
- Date issued
- Personnel or vehicle issued to
- Date submitted
- Personnel submitting the media
- Hold for evidence indication

The supervisor shall periodically review the chain of custody log to ensure that issued media is surrendered in a timely manner.

On reasonable intervals, supervisors should validate that:

(a) Beginning and end-of-shift recording procedures are followed.

(b) Logs reflect the proper chain of custody, including:



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1. The tracking number of the MAV system media.
2. The date it was issued.
3. The law enforcement operator or the vehicle to which it was issued.
4. The date it was submitted.
5. Law enforcement operators submitting the media.
6. Holds for evidence indication and tagging as required.

(c) The operation of MAV systems by new employees is assessed and reviewed no less than biweekly.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, office-involved accidents), a supervisor shall respond to the scene and ensure that the appropriate supervisor, MAV technician or crime scene investigator properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

The supervisor is responsible for investigating and documenting unreported problems with the MAV equipment or equipment not being used in accordance with agency policy. Supervisors who are informed or otherwise become aware of malfunctioning equipment shall ensure that authorized personnel make repairs in a timely manner.

Supervisors shall conduct periodic reviews of deputies' assigned media in order to periodically assess deputy performance; assure proper functioning of MAV equipment; determine if MAV equipment is being operated properly; and identify recordings that may be appropriate for training.

Supervisors shall conduct bi-weekly reviews of deputies who are newly assigned MAV equipment in order to ensure compliance with agency policy. Supervisors shall thereafter conduct and document quarterly reviews. Minor infractions (not criminal in nature) discovered during the routine review of recorded material should be viewed as training opportunities and not as routine disciplinary actions. Should the behavior or action become habitual after being informally addressed, the appropriate disciplinary or corrective action shall be taken

Supervisors may activate the MAV system remotely to monitor a developing situation, such as a chase, riot or an event that may threaten public safety, officer safety or both, when the purpose is to obtain tactical information to assist in managing the event. Supervisors shall not remotely activate the MAV system for the purpose of monitoring the conversations or actions of a deputy.

## 446.5 REVIEW OF MAV RECORDINGS

All recording media, recorded images and audio recordings are the property of the Clay County Sheriff's Office. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the sheriff's office MAV technician or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.



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Recordings may be reviewed in any of the following situations:

(a) For use when preparing reports or statements

(b) By a supervisor investigating a specific act of deputy conduct

(c) By a supervisor to assess deputy performance

(d) To assess proper functioning of MAV systems

(e) By Clay County Sheriff's Office investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation

(f) By Sheriff's Office personnel who request to review recordings

(g) By a deputy/detention officer/member who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment.

(h) By court personnel through proper process or with permission of the Sheriff or the authorized designee

(i) By the media through proper process or with permission of the Sheriff or the authorized designee

(j) To assess possible training value

(k) Recordings may be shown for training purposes. If an involved deputy objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the deputy's objection.

Employees desiring to view any previously uploaded or archived MAV recording should submit a request in writing to the Shift/Unit Supervisor. Approved requests should be forwarded to the MAV technician for processing.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

## 446.6 DOCUMENTING MAV USE

If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the deputy's report. If a citation is issued, the deputy shall make a notation on the back of the records copy of the citation indicating that the incident was recorded.

## 446.7 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence will be retained in compliance with the established records retention schedule.

### 446.7.1 COPIES OF ORIGINAL RECORDING MEDIA

Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy.



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Original recording media may only be released in response to a court order or upon approval by the Sheriff or the authorized designee. In the event that an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

### 446.7.2 MAV RECORDINGS AS EVIDENCE

Deputies who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense, potential claim against the deputy, or against the Clay County Sheriff's Office should indicate this in an appropriate report. Deputies should ensure relevant recordings are preserved.

## 446.8 SYSTEM OPERATIONAL STANDARDS

(a) MAV system vehicle installations should be based on officer safety requirements and vehicle and device manufacturer recommendations.

(b) The MAV system should be configured to minimally record for 30 seconds prior to an event.

(c) The MAV system may not be configured to record audio data occurring prior to activation.

(d) Unless the transmitters being used are designed for synchronized use, only one transmitter, usually the primary initiating deputy's transmitter, should be activated at a scene to minimize interference or noise from other MAV transmitters.

(e) Deputies using digital transmitters that are synchronized to their individual MAV shall activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.

(f) With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used inside MAV equipped law enforcement vehicles to minimize the possibility of causing electronic or noise interference with the MAV system.

(g) Deputies shall not erase, alter, reuse, modify or tamper with MAV recordings. Only a supervisor, MAV technician or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.

(h) To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MAV technician.

## 446.9 MAV TECHNICIAN RESPONSIBILITIES

The MAV technician is responsible for:

(a) Ordering, issuing, retrieving, storing, erasing and duplicating of all recorded media.

(b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected, the MAV technician:

1. Ensures it is stored in a secured location with authorized controlled access.
2. Makes the appropriate entries in the chain of custody log.

(c) Erasing of media:

1. Pursuant to a court order.
2. In accordance with established records retention policies, including reissuing all other media deemed to be of no evidentiary value.

(d) Assigning all media an identification number prior to issuance to the field:



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1. Maintaining a record of issued media.

(e) Ensuring that an adequate supply of recording media is available.

(f) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the sheriff's office evidence storage protocols and the records retention schedule.

## 446.10 TRAINING

All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.

## 446.11 ENFORCEMENT GUIDELINES

Personnel who behave in a manner that violates this policy may be subject to task removal, retraining in problem areas and/or reassignment if the member's performance is satisfactory in all other areas, and the member does not have an ongoing or serious disciplinary problem. In some situations termination may be the result of incompetent performance.

Performance failures that are caused by the member's intentional acts or lack of desire to perform properly are acts of insubordination covered by the Clay County Standard Operating Policy regarding Insubordination.



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# Mobile Data Terminal Use

## 448.1 PURPOSE AND SCOPE

The Mobile Data Terminal (MDT) accesses confidential records from the Missouri Department of Revenue and Missouri Uniform Law Enforcement System (MULES) databases. Employees using the MDT shall comply with all appropriate federal and state rules and regulations.

## 448.2 MDT USE

The MDT shall be used for official sheriff's communications only. Messages that are of a sexual, racist or offensive nature or are otherwise critical of any member of the Sheriff's Office are strictly forbidden. MDT use is also subject to the Technology Use Policy.

Messages may be reviewed by supervisors at any time without prior notification. Employees generating or transmitting messages not in compliance with this policy are subject to discipline.

All calls dispatched to patrol units should be communicated by voice and MDT, unless otherwise authorized by the Shift/Unit Supervisor.

### 448.2.1 USE WHILE DRIVING

Use of the MDT by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages that are likely to contain information that is required for immediate enforcement, investigative or safety needs.

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

### 448.2.2 DOCUMENTATION OF ACTIVITY

MDT's and voice transmissions are used to record the deputy's daily activity. To ensure the most accurate recording of these activities, the following are required:

(a) All contacts or activity shall be documented at the time of the contact.

(b) Whenever the activity or contact is initiated by voice, it shall be entered into the Computer Aided Dispatch (CAD) system by a dispatcher.

(c) Whenever the activity or contact is not initiated by voice, the deputy shall record it on the MDT.

### 448.2.3 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted verbally over the sheriff's radio or through the MDT system.

Deputies responding to in-progress calls shall advise changes in status verbally over the radio to assist other deputies responding to the same incident.

Other changes in status may be entered by depressing the appropriate keys on the MDT.



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## 448.3 MDT CONSIDERATIONS

### 448.3.1 NON-FUNCTIONING MDT

Whenever reasonably possible, deputies will not use units with malfunctioning MDTs. Whenever deputies must drive a unit in which the MDT is not working, they shall notify the Cooperative Communications Center. It shall be responsibility of the Cooperative Communications Center to record all information that will then be transmitted verbally over the sheriff's radio.

### 448.3.2 BOMB CALLS

When investigating reports of possible bombs, deputies should not operate an MDT within 300 feet of a suspected device. Operating the MDT may cause some devices to detonate.



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# Use of Audio/Video Recorders

## 450.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of the Clay County Sheriff's Office while in the performance of their duties.

This policy does not apply to surreptitious interception of electronic communications for lawful authorized investigative purposes or to mobile audio video recordings (see Mobile Audio Video Policy).

## 450.2 POLICY

The Clay County Sheriff's Office may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Clay County Sheriff's Office by accurately capturing contacts between members of the Sheriff's Office and the public.

## 450.3 PRIVACY

All recordings made by personnel acting in their official capacity as members of the Clay County Sheriff's Office/CCIS shall remain the property of the Clay County Sheriff's Office and should not be considered private, regardless of whether those recordings were made with sheriff's office-issued or personally owned recorders.

## 450.4 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member who has been issued a portable reorder will be responsible for making sure that he/she is equipped with a portable recorder, issued by the Sheriff's Office, and that the recorder is in good working order. Uniformed members should wear the recorder in a conspicuous manner. Uniformed personnel who have not been issued a portable recorder but have need of one for their current assignment shall contact their immediate supervisor to obtain one.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful.

When using a recorder, the assigned member shall record his/her name, employee number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

## 450.5 ACTIVATION OF THE AUDIO RECORDER

Members should activate the recorder during all enforcement stops and field interrogation situations and any other time the member reasonably believes that a recording of an on-duty contact may be useful. Once started, recordings should continue without interruption until the contact ends, if feasible.

At no time is a member expected to jeopardize his/her safety in order to activate a recorder or change the recording media. However, the recorder should be activated in required situations as soon as practicable.



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### 450.5.1 SURREPTITIOUS USE OF THE AUDIO RECORDER

Missouri law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission (§ 542.402, RSMo).

Members of the Clay County Sheriff's Office/CCIS may surreptitiously record any conversation during the course of a criminal investigation in which the deputy/member reasonably believes that such a recording will be beneficial to the investigation.

Members shall not surreptitiously record another Clay County Sheriff's Office member without a court order or authorization of the Sheriff.

## 450.6 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using Clay County Sheriff's Office-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with sheriff's office-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate sheriff's office business purposes. All such recordings shall be retained at the Clay County Sheriff's Office/CCIS.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Shift/Unit Supervisor. Any member who uses a personally owned recorder for sheriff's office-related activities shall comply with the provisions of this policy, including retention and release requirements.

Recordings shall not be used by any member for the purpose of embarrassment or ridicule.

Any member who may have questions regarding the application of this policy is encouraged to seek clarification from supervisory personnel.

## 450.7 RETENTION OF RECORDINGS

Any time a member records any portion of a contact that the member reasonably believes constitutes evidence in a criminal case, the member shall record the related case number and download the file in accordance with the Computers and Digital Evidence Policy and document the existence of the recording in the related case report.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

Members should upload the file, in accordance with current procedure for storing digital files, at the end of their shift and any time the storage capacity is nearing its limit.

### 450.7.1 RETENTION REQUIREMENTS

All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

## 450.8 IT MANAGER RESPONSIBILITIES

The Clay County Sheriff's Office Information Technology Manager shall be responsible for the following:



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- For coordinating the ordering, issuance, retrieval, storage, cleansing (degaussing), and duplication of all recorded media.
- The cleansing (degaussing) and re-issuance of all other media deemed to be of no evidentiary value consistent with the department's document retention requirements.
- Maintaining a record database of issued media. For the purpose of accountability, all media will be assigned an identification number prior to issuance
- Coordinate with field supervisors to ensure that an adequate supply of recorded media is available.

Recorded media may only be degaussed/erased pursuant to a court order; or in accordance with established retention guidelines.

## 450.9 RELEASE OF RECORDINGS

Recordings made using portable recording devices pursuant to this policy are Clay County Sheriff's Office records and may only be released as provided in the Records Release and Security Policy or for other authorized legitimate sheriff's office business purposes.

## 450.10 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource. However, members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

(a) Upon approval by a supervisor, by any member of the Clay County Sheriff's Office who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.

(b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

(c) By media personnel with permission of the Sheriff or the authorized designee.

(d) In compliance with a public records request, if permitted, and in accordance with the Records Release and Security Policy.



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# Foot Pursuits

## 458.1 PURPOSE AND SCOPE

Foot pursuits are inherently dangerous and require common sense, sound tactics and heightened officer safety awareness. This policy sets forth guidelines to assist personnel in making the decision to initiate or continue the pursuit of suspects on foot by balancing the objective of apprehending the suspect with the risk of potential injury to the deputy/detention officer, the public or the suspect.

### 458.1.1 POLICY

Deputies/detention officers are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of sheriff's office personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Deputies/detention officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and sheriff's office personnel.

### 458.1.2 DEFINITION

Foot Pursuit is any incident where a deputy or detention officer chases (on foot) a person who is evading detention or arrest. (Note: Other than Detention Officers, civilian personnel should not engage in a foot pursuit).

## 458.2 DECISION TO PURSUE

Deputies may be justified in initiating a foot pursuit of any individual the deputy reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. However, this decision must be continuously reevaluated in light of the circumstances presented at the time. A detention officer may pursue an inmate attempting to escape from the custody/confinement of the Clay County Detention Center; or, if serving as a detention transportation officer when an inmate they are transporting is attempting to escape.

Mere flight by a person who is not suspected of criminal activity shall not serve as the sole justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity.

Deciding to initiate or continue a foot pursuit is a decision that a deputy/detention officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits potentially place Sheriff's Office personnel and the public at significant risk. Therefore, no deputy, detention officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances reasonably permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, a deputy or detention officer should continuously consider reasonable alternatives to pursuit based upon the circumstances and resources available, such as the following:

(a) Containment of the area

(b) Canine search

(c) Saturation of the area with patrol personnel



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(d) Air support

(e) Apprehension at another time, when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the pursuit.

## 458.3 GUIDELINES FOR FOOT PURSUIT

Unless the deputy or detention officer reasonably believes that exigent circumstances exist (e.g. a serious threat to the safety of personnel or members of the public), personnel should consider alternatives to engaging in or continuing a foot pursuit under the following conditions:

(a) When directed by a supervisor to terminate the foot pursuit, such an order shall be considered mandatory.

(b) When acting alone.

(c) When two or more personnel become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single deputy or detention officer keep the suspect in sight from a safe distance and coordinate the containment effort.

(d) The deputy or detention officer is unsure of his/her location and direction of travel.

(e) When pursuing multiple suspects and the pursuing personnel do not reasonably believe that they would be able to control the suspects should a confrontation occur.

(f) When the physical condition of the personnel renders them incapable of controlling the suspect if apprehended.

(g) When the deputy or detention officer loses radio contact with the Cooperative Communications Center or with backup deputies.

(h) When the suspect enters a building, structure, confined space or a wooded or otherwise isolated area and there are insufficient personnel to provide backup and containment. The primary deputy or detention officer should consider discontinuing the pursuit and coordinating containment pending the arrival of sufficient personnel.

(i) The deputy or detention officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to deputies/detention officers or the public.

(j) The deputy or detention personnel reasonably believes that the danger to the pursuing personnel or public outweighs the objective of immediate apprehension.

(k) The deputy or detention officer loses possession of his/her firearm or other essential equipment.

(l) The deputy or detention officer or a third party is injured during the pursuit, requiring immediate assistance and there are no other emergency personnel available to render assistance.

(m) The suspects location is no longer definitely known.

(n) The identity of the suspect is established or other information exists that will allow for the suspects apprehension at a later time, and it reasonably appears that there is no immediate threat to sheriff's office personnel or the public if the suspect is not immediately apprehended.

(o) Personnel's ability to safely continue the pursuit is impaired by inclement weather, darkness or other conditions.



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## 458.4 RESPONSIBILITIES IN FOOT PURSUITS

### 458.4.1 INITIATING PERSONNEL RESPONSIBILITIES

Unless relieved by another deputy/detention officer or a supervisor, the initiating person shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating person should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient personnel are present to safely apprehend the suspect.

Early communication of available information from the involved personnel is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Personnel initiating a foot pursuit should broadcast the following information as soon as it becomes practicable and available:

(a) Unit identifier

(b) Location and direction of travel

(c) Reason for the foot pursuit

(d) Number of suspects and description

(e) Whether the suspect is known or believed to be armed

Personnel should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any person unable to promptly and effectively broadcast this information should terminate the pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be implemented and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, personnel will notify the Cooperative Communications Center of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary.

### 458.4.2 ASSISTING PERSONNEL RESPONSIBILITIES

Whenever any deputy or detention officer announces that he/she is engaged in a foot pursuit, all other personnel should minimize nonessential radio traffic to permit the involved personnel maximum access to the radio frequency.

Any deputy who is in a position to intercept a fleeing suspect or who can assist the primary person with the apprehension of the suspect, shall act reasonably and in accordance with Sheriff's Office policy, based upon available information and his/her own observations.

### 458.4.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever reasonably possible. The supervisor does not, however, need to be physically present to exercise control over the pursuit. The supervisor should continuously assess the situation in order to ensure the foot pursuit is conducted within established Sheriff's Office guidelines.



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The supervisor should terminate the foot pursuit when the danger to pursuing personnel or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor should promptly proceed to the termination point to direct the post-pursuit activity.

### 458.4.4 THE COOPERATIVE COMMUNICATIONS CENTER RESPONSIBILITIES

Upon being notified or becoming aware that a foot pursuit is in progress, the Cooperative Communications Center personnel shall, as soon as practicable, notify the field supervisor and provide available information. The Cooperative Communications Center personnel are also responsible for the following:

(a) Clearing the radio channel of nonemergency traffic.

(b) Repeating the transmissions of the pursuing personnel as needed.

(c) Ensuring that a field supervisor is notified of the pursuit.

(d) Relaying all pertinent information to responding personnel.

(e) Contacting additional resources as directed by the Officer In Charge (OIC).

(f) Coordinating response of additional resources to assist with the foot pursuit as directed by the OIC.

## 458.5 REPORTING

The initiating deputy or detention officer shall complete the appropriate crime/incident reports documenting, at a minimum:

(a) The reason for initiating the foot pursuit.

(b) The identity of involved personnel.

(c) The course and approximate distance of the pursuit.

(d) Whether a suspect was apprehended as well as the means and methods used.

    1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.

(e) Any injuries or property damage.

Assisting personnel taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.



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# Automated License Plate Readers (ALPR)

## 460.1 PURPOSE AND SCOPE

Automated License Plate Reader (ALPR) technology, also known as License Plate Recognition, provides automated detection of license plates. The ALPR is used by the Clay County Sheriff's Office to convert data associated with vehicle license plates and use it for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. The ALPR may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

## 460.2 ADMINISTRATION OF ALPR DATA

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Administration Division Commander. The Administration Division Commander will assign personnel under his/her command to administer the day-to-day operation of the ALPR equipment and data.

## 460.3 ALPR OPERATION

Use of ALPR is restricted to the purposes outlined below. Clay County Sheriff's Office/CCIS personnel shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

(a) An ALPR shall only be used for official and legitimate law enforcement business.

(b) An ALPR may be used in conjunction with any patrol operation or official Sheriff's Office investigation. Reasonable suspicion or probable cause is not necessary before using ALPR.

(c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas surrounding homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.

(d) No member of the Clay County Sheriff's Office/CCIS shall operate ALPR equipment or access ALPR data without first completing Clay County Sheriff's Office-approved training.

(e) No ALPR operator may access MULES data unless otherwise authorized to do so.

(f) If practicable, the deputy should verify an ALPR response through MULES before taking enforcement action that is based solely upon an ALPR alert.

## 460.4 ALPR DATA COLLECTION AND RETENTION

All data and images gathered by ALPR are for the official use of the Clay County Sheriff's Office/CCIS. Because such data may contain confidential information, it is not open to public review. The ALPR information gathered and retained by this office may be used and shared with prosecutors or others only as permitted by law.



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The Administration Division Commander is responsible to ensure proper collection and retention of ALPR data, and for transferring ALPR data stored in agency vehicles to the agency server on a regular basis, not to exceed 30 days between transfers.

All ALPR data downloaded to the server should be stored for the period identified in the Clay County Sheriff's Office records retention schedule. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

## 460.5 ACCOUNTABILITY AND SAFEGUARDS

All saved data will be closely safeguarded and protected by both procedural and technological means. The Clay County Sheriff's Office will observe the following safeguards regarding access to and use of stored data:

(a) All non-law enforcement requests for access to stored ALPR data shall be referred to the Administrative Assistant - Reports Unit and processed in accordance with applicable law.

(b) All ALPR data downloaded to the mobile work station and server shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.

(c) Persons approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or sheriff's office-related civil or administrative action.

(d) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies at any time for legitimate law enforcement purposes.

(e) ALPR system audits should be conducted on a regular basis.



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# Homeless Persons

## 464.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide deputies during all contacts with the homeless, whether consensual or for enforcement purposes. The Clay County Sheriff's Office recognizes that members of the homeless community are often in need of special protection and services. The Clay County Sheriff's Office will address these needs in balance with the overall mission of this office. Therefore, deputies will consider the following policy when serving the homeless community.

### 464.1.1 POLICY

It is the policy of the Clay County Sheriff's Office to provide law enforcement services to all members of the community while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this office will not use homelessness solely as a basis for detention or law enforcement action.

## 464.2 HOMELESS COMMUNITY LIAISON

The Sheriff will designate a member of this office to act as the homeless liaison deputy. The responsibilities of the homeless liaison deputy include:

(a) Maintaining and making available to all employees a list of assistance programs and other resources that are available to the homeless.

(b) Meeting with social services and representatives of other organizations that render assistance to the homeless.

(c) Maintaining a list of the areas within and near this jurisdiction that are used as frequent homeless encampments.

(d) Remaining abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include:

  1. Proper posting of notices of trespass and cleanup operations.
  2. Proper retention of property after cleanup, to include procedures for owners to reclaim their property in accordance with the Property and Evidence Policy and other established procedures.

(e) Be present during any cleanup operation conducted by this office involving the removal of personal property of the homeless to ensure the rights of the homeless are not violated.

(f) Develop training to assist deputies in understanding current legal and social issues relating to the homeless.

## 464.3 FIELD CONTACTS

Deputies are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade a deputy from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, deputies are encouraged to consider



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long-term solutions to problems that may relate to the homeless, such as shelter referrals, counseling and summons and release in lieu of physical arrest.

Deputies should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

### 464.3.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of our community. The fact that a victim or witness is homeless may require special consideration for a successful investigation and prosecution. Deputies should consider the following when handling investigations involving homeless victims, witnesses or suspects:

(a) Document alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.

(b) Document places the homeless person may frequent.

(c) Provide homeless victims with victim/witness resources when appropriate.

(d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.

(e) Consider whether the person may be a dependent adult or elder and if so, proceed in accordance with the Elder Abuse Policy.

(f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.

(g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.

## 464.4 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Deputies should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard their personal property.

When a homeless person is arrested or otherwise removed from a public place, deputies should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the arrestee's personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the deputy, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Deputies should not conduct or assist in cleanup operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the homeless liaison deputy. When practicable, requests by the public for cleanup operations of a homeless encampment should be referred to the homeless liaison deputy.

Deputies who encounter unattended encampments, bedding or other personal property in public areas that reasonably appear to belong to a homeless person should not remove or destroy such property and should inform the homeless liaison deputy. If such property appears to involve a trespass, is blight to the community or is the subject of a complaint,



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it will be the responsibility of the homeless liaison deputy to address the matter in a timely fashion.

## 464.5 MENTAL ILLNESSES AND MENTAL IMPAIRMENTS

Some homeless persons may suffer from a mental illness or a mental impairment. Deputies shall not detain a homeless person for an emergency admission to a mental health facility unless facts and circumstances warrant such a detention.

When a mental illness hold is not warranted, the contacting deputy should provide the homeless person with contact information for mental health assistance, as appropriate. In these circumstances, deputies may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

## 464.6 ECOLOGICAL ISSUES

Sometimes homeless encampments can affect the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Deputies are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.



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# Chapter 5 - Traffic Operations

# Traffic Function and Responsibility

## 500.1 PURPOSE AND SCOPE

The goal of traffic law enforcement is to reduce traffic collisions and improve the safety and quality of life for the community through traffic law compliance. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, traffic conditions and other data. The Clay County Sheriff's Office provides enforcement efforts, not only in proportion to the frequency of their occurrence in accident situations but also in terms of traffic-related needs.

## 500.2 TRAFFIC DEPUTY DEPLOYMENT

Several factors are considered in the development of deployment schedules for deputies of the Clay County Sheriff's Office. Information provided by the Missouri State Highway Patrol (MSHP) is a valuable resource for traffic accidents and therefore deputy deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All deputies assigned to patrol or traffic enforcement functions will emphasize enforcement of traffic laws and address accident-causing violations during those periods and at those locations where the incidence of collisions is increased. As a matter of routine, all deputies will take directed enforcement action on request, and random enforcement action when appropriate, against violators (§ 300.075, RSMo). All deputies shall maintain high visibility while working general enforcement, especially at high-accident incidence locations.

Other factors to be considered for deployment are citizen requests, construction zones, school zones or special events.

## 500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. The Clay County Sheriff's Office does not establish ticket quotas and the number of arrests or citations issued by any deputy shall not be used as the sole criterion for evaluating deputy overall performance unless the deputy is assigned exclusively to traffic control (§ 575.320.1(6), RSMo). The visibility and quality of a deputy's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions.

### 500.3.1 WARNINGS AND STOPS WITHOUT CITATION OR ARREST

Warnings should be considered in minor traffic infractions and substituted for arrests or citations when circumstances warrant. Circumstances that do not result in a citation or arrest require providing a business card in compliance with the law, as outlined in the Racial/Bias-Based Profiling Policy.



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### 500.3.2 TRAFFIC CITATIONS

Traffic citations may be issued when a deputy believes it is appropriate. It is essential that deputies fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Deputies should provide the following information at minimum:

(a) Explanation of the violation or charge

(b) Court appearance procedure, including the optional or mandatory appearance by the motorist

(c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court

(d) The court contact information

### 500.3.3 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses. These physical arrest cases usually deal with, but are not limited to the following:

(a) Negligent homicide

(b) Driving under the influence of alcohol/drugs

(c) Hit-and-run resulting in serious injury or death

(d) Hit-and-run resulting in damage to any vehicle or property

(e) Reasonable cause to believe the violator may leave the state

## 500.4 RECORDS OF TRAFFIC VIOLATIONS

The Clay County Sheriff's Office shall maintain records of all violations of local and state vehicle laws including the final disposition of all offenses (§ 300.025, RSMo). The records shall be available to the public as specified in the Release of Records and Information Policy and include the most recent five-year summary of citations.

## 500.5 SUSPENDED OR REVOKED DRIVER LICENSE

If a deputy contacts a traffic violator for driving on a suspended, revoked or restricted license, the deputy may, without a warrant, arrest the violator for a misdemeanor (§ 302.020, RSMo).

## 500.6 HIGH-VISIBILITY VESTS

The Clay County Sheriff's Office has provided American National Standards Institute (ANSI) Class II high-visibility vests to reduce the danger to employees who may be exposed to hazards presented by passing traffic, construction vehicles and disaster recovery equipment (23 CFR 634.3).

Although intended primarily for use while performing traffic-related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the employee.

### 500.6.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the



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vest, deputies should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes deputy might benefit from being readily identified as a deputy.

### 500.6.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained in the trunk of each patrol and investigation unit, in the side box of each sheriff's motorcycle and in the saddlebag or gear bag of each bicycle. Each vest should be stored inside the resealable plastic bag that is provided to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure a serviceable high-visibility vest is properly stored.

Additional high-visibility vests will be maintained in the Traffic Corporal's Office for replacement of damaged or unserviceable vests. The Traffic Corporal should be promptly notified whenever a vest needs replacement.



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# Traffic Accident Response And Reporting

## 502.1 PURPOSE AND SCOPE

The public safety responsibilities of law enforcement include responding to traffic accidents, providing aid and assistance, documentation of the incident and identification of criminal activity. The Clay County Sheriff's Office prepares traffic accident reports in compliance with the Missouri Model Traffic Ordinance (Chapter 300, RSMo) and as a public service makes traffic accident information available to the public.

## 502.2 CALL RESPONSE

Deputies should respond without delay when dispatched to a traffic accident. A traffic accident with reported injuries may include an emergency response if the deputy reasonably believes such a response is appropriate.

### 502.2.1 RESPONSE CONSIDERATIONS

A deputy responding to and upon arrival at an accident, should consider the following:

(a) The most appropriate route to the incident

(b) Proper placement of the emergency vehicle to provide protection for deputies and the scene

(c) Potential for involvement of hazardous materials

(d) Additional support that may be necessary (e.g., traffic control, medical aid, HAZMAT, ambulance, tow vehicles and airship landing)

(e) Providing first aid to any injured parties if it can be done safely, and obtaining medical assistance as necessary

(f) Traffic control and protection of the scene

(g) Clearance of the roadway

## 502.3 ACCIDENT INVESTIGATION

Investigation of traffic collisions should include, at minimum, the following:

(a) Identification and interview of all involved parties

(b) Identification and interview of any witnesses

(c) Determination if a crime has occurred and taking appropriate enforcement action

(d) Identification and protection of items of apparent evidentiary value

(e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence and reporting) on appropriate report forms

## 502.4 TAKING ENFORCEMENT ACTION

After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of Missouri law led to the accident, deputies should issue a traffic citation or a misdemeanor citation to the offending driver. Deputies may arrest a person when there is probable cause to believe that a violation was committed by the person to be arrested (§ 300.030, RSMo).



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Incidents involving more serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter or other felonies, shall be enforced immediately. If a driver subject to enforcement is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

## 502.5 TRAFFIC ACCIDENT REPORTING

### 502.5.1 DEPUTY RESPONSIBILITIES

Clay County Sheriff's Office members shall utilize the Missouri Uniform Crash Report (MUCR) form for the reporting of traffic accidents. All traffic accident reports taken by members of this office shall be forwarded to the Traffic Unit Supervisor for approval before being sent for data entry into the records management system.

### 502.5.2 DIVISION COMMANDER - FIELD OPERATIONS RESPONSIBILITIES

The Division Commander - Field Operations will be responsible for:

(a) Monthly and quarterly reports on traffic accident information and statistics, to be forwarded to the Sheriff, the County traffic engineer or other persons as required.

(b) Annual reports to the Sheriff that include, at minimum:

1. The number of traffic accidents, persons killed, persons injured and other pertinent traffic accident data.
2. The number of traffic accidents investigated and other pertinent data regarding traffic safety activities.
3. Plans and recommendations for future traffic safety activities.

(c) Coordinating with the County traffic engineer in conducting studies of traffic accidents.

(d) Ensuring entry of the traffic accident report into the Traffic Records Division of the Missouri State Highway Patrol (MSHP) database for inclusion in the Statewide Traffic Accident Records System (STARS).

### 502.5.3 MODIFICATIONS TO TRAFFIC ACCIDENT REPORTS

A change or modification of a written report that alters a material fact in the report may be made only by the person who prepared the report prior to its approval and distribution. A written supplemental report may be made by any authorized employee.

## 502.6 REPORTING SITUATIONS

### 502.6.1 TRAFFIC ACCIDENTS INVOLVING COUNTY VEHICLES

Traffic accident investigation reports shall be taken when a County-owned or leased vehicle is involved in a traffic accident on a roadway or highway, wherein any damage or injury results. A general information report may be taken in lieu of a traffic accident report at the direction of a supervisor when the accident occurs on private property or does not involve another vehicle. Whenever there is damage to a County vehicle, a vehicle damage report shall be completed and forwarded to the appropriate Division Commander.

Photographs of the accident scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.



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### 502.6.2 INJURY OR FATALITY TRAFFIC ACCIDENTS WITH SHERIFF'S OFFICE EMPLOYEES

When an employee of the Clay County Sheriff's Office or member of the CCIS, either on- or off-duty, is involved in a traffic accident within the jurisdiction of the Clay County Sheriff's Office and it results in a serious injury or fatality, the Division Commander - Field Operations or the Shift/Unit Supervisor should request the MSHP or other outside agency to complete an investigation and report.

The term serious injury is defined as any injury that may result in a fatality or loss of a limb.

### 502.6.3 TRAFFIC COLLISIONS WITH OTHER COUNTY EMPLOYEES OR OFFICIALS

The Division Commander - Field Operations or Shift/Unit Supervisor may request assistance from the MSHP or other outside agency for the investigation of any traffic accident involving any County official or employee where a serious injury or fatality has occurred.

### 502.6.4 TRAFFIC ACCIDENTS ON PRIVATE PROPERTY

Traffic accident reports should not be taken for traffic accidents occurring on private property, unless there is a death or injury to any person, a hit-and-run violation, a traffic code violation or property damage of $500 or more. An incident report may be taken at the discretion of any supervisor (see generally § 300.110, RSMo).

### 502.6.5 TRAFFIC COLLISIONS INVOLVING INJURED ANIMALS

Clay County Sheriff's Office members should refer to the Animal Control Policy when a traffic accident involves disposition of an injured animal.

## 502.7 NOTIFICATION OF DIVISION COMMANDER - FIELD OPERATIONS

In the event of a serious injury or death-related traffic accident, the Shift/Unit Supervisor shall notify the Division Commander - Field Operations or the On-Call Commander to relate the circumstances of the traffic accident and seek assistance from the Traffic Unit Supervisor. In the absence of a Division Commander - Field Operations or the On-Call Commander the Shift/Unit Supervisor or any supervisor may assign an investigator or deputy to investigate the traffic accident if MSHP troopers are not available.



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# Vehicle Towing and Release

## 510.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Clay County Sheriff's Office and pursuant to state law (§ 304.155, RSMo; § 304.157, RSMo; § 304.158, RSMo).

## 510.2 RESPONSIBILITIES

The responsibilities of those employees storing or impounding a vehicle are as follows.

### 510.2.1 COMPLETION OF CRIME INQUIRY AND INSPECTION REPORT FORM

Clay County Sheriff's Office/CCIS members requesting towing of a vehicle shall complete a Crime Inquiry and Inspection Report, Form 4569, that includes written authorization pursuant to § 304.155.3, RSMo for the tow truck operator to possess the vehicle and a description of property within the vehicle. A copy is to be given to the tow truck operator and the original is to be submitted to the Cooperative Communication Center as soon as practicable after the vehicle is stored.

Approved storage forms shall be promptly placed into the auto-file so that they are immediately available for release or for information should inquiries be made.

### 510.2.2 ACCEPTANCE OF ABANDONED PROPERTY REPORT FORM

Sheriff's Office members shall accept Abandoned Property Reports, Form 4669 from a towing company that has removed a vehicle from private property (§ 304.157.7, RSMo). The report shall be signed by a deputy and a copy provided to the towing company.

Sheriff's Office members receiving an Abandoned Property Report shall search the records of the Department of Revenue and provide the towing company with the latest owner and lien holder information (§ 304.157.8, RSMo).

### 510.2.3 REMOVAL OF A VEHICLE DISABLED IN A TRAFFIC ACCIDENT

When a vehicle has been involved in a traffic accident and must be removed from the scene, the deputy shall have the driver select a towing company, if reasonably possible, and shall relay the request for the specified towing company to the Cooperative Communications Center. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in the Cooperative Communications Center.

If the owner is incapacitated or for any reason it is necessary for the Sheriff's Office to assume responsibility for a vehicle involved in an accident, the deputy shall request the dispatcher to call a company selected from the rotational list of towing companies. The deputy will then conduct an inventory and store the vehicle using a Crime Inquiry and Inspection Report, Form 4569.

### 510.2.4 DRIVING A NON-COUNTY VEHICLE

Vehicles that have been towed by or at the direction of the Sheriff's Office should not be driven by sheriff's personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with parking regulations.



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### 510.2.5 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified towing service. The deputy shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the next firm is called.

### 510.2.6 COOPERATIVE COMMUNICATIONS CENTER RESPONSIBILITY

Crime Inquiry and Inspection Reports and Abandoned Property Reports shall be promptly filed so that they are immediately available for release or review should inquiries be made.

Cooperative Communications Center personnel should promptly enter pertinent data from a completed Crime Inquiry and Inspection Report or a Abandoned Property Report into the National Crime Information Center (NCIC) and Missouri Uniform Law Enforcement System (MULES) to determine if the vehicle has been reported stolen (§ 304.155.6, RSMo; § 304.157.7, RSMo ). In addition, Cooperative Communications Center personnel should report the towing and related information to the Department of Revenue, Motor Vehicle Bureau.

### 510.2.7 NOTIFICATION REQUIREMENTS

The Field Operations Administrative Assistant - Reports Unit shall notify the registered owner and any lien holder of abandoned vehicles in writing within five working days after removal of the vehicle (§ 304.158.1, RSMo). The notice shall indicate the vehicle was towed, the grounds for the towing and the place where the vehicle is being stored.

## 510.3 TOWING SERVICES

The Clay County Sheriff's Office periodically selects one or more firms to act as official tow services. Those firms will be used in the following situations:

(a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.

(b) When a vehicle is being held as evidence in connection with an investigation.

(c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles and the removal of vehicles obstructing traffic in violation of state or local regulations.

If more than one firm has been chosen, they shall be placed on a rotation list.

## 510.4 TOWING AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of the Clay County Sheriff's Office to provide reasonable safekeeping by towing the arrestee's vehicle subject to the exceptions described below. The vehicle, however, shall be towed whenever it is needed for the furtherance of an investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be towed (e.g., traffic hazard, high crime area).

Situations where consideration should be given to leaving a vehicle at the scene in lieu of towing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition, include:



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- Traffic related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the occupant was arrested or is not subject to forfeiture proceedings.
- Whenever the licensed owner of the vehicle is present, willing and able to take control of any vehicle not involved in criminal activity.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene. If the operator chooses to leave the property at the location of arrest, he/she will be asked to sign a Vehicle Liability Release form. If the driver refuses to sign the waiver, he/she will be informed that the Clay County Sheriff's Office will not be responsible for anything that may happen to the property. The deputy shall indicate on the Vehicle Liability Release the person's refusal to sign the form. The operator will also be informed that the property must be removed in accordance with state statute. In such cases, the handling employee shall note in the report that the owner was informed that the Sheriff's Office will not be responsible for theft or damages.

## 510.5 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the Crime Inquiry and Inspection Report Form 4569. This includes the trunk and any compartments or containers, even if they are closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practicable in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while the owner is in sheriff's custody, to provide for the safety of deputies and the public, and to protect the Sheriff's Office against fraudulent claims of lost, stolen or damaged property.

If the apparent potential for damage to a locked container reasonably appears to outweigh the protection of the items inside, other options to consider regarding locked containers include, but are not limited to, obtaining access to the locked container from the owner, placing the locked container into safekeeping or obtaining a written waiver of responsibility for the contents of the locked container.

## 510.6 PRESERVATION OF EVIDENCE

A deputy removing a vehicle who has probable cause to believe that the vehicle or its contents constitute any evidence which tends to show that a criminal offense has been committed, or tends to show that a particular person has committed a criminal offense, should ensure that all legally required and reasonably necessary efforts to preserve the evidence, including but not limited to, safe storage, are taken until the evidence is released to the owner or otherwise disposed of according to law.

## 510.7 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, a deputy should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cellular telephone, prescriptions) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property.



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## 510.8 RELEASE OF VEHICLES

The owner of impounded property shall generally be responsible for the payment of any fees or charges associated with the removal and storage of the property. The owner should be directed to contact the storage or towing company directly to negotiate the release of the property. The towing or storage company shall immediately notify the Cooperative Communications Center once a vehicle has been released so it can be removed from the MULES system. **NOTE:** ***The Sheriff, UnderSheriff, and Field Operations Division Commander shall have the authority to remove any tow or storage company from the rotational tow list that fails to immediately notify the Cooperative Communication Center that they have released a vehicle from their custody.***

Impounded vehicles not being held for evidentiary or forfeiture purposes, but with a hold placed on them for issuance of a citation, etc, shall be released to owners with proof of ownership and personal identification, and following proof of payment of any impoundment, storage, or related fees and taxes. Photo copies of all documents should be made and attached to the Crime Inquiry and Inspection Report. A deputy may authorize release of impounded property by completing the bottom portion of the Crime Inquiry and Inspection Report. If a traffic summons is attached it must be completed and issued by a deputy. After authorization to release is completed a copy of the Crime Inquiry and Inspection Report should be given to the owner. A deputy who gives authorization for property to be released shall notify the Communications Unit and give them the completed Crime Inquiry and Inspection Report. The Communications Unit shall be responsible for removing a towed vehicle entry from the MULES system. A copy of the MULES cancellation shall be attached to the Crime Inquiry and Inspection Report and forwarded to the Report Unit.

If a Tow-In report was not completed the release and any computer entries should be documented by a deputy on a supplemental report to the original incident report.



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# Vehicle Impound Hearings

## 512.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle impound or storage hearings.

## 512.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the Clay County Sheriff's Office a hearing will be conducted upon the request of the registered or legal owner of the vehicle or his/her agent to determine if probable cause existed for the removal and placement of the vehicle.

The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The hearing officer must not be the person who directed the storage or impound of the vehicle.

### 512.2.1 HEARING PROCEDURES

The vehicle storage hearing is an informal process to evaluate the validity of an order to store or impound a vehicle. The employee who caused the storage or removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on an impounded or stored vehicle shall be submitted in writing within 10 days of the date appearing on the notice. The Division Commander - Field Operations will generally serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing.

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the Sheriff's Office.

After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a decision. The hearing officer shall also consider any mitigating circumstances attendant to the storage that reasonably would warrant the release of the vehicle or a mediation or reduction of the period the vehicle is impounded.

(a) If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision, and that the inquiring party may pursue further civil remedies if desired.

    1. If mitigating circumstances are found to be relevant, the hearing officer may make reasonable adjustments to the impound period, storage or assessment fees as warranted.



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(b) If a decision is made that reasonable grounds for storage or impound have not been established or sufficient mitigating circumstances exist, the vehicle in storage shall be released immediately. Towing and storage fees will be at the sheriff's office's expense.

(c) If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded to the appropriate Division Commander. The hearing officer will recommend to the appropriate Division Commander that the fees paid by the registered or legal owner of the vehicle in question or the owner's agent be reimbursed by the Sheriff's Office.



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# Impaired Driving and Evidence Collection

## 514.1 PURPOSE AND SCOPE

This policy provides guidance to those office members who play a role in the detection and investigation of driving while intoxicated (DWI).

## 514.2 POLICY

The Clay County Sheriff's Office is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Missouri's impaired driving laws.

## 514.3 ENFORCEMENT

Deputies should not enforce impaired driving laws to the exclusion of their other duties unless specifically assigned to impaired driving enforcement. However, all deputies are expected to enforce these laws with due diligence that is expected to address these potentially life-threatening violations of the law.

Deputies who have detained a person for suspicion of impaired driving may transfer enforcement actions to another peace officer when there is a rational basis for doing so. Examples may include when the other peace officer has a primary traffic or impaired driving enforcement assignment. Transfer of such enforcement to another deputy merely because the other deputy has a preference for engaging in impaired driving enforcement is generally not appropriate.

## 514.4 FIELD TESTS

The Traffic Unit Supervisor should identify the primary field sobriety tests (FSTs) and any approved alternate tests for deputies to use when investigating violations of DWI laws.

### 514.4.1 SUPERVISOR RESPONSIBILITY

The Traffic Unit Supervisor is responsible for developing and/or maintaining report forms with appropriate checklists to assist investigating deputies in documenting relevant information and maximizing efficiency. The Traffic Unit Supervisor should take steps to avoid duplication of effort on the part of deputies when reasonable to do so.

The Traffic Unit Supervisor should consult with the appropriate Prosecuting Attorney to ensure the report forms and/or guides provide content that will ensure investigations both protect the rights of an arrestee and provide relevant information. The content of the forms and/or checklists should address:

(a) The standard field sobriety tests (SFST) that will be administered by deputies to persons suspected of driving under the influence/driving while impaired (DUI/DWI), when circumstances permit.

(b) That proper differentiations are made between anonymous reporters and those who may be identified but who have requested to remain confidential.

(c) Witness statements, including witnesses who may have reported a suspected impaired driver to the Cooperative Communications Center.



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(d) The documentation of all points at which an arrestee may have been audio and/or video recorded are documented.

(e) The time or time frame of when the operation of a vehicle occurred and how that time or time frame was determined.

(f) That prior related convictions in this state, or any other state, have been researched and documented

The arresting deputies shift/unit supervisor must insure that all reports regarding the arrest are completed and approved as soon as possible so that the Field Operations Division Administrative Assistant - Reports Unit can forward the case file to the appropriate prosecutor within ten (10) days of the arrest.

### 514.4.2 DEPUTY RESPONSIBILITY

Deputies should utilize authorized forms and guides in all DUI/DWI investigations and complete each form section as appropriate. Details documented on the forms are not required to be duplicated in the narrative portion of the report unless further clarity is warranted.

## 514.5 CHEMICAL TESTS

A person is deemed to have consented to a chemical test or tests under any of the following (§ 577.020, RSMo):

(a) The arresting deputy has reasonable grounds to believe the person was driving a vehicle while in an intoxicated or drugged condition.

(b) The person was operating a vehicle which resulted in a fatality or serious physical injury.

(c) The person has been arrested for the violation of any state, county, or municipal law or ordinance, except an equipment violation.

(d) The person is under the age of 21 and has been stopped by a deputy having reasonable grounds to believe that the person was operating a vehicle with a blood alcohol content (BAC) of 0.02 or more by weight.

(e) The person is under the age of 21 and has been stopped by a deputy for a traffic violation and the deputy has reasonable grounds to believe that the person has a BAC of 0.02 or more.

(f) The person is under the age of 21 and has been stopped at a sobriety checkpoint or roadblock and the detaining deputy has reasonable grounds to believe the person has a BAC of 0.02 or more.

(g) The person is dead, unconscious or otherwise in a condition rendering the person incapable of refusal (§ 577.033, RSMo).

### 514.5.1 BREATH SAMPLES

The Traffic Unit Supervisor should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested and that a record of such service and testing is properly maintained.

Deputies obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Traffic Unit Supervisor.



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### 514.5.2 BLOOD SAMPLES

Only persons authorized by law to withdraw blood shall collect blood samples (§ 577.029, RSMo). The withdrawal of the blood sample should be witnessed by the assigned deputy. No deputy, even if properly certified, should conduct the blood withdrawal.

Deputies should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be drawn for alternate testing. Unless medical personnel object, two samples should be drawn and retained as evidence, so long as only one puncture is required.

If an arrestee cannot submit to a blood test because he/she is a hemophiliac or is using an anticoagulant, he/she shall not be required to take a blood test. Such inability to take a blood test should not be treated as a refusal. However, the person may be required to complete another available and viable test.

### 514.5.3 URINE SAMPLES

If a urine test will be performed, the person should be promptly transported to the appropriate testing site. The deputy shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by a deputy or detention center staff member of the same sex as the person giving the sample. The person tested should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the specimen.

The collection kit shall be marked with the person's name, offense, Clay County Sheriff's Office case number and the name of the witnessing deputy. The collection kit should be refrigerated pending transportation for testing.

### 514.5.4 INVESTIGATIONS UNIT NOTIFICATION

If a deputy collects a blood or urine sample and places them into storage as listed above they must notify the Investigations Unit Supervisor or their authorized designee as soon as possible so the samples can be quickly and properly transferred to the appropriate testing site.

## 514.6 REFUSALS

When a person refuses to provide a chemical sample, deputies should:

(a) Advise the person of the requirement to provide a sample (§ 577.020, RSMo).

(b) Audio-record the admonishment and the response when it is practicable.

(c) Document the refusal in the appropriate report.

### 514.6.1 STATUTORY NOTIFICATIONS

Upon refusal to submit to a chemical test as required by law, deputies shall personally serve the notice of license revocation upon the person and take possession of any state-issued license to operate a motor vehicle that is held by that person. The deputy shall issue the person a temporary permit, and shall also give the person a notice of such person's right to file a petition for review to contest the license revocation (§ 577.041, RSMo).



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### 514.6.2 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

(a) A search warrant has been obtained.

(b) Exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol in the person's blood stream. Exigency can be established by the existence of special facts such as a lengthy time delay resulting from an accident investigation or medical treatment of the person.

### 514.6.3 FORCED BLOOD SAMPLE

If a person indicates by word or action that he/she will physically resist a blood draw, the deputy should request a supervisor to respond.

The responding supervisor should:

(a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.

(b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.

(c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another deputy) and attempt to persuade the person to submit to such a sample without physical resistance. This dialogue should be recorded on audio and/or video when practicable.

(d) Ensure that the withdrawal is taken in a medically approved manner.

(e) Supervise any use of force and ensure the forced withdrawal is recorded on audio and/or video when practicable.

    1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods. In misdemeanor cases, if the suspect becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood being withdrawn may be permitted.

(f) Monitor and ensure that the type and level of force applied is reasonable under the circumstances.

    1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.

    2. In misdemeanor cases, if the suspect becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.

    3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood being withdrawn may be permitted.

(g) Ensure the use of force and methods used to accomplish the blood sample draw are documented in the related report.

If a supervisor is unavailable, deputies are expected to use sound judgment and perform as a responding supervisor, as set forth above.



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## 514.7 ARREST AND INVESTIGATION

### 514.7.1 WARRANTLESS ARREST

A deputy may make a warrantless arrest of a person that the deputy has reasonable grounds to believe has violated the driving while impaired laws of this state, whether or not the deputy observed the violation firsthand (§ 577.039, RSMo).

### 514.7.2 DEPUTY RESPONSIBILITIES

If a person refuses to submit to a chemical test, the arresting deputy shall forward a certified report to the Department of Revenue (DOR). The report shall include the following (§ 577.041, RSMo):

(a) That the deputy has reasonable grounds to believe the arrested person either:

1. Operated a vehicle while in an intoxicated or drugged condition.
2. Was under 21 years of age and operated a vehicle with a BAC of 0.02 or more by weight.
3. Was under 21 years of age, committed a traffic violation and upon being stopped for the violation the deputy had reasonable grounds to believe the person had a BAC of 0.02 or more.

(b) That the person refused to submit to a chemical test.

(c) Whether the deputy secured the person's license to operate a vehicle. If the license was secured, the license shall be forwarded to DOR.

(d) Whether the deputy issued the person a 15-day temporary permit.

(e) Copies of the notice of revocation, the 15-day temporary permit and the notice of the right to file a petition for review.

### 514.7.3 RIGHT TO ATTORNEY CONTACTS

Persons that have been requested to provide a chemical sample by a deputy may request to speak to an attorney. Upon such request, he/she shall be granted 20 minutes to attempt contact with an attorney. If the person continues to refuse to submit to any test after the 20-minute period, it shall be deemed a refusal (§577.041, RSMo).

### 514.7.4 COLLISIONS

Deputies investigating a person for impaired driving shall make all reasonable efforts to obtain a chemical sample if the person was involved in a collision that resulted in a fatality or serious physical injury (§ 577.021, RSMo).

### 514.7.5 ADDITIONAL CHEMICAL TESTS

A person that submits to a chemical test may, upon request and at his/her expense, have an additional chemical test administered (§ 577.020, RSMo).

### 514.7.6 REPORTING

The Traffic Unit Supervisor shall ensure that the Clay County Sheriff's Office complies with all state reporting requirements pursuant to § 577.005, RSMo.



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## 514.8 RECORDS UNIT RESPONSIBILITIES

The Administrative Assistant - Reports Unit will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

## 514.9 ADMINISTRATIVE HEARINGS

The Traffic Unit Supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the Department of Revenue (DOR).

Any deputies who receive notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

Deputies called to testify at an administrative hearing should document the hearing date and the DOR file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified. The Reports Unit should forward this to the prosecuting attorney as part of the case file.

## 514.10 TRAINING

The Training Coordinator should ensure that deputies participating in the enforcement of DWI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DWI investigations. The Training Coordinator should confer with the prosecuting attorney's office and update training topics as needed.



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# Breath Alcohol Testing Van

## 515.1 PURPOSE AND SCOPE

To establish departmental policy for the operation and maintenance of the Breath Alcohol Testing (BAT) Van

The Clay County Sheriff's Department desires to be a leader in the identification, apprehension and prosecution of impaired drivers. Whenever possible, it will provide other law enforcement agencies use of the Breath Alcohol Testing Van.

## 515.2 PROCEDURES FOR USE

(a) The Sheriff shall designate a Commander to oversee and coordinate the use of the department's Breath Alcohol Testing Van.

(b) The Breath Alcohol Testing (BAT) Van shall be operated in accordance with all applicable Department of Health rules and regulations as provided in the Missouri Code of State Regulations.

(c) Approved Clay County Sheriff's Department personnel will only operate the BAT Van. When used for enforcement activities, a deputy who holds a valid Type II or Type III permit shall operate it.

(d) The BAT Van may be used for any traffic enforcement or safety activity, including:

1. Sobriety Checkpoints
2. DWI Saturation Patrols
3. Selective Enforcement Projects
4. Inter agency Cooperative Enforcement Activities
5. Safety and Education Demonstrations
6. Routine Patrol

(e) An activity and maintenance log shall be maintained for all uses of the BAT Van.

1. Each time the Bat Van is used the member assigned to the van will complete a "BAT Van Check List". The checklist shall be forwarded to the Sheriff's designee. The member will also make an entry in the BAT Van's activity log indicating:
   (a) Date, time and location of the activity
   (b) he department personnel responsible for operation of the van
   (c) The type of activity for which the van is used
   (d) The results of all breath tests
   (e) The general condition
2. A valid Type II permit holder shall be responsible for the maintenance of all breath testing equipment assigned to the BAT Van. On a monthly basis, the Type II shall complete a maintenance check in accordance with 19 CSR-25-30.031. A copy of the monthly maintenance report should be kept in the BAT Van for 12 months.
3. Routine mechanical maintenance and repairs shall be recorded in the vehicle's maintenance log. A deputy may be assigned the responsibility of maintaining



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the BAT Van in good mechanical condition. Any unusual problems should be reported to the Sheriff's designee.

(f) A member assigned to the BAT Van shall adhere to the following operational guidelines:

1. Only members trained in the use of the BAT Van and it's equipment will operate the van for enforcement purposes.
2. There shall be no smoking in or near the BAT Van.
3. During extended use in warm weather, the member should monitor the van for proper operating temperature.
4. Only one (1) subject at a time shall be in the testing area of the van. All subjects shall be searched by the arresting deputy prior to being placed in the testing or holding areas of the van.
5. Subjects who are under arrest may be held in the holding area of the BAT Van while awaiting appropriate transportation, i.e. cage car. Males and females must be held in separate areas. Juveniles may not be placed in the van if adult subjects are being tested or held.
6. Unless otherwise approved by a commander, persons under arrest shall not be transported in the testing or holding area of the BAT Van.
7. The BAT Van shall not be used to pursue another vehicle.

## 515.3 PROCEDURES FOR USE BY OUTSIDE AGENCIES

(a) Requests for use of the BAT Van by outside agencies should be directed to the Sheriff or his designated Commander. Whenever possible, requests should be made at least 14 days prior to the date needed.

(b) Scheduling for the BAT Van will be based on the order in which requests are received. Use of the van is subject to availability of an approved Clay County Deputy to operate the van and is generally limited to a maximum of eight hours per request.

(c) Use of the BAT Van for sobriety checkpoints requires a Division of Highway Safety certified sobriety checkpoint supervisor be in charge of and on site at the checkpoint.

(d) If necessary, members of the requesting agency will receive a briefing regarding the use of the BAT Van and it's equipment from the deputy assigned to the van.

(e) The requesting agency must provide, within 48 hours of the enforcement activity, the Clay County Sheriff's Department a summary of the enforcement contacts made during use of the BAT Van. The summary should list the name, date of birth, blood alcohol content and charge or violation for which the subject is cited.



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# Traffic Citations

## 516.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the collection of data, the procedure for dismissal, correction and voiding of traffic citations.

## 516.2 RESPONSIBILITIES

Employees of the Clay County Sheriff's Office shall use the State of Missouri Uniform Traffic Ticket for all traffic and parking offense citations (§ 300.575, RSMo; (§ 300.585, RSMo).

The Traffic Supervisor shall be responsible for the supply and accounting of all traffic citations issued to employees of the sheriff's office. Citations will be kept in a secure location and issued to deputies by the Traffic Supervisor. Deputies will sign for the citation books when issued.

## 516.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of the Clay County Sheriff's Office do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued. Any request from a recipient to dismiss a citation shall be referred to the Division Commander - Field Operations. Upon a review of the circumstances involving the issuance of the traffic citation, the Division Commander - Field Operations may recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate prosecutor with a request for dismissal. All recipients of traffic citations whose request for dismissal has been denied shall be referred to the appropriate court.

Should a deputy determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the deputy may request that the court dismiss the citation. Upon dismissal of the traffic citation by the court, the deputy shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Field Operations Division Commander for review.

## 516.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Traffic Supervisor.

## 516.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the deputy issuing the citation shall submit the citation and a letter requesting a specific correction to his/her immediate supervisor. The citation and letter shall then be forwarded to the Shift/Unit Supervisor. The Shift/Unit Supervisor shall prepare a letter of correction to the court having jurisdiction and to the recipient of the citation.



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## 516.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of the Clay County Sheriff's Office shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Traffic Supervisor.

Upon separation from employment with the sheriff's office, all employees who were issued traffic citation books shall return any unused citations to the Traffic Supervisor.

## 516.7 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles vary from the procedure for adults. The juvenile's age, place of residency and the type of offense should be considered before issuing the juvenile a citation.

## 516.8 RECORDS OF TRAFFIC VIOLATIONS

The Traffic Supervisor shall maintain a five-year record of the number and type of traffic violations including the final disposition of all alleged offenses (§ 300.025, RSMo).



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# Disabled Vehicles

## 520.1 PURPOSE AND SCOPE

The Clay County Sheriff's Office has adopted this policy regarding providing assistance to motorists in disabled vehicles within this organization's jurisdiction.

## 520.2 DEPUTY/DETENTION OFFICER RESPONSIBILITIES

When a deputy, who is on-duty or operating a Sheriff's Office vehicle, observes a disabled vehicle, the deputy should make a reasonable effort to provide assistance. If that deputy is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available deputy to respond as soon as practicable. If a detention deputy or detention officer, while on prisoner transport duty, observes a disabled vehicle they should not stop to provide assistance but should notify the dispatcher of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign an available deputy to respond as soon as practicable. If the vehicle is located in the jurisdiction of another agency (MSHP, KCPD, Gladstone PS, etc) the dispatcher should notify the appropriate agency to have them respond to provide assistance.

## 520.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After assistance is rendered or arrangements for assistance are made, continued involvement by sheriff's office personnel will be contingent on the time of day, the location, the availability of sheriff's office resources and the vulnerability of the disabled motorist.

### 520.3.1 MECHANICAL REPAIRS

Clay County Sheriff's Office personnel shall not make mechanical repairs to a disabled vehicle. Assisting motorists to change a flat tire is not considered a mechanical repair. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

### 520.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of the Clay County Sheriff's Office by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

## 520.4 PUBLIC ACCESS TO THIS POLICY

This written policy is available upon request.



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# Abandoned Motor Vehicles

## 524.1 PURPOSE AND SCOPE

This policy provides procedures for the removal, recording and storage of vehicles abandoned in violation of abandoned vehicle laws (§ 304.155, RSMo; § 304.157, RSMo).

### 524.1.1 DEFINITIONS

Definitions related to this policy include:

**Abandoned motor vehicle** - A motor vehicle is abandoned if:

(a) It is on public property and (§ 304.155.1, RSMo):

1. In an urbanized (See MoDot Map in next section for areas designated as urban) area, left unattended on any state or interstate highway for a period of 10 hours or immediately if a deputy of the sheriff's office determines it is a serious hazard to other motorists.
2. Outside an urbanized area, left unattended on any state or interstate highway or freeway for a period of 24 hours or after four hours if a deputy of the sheriff's office determines it is a serious hazard to other motorists.

(b) It is on private property and (§ 304.157.1, RSMo):

1. Left unattended without consent for at least 48 hours or as established by a local ordinance.
2. A deputy determines the vehicle constitutes a safety hazard or unreasonably interferes with the use of the private property.



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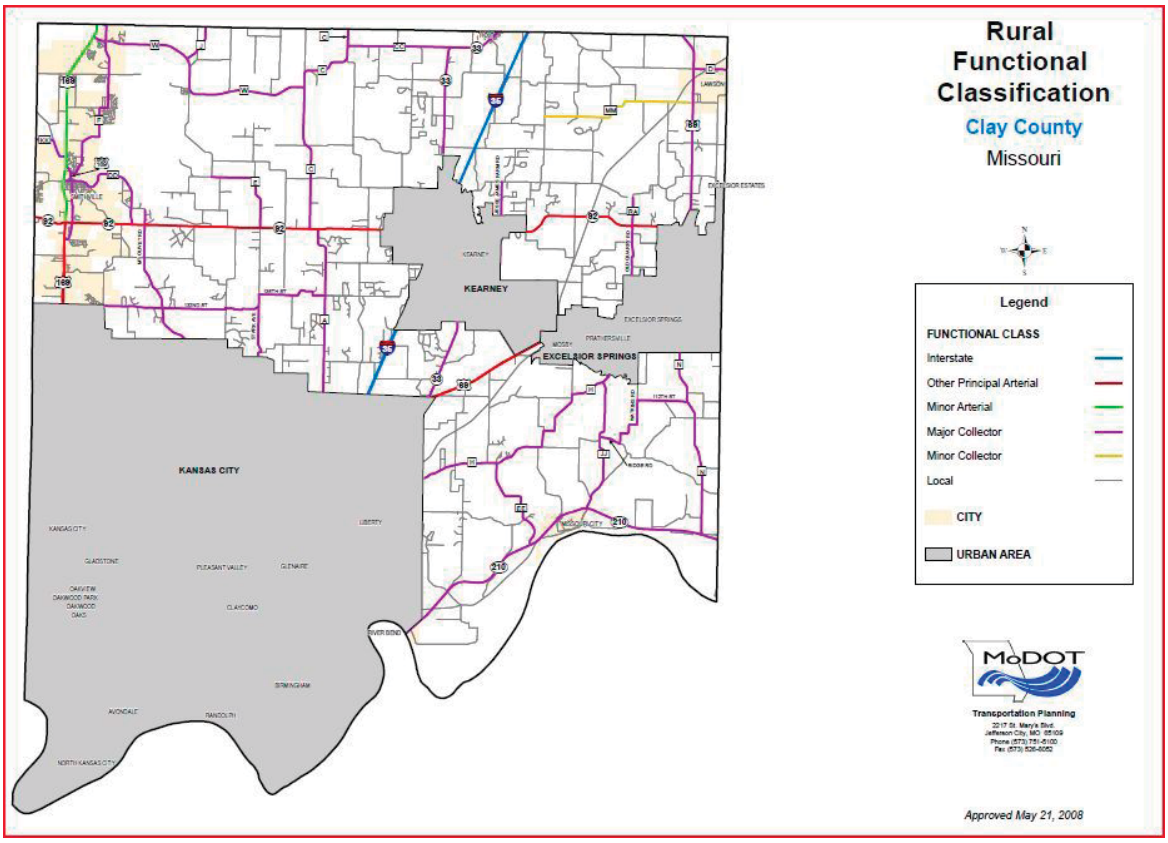
### 524.1.2 MODOT URBAN MAP




## 524.2 MARKING VEHICLES

Vehicles on public roadways suspected of being abandoned in violation of Missouri laws shall be marked and documented on the Clay County Sheriff's Office computer aided dispatch (CAD) system. No case number is required at this time.

A Clay County Sheriff's Office Tow Sticker should be placed on the rear window unless the vehicle conditions or the weather prevents marking. Any deviation in markings shall be noted on the CAD entry.

If a marked vehicle has been moved or the sticker has been removed during a four- or 24-hour investigation period, the vehicle shall be marked again for either the four- or 24-hour abandonment violation and a CAD update completed.

## 524.3 VEHICLE STORAGE

Any vehicle in violation shall be stored by the authorized towing service and a Crime Inquiry and Inspection Report/Authorization to Tow (MO DOR Form 4569) shall be completed by the deputy authorizing the storage of the vehicle. All property in a stored or impounded vehicle shall be inventoried and listed on the Crime Inquiry and Inspection Report/Authorization to Tow report. This includes the trunk and any compartments or containers, even if they are closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practicable in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property, and to protect the Sheriff's Office against fraudulent claims of lost, stolen or damaged property. If the apparent potential for damage to a locked container reasonably appears to outweigh the protection of the items



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inside, other options to consider regarding locked containers include, but are not limited to, simply documenting the presence of the locked container, or placing the locked container into safekeeping.

### 524.3.1 VEHICLE STORAGE REPORTING

When a vehicle is impounded a report shall be completed in the Fusion/Keystone system by a deputy. The Crime Inquiry and Inspection Report/Authorization to Tow must also be completed and given to the Communications Unit. The Communication Unit will conduct all computer inquiries and entries as required by Missouri Revised Statutes 304.155 and 304.157. In addition, all vehicles towed under authorization from the Clay County Sheriff's Office shall be entered into the MULES computer system as a towed vehicle. All computer inquiries and entries will be noted on the Crime Inquiry and Inspection Report/Authorization to Tow. The Cooperative Communication Center shall be responsible for notifying the Director of Revenue as required by Missouri Revised Statute 304.155.6 and 304.157.7. The deputy handling the tow will also be responsible for sending written notice to the registered owner or lien holder of the abandoned property as required by Missouri Revised Statue 304.158.1.



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CLAY COUNTY
SHERIFF'S OFFICE

**Bob Boydston**
*Sheriff*
*email:*
*bboydston@sheriffclayco.com*

**Ed Enderson**
*Lt. Colonel/Under Sheriff*
*email:*
*eenderson@sheriffclayco.com*

Registered owner's name this letter is to inform you the **Vehicle information** registered to you has been towed for Reason for tow by Name of Tow Company and is currently being stored at **Location vehicle is stored at**, a copy of this letter has also been sent to the lien holder Name and address of lien holder. Please have the tow operator notify the Clay County Sheriff's Office upon releasing the vehicle.

Thank you,

_____
Towing Deputy's Name/Radio

cc: Lien Holder



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# Chapter 6 - Investigation Operations

# Investigation and Prosecution

## 600.1 PURPOSE AND SCOPE

When assigned to a case for initial or follow-up investigation, deputies shall proceed with due diligence in evaluating and preparing the case for appropriate clearance or presentation to a prosecutor for filing criminal charges.

## 600.2 INITIAL INVESTIGATIONS

A deputy responsible for an initial investigation shall complete no less than the following:

(a) Make a preliminary determination if a crime has been committed by completing, at a minimum:
   1. An initial statement from any witnesses or complainants.
   2. A cursory examination for possible evidence.

(b) If information indicates a crime has occurred, the deputy shall:
   1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
   2. Determine if additional investigative resources (e.g., investigators or scene processing) assistance is necessary and request assistance as required.
   3. If assistance is warranted, or if the incident is not routine, notify their on duty supervisor.
   4. Interview all available victims, informants, complainants, witnesses and suspects.
   5. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
   6. Collect any evidence.
   7. Take any appropriate law enforcement action.
   8. Complete and submit the appropriate reports and documentation.

(c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available and advise the informant or complainant of this information.

A civilian employee who is not a deputy assigned to any preliminary investigation is responsible for all investigative steps except making any attempt to locate, contact or interview a suspect or take any enforcement action. Should an initial investigation indicate those steps are required, the assistance of a deputy shall be requested.

## 600.3 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall generally be advised of their *Miranda* rights unless an exception applies.

Deputies should not attempt to interview or interrogate a juvenile offender or status offender who is in custody without the presence of a juvenile officer. The juvenile officer or authorized designee will advise the juvenile of his/her rights (§ 211.059, RMSo; Sup. Ct. Rule 126.01.



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Deputies should notify the appropriate adult (i.e., parent, guardian, custodian) prior to the interview or interrogation and will respect a juvenile's desire to speak with an appropriate adult prior to questioning. The deputy shall cease questioning if the juvenile indicates in any manner and at any stage of questioning that he/she does not wish to be questioned further.

### 600.3.1 RECORDING CUSTODIAL INTERROGATIONS

Any custodial interrogation of a person who is suspected of having committed any violent felony offense should be electronically recorded (audio/video or both as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Deputies should also electronically record a custodial interrogation, or any investigative interview.

No recording of an interrogation should be destroyed or altered without written authorization from the Prosecuting Attorney and the Investigation Unit supervisor. Copies of recorded interrogations or interviews may be made in the same or different format provided they are true, accurate and complete copies and are made only for authorized and legitimate law enforcement purposes.

Deputies should continue to prepare written summaries of custodial questioning and investigative interviews and continue to obtain written statements from suspects when applicable.

## 600.4 PERSONS WITH COMMUNICATION DISABILITIES

Upon the arrest of a person with a communication disability and before interrogation or the taking of his/her statement, the deputy, should make an interpreter available to that person.

## 600.5 FOLLOW-UP INVESTIGATIONS

Follow-up investigations on all cases are evaluated and assigned by the Investigation Unit supervisor based upon caseload, case assignment and an evaluation of case solvability factors.

### 600.5.1 CASE SOLVABILITY FACTORS

Case solvability factors include, but are not limited to:

(a) Reliability of witnesses.
(b) Suspect is named.
(c) Suspect is described.
(d) Suspect's location is known.
(e) Suspect is identified.
(f) Suspect has been previously seen.
(g) Suspect vehicle is described.
(h) Suspect vehicle is identified.
(i) Property is traceable.
(j) Modus operandi is significant.
(k) There is usable physical evidence.
(l) There was limited opportunity for anyone other than the suspect to commit the crime.



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(m) The case may be solved with reasonable additional investigative effort.

(n) Other factors that are applicable only in exceptional circumstances include:

1. That the case is of significant importance to the community.
2. That there is potential, imminent danger to victims or witnesses.
3. The seriousness of offense.
4. That there is a characteristic pattern, frequency or modus operandi related to the case.
5. Management decisions to pursue a case regardless of solvability factors.

## 600.6 MODIFICATION OF CHARGES FILED

Employees should consult with a supervisor prior to recommending to the Prosecuting Attorney, Sheriff's Counsel or to any other official of the court that charges on a pending case be altered or the case dismissed. Engaging in discussions initiated by the prosecutor representing the Prosecuting Attorney or Sheriff's Counsel is not prohibited. In all cases resulting in court prosecution, any intent by a member of the Clay County Sheriff's Office/CCIS to modify the charges filed or to recommend dismissal of charges in a pending case shall be discussed with a Division Commander or the Sheriff or the authorized designee prior to taking action.

## 600.7 TRAINING

Deputies should receive training in conducting preliminary investigations prior to assignment to any investigative duties. Deputies assigned to investigative follow-up or advanced investigations, or upon assignment to the Field Operations Division, should have completed training in follow-up investigations.



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# Sex Crime Victim's Rights

## 602.1 PURPOSE AND SCOPE

This policy establishes a procedure by which sex crime victims may inquire about and be provided with information regarding the status of their case, their right to confidentiality and other rights afforded by law (Mo. Const. Art. 1 § 32).

## 602.2 INVESTIGATION CONSIDERATIONS

### 602.2.1 VICTIM CONFIDENTIALITY

Deputies investigating or receiving a report of an alleged sex offense shall assist in keeping the identity of the victim private. The name of any juvenile victim of a sex crime shall not be disseminated or published (§ 610.100(7), RSMo).

The Sheriff's Office shall withhold public access to information that would reveal the identity of a victim or alleged victim of criminal sexual conduct as allowed by law.

### 602.2.2 DEPUTY RESPONSIBILITIES

Deputies investigating or receiving a report of an alleged sex crime shall (§ 595.215, RSMo):

(a) As soon as available and appropriate, inform each victim of the following services:

1. A statement of the victims' automatic rights in dangerous felony cases and the ability to make a written request affording those rights for all other crimes (§ 595.209, RSMo).
2. Information concerning the availability of victim and immediate family assistance, medical and emergency services, to include the Missouri Victim Assistance Network (MoVA).
3. The availability of reasonable protection from the person accused of committing a crime, including protective court orders.
4. The business address and telephone number of the Prosecuting Attorney.
5. The file number of the case and the name, business address and telephone number of any deputy assigned to investigate the case.
6. Services for child and elderly victims, including special services for those with disabilities.
7. Interpretation services and information printed in languages other than English.
8. Information regarding the suspect being taken into custody, released, or if the suspect has escaped.

(b) After the initial investigation, the deputy handling the case shall also provide:

1. The status of the case and in a cold case provide the victim information concerning any change in status if requested.
2. Inform the victim of any final decision not to file charges unless the sheriff's office and the Prosecuting Attorney's office have developed a separate policy specifying the manner of informing victims of decisions not to file charges.
3. The availability of public records related to the case.



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4. Information concerning the availability of victim compensatory benefits and the name, address and telephone number of a contact person (Chapter 595, RSMo).
5. Referral to counseling facilities and community service agencies, including the names and telephone numbers, for crisis intervention, legal resources, mental health services, social services, rehabilitative services, financial assistance and other support services.

The ability to keep his/her address confidential under the state's "Safe at Home Program" by contacting the Secretary of State.

## 602.3 FORENSIC MEDICAL EXAMINATION FOR SEX CRIME VICTIMS

Deputies investigating or receiving a report of an alleged sex offense shall consider requesting, if timely and with the consent of the victim or a person authorized to act on behalf of the victim, a forensic medical examination of the victim. No Clay County Sheriff's Office employee shall ask or require a sex crime victim to participate or cooperate in an investigation as a condition of receiving a forensic medical examination.

The Department of Public Safety shall be responsible for direct costs associated with the collection of forensic evidence from a sex crime victim (§ 595.220(6), RSMo).

## 602.4 TRUTH VERIFICATION EXAMINATION FOR SEX CRIME VICTIMS

Employees of the Clay County Sheriff's Office shall not ask or require a victim of a sex crime to submit to a truth verification examination as a condition for proceeding with a criminal investigation.

A truth verification examination shall only be conducted upon a victim with the victim's written informed consent that includes notice that he/she has the right to refuse to submit to the examination. In addition, the victim shall be informed orally with information about the potential use of the result of the examination (§ 566.224, RSMo).

## 602.5 HUMAN TRAFFICKING VICTIMS

Any individual who is alleging that a violation of state law has occurred against his/her person shall be afforded the rights and protections provided in the federal Trafficking Victims Protection Act of 2000, 22 USC 7101 et seq., as amended (§ 566.200, RSMo; § 566.221, RSMo; § 566.223, RSMo).



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# Asset Forfeiture

## 606.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with specified designated offenses.

## 606.2 POLICY

The Clay County Sheriff's Office recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential of revenue shall not be allowed to jeopardize the effective investigation and prosecution of criminal offenses, officer safety, the integrity of ongoing investigations or any person's due process rights.

It is the policy of the Clay County Sheriff's Office that all employees, including employees assigned to internal or external law enforcement task force operations shall comply with all state and federal laws pertaining to forfeiture.

## 606.3 DEFINITIONS

The following definitions apply to this policy:

**Fiscal agent** - The person designated by the Sheriff to be responsible for securing and maintaining seized assets and distributing any proceeds as a result of any forfeiture proceedings. This includes anytime the Clay County Sheriff's Office seizes property for forfeiture or when the Clay County Sheriff's Office is acting as the fiscal agent pursuant to a multi-agency agreement.

**Forfeiture** - The process by which legal ownership of an asset is transferred to a government or other authority.

**Forfeiture reviewer** - The employee assigned by the Sheriff responsible for reviewing all forfeiture cases and for acting as the liaison between the Sheriff's Office and the assigned attorney.

**Property subject to forfeiture** - All property of every kind, including cash or other negotiable instruments, used or intended for use in the course of, derived from, or realized through criminal activity is subject to civil forfeiture (§ 513.607, RSMo). Criminal activity is the commission, attempted commission, conspiracy to commit, or the solicitation, coercion or intimidation of another person to commit any crime which is chargeable by indictment or information under the Missouri laws (§ 513.605, RSMo).

**Seizure -** The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

## 606.4 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

### 606.4.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer (§ 513.607, RSMo):



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(a) Property seized incident to a lawful arrest, search, or inspection when the deputy/CCIS member has probable cause to believe the property is subject to forfeiture and will be lost or destroyed if not seized.

A large amount of money alone is insufficient to establish the probable cause required to make a seizure.

### 606.4.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

(a) Cash and property that does not meet the current minimum forfeiture thresholds of the Prosecuting Attorney or attorney general should not be seized.

## 606.5 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the deputy/CCIS member making the seizure should ensure compliance with the following:

(a) Complete applicable seizures forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person specifying the items seized. When property is seized and no one claims possession of the property, the deputy/CCIS member must leave the copy in the place where the property was found if it is reasonable to do so.

(b) Complete and submit a report and original seizure forms within 24 hours of the seizure if practicable.

(c) The deputy/CCIS member will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

(d) Forward original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

(e) Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

(f) Deputies/CCIS members who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property are unknown, real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

## 606.6 MAINTAINING SEIZED PROPERTY

The Evidence Room supervisor is responsible for ensuring compliance with the following:

(a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition

(b) All property received for forfeiture is checked to determine if the property has been stolen.

(c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or returned to the claimant or person with an ownership interest.



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(d) Property received for forfeiture is not used unless the forfeiture action has been completed.

## 606.7 FORFEITURE REVIEWER

The Sheriff will appoint a deputy as the forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a sheriff's office-approved course on asset forfeiture.

The responsibilities of the forfeiture reviewer include the following:

(a) Remain familiar with forfeiture laws, particularly the Criminal Activity Forfeiture Act (§ 513.600, RSMo, et seq.) and the forfeiture policies of the Prosecuting Attorney or attorney general.

(b) Serve as the liaison between the Sheriff's Office and the Prosecuting Attorney or attorney general

(c) Make reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.

(d) Review each seizure related case and determine whether state or federal seizure attempts should be made. Contact federal authorities when pursuing federal seizure as appropriate.

(e) Ensure responsibilities, including designation of a Fiscal Agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.

(f) Ensure that seizure forms are available and appropriate for sheriff's office/CCIS use. These forms should include notice forms, a receipt form and a check-list to provide relevant guidance to deputies/CCIS members for the process. The forms should be available in languages appropriate for the region, and should contain places for:

1. Names and contact information for all relevant persons and peace officers involved.
2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
3. A location for the signature of the person from whom cash or property is being seized.
4. A tear-off portion or copy to be given to the person from whom cash or property is being seized that includes the legal authority for the seizure, information regarding the process to contest the seizure, and a detailed description of the items seized.

(g) Ensure that deputies/CCIS members who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or Agency Directive. The training should cover this policy and address any relevant statutory changes and court decisions.

(h) Review each asset forfeiture case to ensure the following:

1. Written documentation of the seizure and items seized is present in the case file.
2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.



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3. Notice of seizure has been given in a timely manner to interest holders of seized property.
4. Property is promptly released to those entitled to its return.

(i) Forward changes to forfeiture status to any supervisor who initiates a forfeiture case.

(j) Deposit any cash received with the Fiscal Agent.

(k) Ensure the current minimum forfeiture thresholds are communicated appropriately to deputies/CCIS members.

(l) Periodically review and update this policy and any related policies to reflect current federal and state statutes and case law.

(m) Prepare a written plan for the Sheriff to address any extended absence of the forfeiture reviewer to ensure that contact information for other peace officers and attorneys who may assist in these matters is available.

(n) Ensure the Sheriff's Office disposes of property as provided by law following any forfeiture.

(o) Ensure that any forfeited property used in an undercover capacity or that is sold or added to the sheriff's office's regular inventory is done according to law.

(p) Ensure that all forfeited property is used or disposed of in a manner consistent with the use and disposition of similar property by the sheriff's office.

(q) Upon completion of any forfeiture process, ensure that no property is retained by the Clay County Sheriff's Office unless the Sheriff authorizes in writing the retention of the property for official use.

(r) Ensure that forfeiture proceeds are maintained in a separate fund or account subject to appropriate accounting control with regular reviews or audits of all deposits and expenditures.

(s) Ensure that forfeiture reporting and expenditures are completed in the manner prescribed by the law and County financial directives).

## 606.8 DISPOSITION OF FORFEITED PROPERTY

No member of the Clay County Sheriff's Office or CCIS may use property that has been seized for forfeiture until the forfeiture action has been completed and the Sheriff has given written authorization to retain the property for official use.

## 606.9 TRANSFERRING PROPERTY TO A FEDERAL AGENCY

No employee may transfer to a federal agency any property seized until the prosecuting attorney and a circuit judge of the county in which the property was seized first review the seizure and approve the transfer (§ 513.647, RSMo).

## 606.10 REPORTING REQUIREMENTS

Reports related to forfeitures under federal law shall be prepared and filed with the Department of Public Safety and the State Auditor's Office annually (§ 513.653, RSMo).



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# Confidential Informants

## 608.1 PURPOSE AND SCOPE

In many instances a successful investigation cannot be conducted without the use of confidential informants. To protect the integrity of the Clay County Sheriff's Office, The Clay County Investigative Squad (CCIS) and the deputies using informants, it shall be the policy of the sheriff's office to take appropriate precautions by developing sound informant policies.

### 608.1.1 DEFINITIONS

Definitions related to this policy include:

**Confidential informant** - A person who provides information about criminal activity to peace officers, whose identity is privileged in order to insulate the informant from retribution by those involved in crime.

## 608.2 INFORMANT FILE SYSTEM

The Investigation Unit supervisor or the authorized designee and the Clay County Investigative Squad supervisor or the authorized designee shall be responsible for maintaining informant files. A separate file shall be maintained on each confidential informant.

### 608.2.1 FILE SYSTEM PROCEDURE

Each file shall be coded with an assigned informant control number. An informant history shall be prepared to correspond to each informant file and shall include the following information:

(a) Informant's name and/or aliases

(b) Date of birth

(c) Physical description: height, weight, hair color, eye color, race, sex, scars, tattoos or other distinguishing features

(d) Current home address and telephone numbers

(e) Current employer, position, address and telephone numbers

(f) Vehicles owned and registration information

(g) Places frequented

(h) Informant's photograph

(i) Evidence that a criminal history check has been made

(j) Briefs of information provided by the informant and his/her subsequent reliability; if an informant is determined unreliable, the informant's file will be marked as "Unreliable."

(k) Name of deputy/CCIS member initiating use of the informant

(l) Signed informant agreement

(m) Update on active or inactive status of the informant

The informant files shall be maintained in a secure area within the Investigation Unit/CCIS Unit. These files shall be used to provide a source of background information about the



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informant, enable review and evaluation of information given by the informant, and minimize incidents that could be used to question the integrity of members of Clay County Sheriff's Office, the CCIS or the reliability of the confidential informant.

Access to the informant files shall be restricted to the Sheriff, Field Operations Division Commander, the Investigation Unit supervisor, CCIS Supervisor or their authorized designees. Access to the informant files shall be through the Investigation Unit/CCIS Unit supervisor. The Investigation Unit/CCIS unit supervisor shall be responsible for maintaining a written log to record the identity of any authorized individual accessing an informant file, as well as the date, time and reason any file is accessed.

## 608.3 USE OF INFORMANTS

Before using an individual as a confidential informant, a deputy/CCIS member must receive approval from the Investigation Unit/CCIS Unit supervisor. The deputy/CCIS member shall compile sufficient information through a background investigation to determine the reliability, credibility and suitability of the individual, including age, maturity and risk of physical harm.

### 608.3.1 JUVENILE INFORMANTS

For purposes of this policy, a "juvenile informant" means any juvenile who participates on behalf of the sheriff's office/CCIS in a prearranged transaction, with direct face-to-face contact, with a suspected violator.

A cooperating juvenile who assists the sheriff's office/CCIS in enforcement activities involving alcohol or tobacco retail sales to minors is not considered an informant for purposes of this policy.

The use of juveniles 12 years old and younger as informants is prohibited. Juveniles who are 13 to 17 years old may only be used as informants with the written consent of each of the following:

(a) The juvenile's parents or legal guardians

(b) The juvenile's attorney, if any

(c) The court in which the juvenile's case is being handled, if applicable

(d) The Sheriff or the authorized designee

## 608.4 GUIDELINES FOR HANDLING CONFIDENTIAL INFORMANTS

All confidential informants are required to sign and abide by the provisions of the Sheriff's Office/CCIS informant agreement. The deputy/CCIS member using the confidential informant shall discuss each of the provisions of the agreement with the confidential informant.

Details of the agreement are to be approved in writing by the unit supervisor before being finalized with the confidential informant.

### 608.4.1 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS

No member of the Clay County Sheriff's Office/CCIS shall knowingly maintain a social relationship with a confidential informant while off-duty, or otherwise become intimately involved with a confidential informant. Members of the Clay County Sheriff's Office/CCIS shall neither solicit nor accept gratuities or engage in any private business transaction with a confidential informant.



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To maintain peace officer/informant integrity, the following requirements must be met:

(a) Deputies/CCIS members shall not withhold the identity of an informant from the Sheriff, Undersheriff, Field Operations Division Commander, the Investigation Unit supervisor, CCIS Unit Supervisor or their authorized designees.

(b) Identities of informants shall otherwise be kept confidential.

(c) Criminal activity by informants shall not be condoned.

(d) Informants shall be told they are not acting as sheriff's deputies, employees or agents of the Clay County Sheriff's Office or CCIS and that they shall not represent themselves as such.

(e) The relationship between deputies/members and informants shall always be ethical and professional.

(f) Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Investigation Unit/CCIS supervisor.

(g) Deputies/members shall not meet with informants in a private place unless accompanied by at least one additional deputy/member or with prior approval of the Investigation Unit/CCIS unit supervisor. Deputies/members may meet informants alone in an occupied public place, such as a restaurant. When contacting informants for the purpose of making payments, deputies/members shall arrange for the presence of another deputy/member whenever reasonably possible.

(h) In all instances when sheriff's office funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

## 608.5 NARCOTICS INFORMANT PAYMENT PROCEDURES

The potential payment of large sums of money to any confidential informant must be done in a manner respecting public opinion and scrutiny. To maintain a good accounting of such funds requires a strict procedure for disbursements.

### 608.5.1 PAYMENT PROCEDURE

The amount of funds to be paid to any confidential informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The amount of assets seized
- The quantity of the drugs seized
- The informant's previous criminal activity
- The level of risk taken by the informant
- Other factors that may motivate the informant

The Investigation Unit/CCIS Unit supervisor will discuss the above factors with the Field Operations Division Commander and arrive at a recommended level of payment that will be subject to the approval of the Sheriff or the authorized designee. The amount of payment will be based on a percentage of the current market price for the drugs or other contraband being sought, not to exceed 15 percent.



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### 608.5.2 CASH DISBURSEMENT POLICY

The following establishes a cash disbursement policy for confidential informants. No informant will be told in advance or given an exact amount for services rendered.

(a) When both assets and drugs have been seized, the confidential informant shall receive payment based upon overall value and the purchase price of the drugs seized, not to exceed a maximum of $150,000.

(b) A confidential informant may receive a cash amount for each quantity of drugs seized, whether assets are also seized, not to exceed a maximum of $30,000.

The Investigation Unit/CCIS Unit supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

### 608.5.3 PAYMENT PROCESS

A check shall be requested, payable to the case agent. The case number shall be recorded justifying the payment. The signature of the Sheriff or the authorized designee is required for disbursements over $500. The disbursement of money shall be handled in accordance with established state law and County policies, ordinances and protocols. Payments of $500 and under may be paid in cash out of the Investigation Unit/CCIS buy/expense petty cash fund. The Investigation Unit/CCIS Unit supervisor will be required to sign the voucher for amounts under $500.

The Investigation Unit/CCIS Unit buy/expense petty cash fund is a petty cash fund managed by the Investigation Unit/CCIS Unit supervisor in compliance with the Cash Handling Security and Management Policy. These funds shall be maintained in a locked cash box that is secured in a locked cabinet, desk or drawer in the Investigation Unit/CCIS Unit supervisor's office. This office will be secured whenever it is unoccupied.

To complete the transaction with the confidential informant, the case agent shall have the confidential informant initial the cash transfer form. The confidential informant will sign the form indicating the amount received, the date and that the confidential informant is receiving funds in payment for information voluntarily rendered in the case. The Clay County Sheriff's Office/CCIS Unit case number shall be recorded on the cash transfer form. A copy of the form will be kept in the confidential informant's file.

If the payment amount exceeds $500, a complete written statement of the confidential informant's involvement in the case shall be placed in the confidential informant's file. This statement shall be signed by the confidential informant verifying the statement as a true summary of his/her actions in the case.

### 608.5.4 REPORTING OF PAYMENTS

Each confidential informant receiving a cash payment shall be informed of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed $600 in any reporting year, the confidential informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the confidential informant and by doing so jeopardize any investigation, the safety of peace officers or the safety of the confidential informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the confidential informant shall be provided a letter identifying the amount he/she must report on tax returns as "other income," and shall be required to provide a



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signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the confidential informant's file.

### 608.5.5 AUDIT OF PAYMENTS

At least once every six months the Sheriff or the authorized designee shall conduct a thorough audit of all informant funds for the purpose of accountability and security of the funds. Petty cash records, transfer forms, invoices, receipts and logs will assist with the audit process.



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# Computer Voice Stress Analyzer

## 609.1 PURPOSE AND SCOPE

The Clay County Sheriff's Office recognizes that Computer Voice Stress Analyzer (CVSA) examinations by qualified examiners are gaining national acceptance as an information aid and as a tool to be used in conjunction with an investigation. It also recognizes that a CVSA examination should not be used as a single determinant for offering employment or to circumvent good investigative procedures. Therefore, it shall be the policy of the Clay County Sheriff's Office to use when appropriate CVSA examinations as a supplemental tool to the employment or investigative process for the purpose of truth verification.

## 609.2 GENERAL GUIDELINES

The Clay County Sheriff's Office shall establish guidelines for administering (CVSA) examinations in conjunction with its employment screening and investigations. In the development of those guidelines the following shall be considered:

- A ***Computer Voice Stress Analyzer (CVSA)*** detects, measures and charts stress in a person's voice following a formatted questionnaire.
- A ***Qualified Examiner*** is a person who has satisfactorily completed training and been certified by a recognized instructor in truth verification and the use of the CVSA. In addition, re-certification must be successfully completed every three years.
- An ***Overt Interview*** by a CVSA examiner with a suspect, victim, witness, complainant, or prospective employee. These interviews are conducted with prior knowledge and permission that certain questions will be recorded live and captured by the CVSA for analysis. At the examiner's discretion, all or portions of the interview may be recorded on audio and/or video tape.
- A ***Structured Interview*** is a legally obtained audio tape interview of a suspect, victim, witness, or complainant. The interviews are designed to capture a response to formatted questions. The interview charts / graphs are then analyzed by the CVSA examiner or examiners.

CVSA examinations may be utilized in conjunction with investigative leads and interviews of available suspect(s), victim(s), and/or witness(es). When practical, both the victim and the accused should be tested for comparison. These results are not to be used for arrest or legal action, but are designed for developing leads and/or obtaining case direction. CVSA examinations may also be used in the selection process for employment. The CVSA examiner shall review the questions with the applicant prior to the formal examination.

## 609.3 ELIGIBILITY FOR EXAMINATION

Generally any individual, including children, who knows right from wrong may participate in an examination. However, CVSA examinations may not be appropriate for all individuals. When making the decision to conduct an examination the examiner should take the following into consideration:

***Children under the age of seventeen must have parental or legal guardian consent prior to testing. The consent must be in writing and in the possession of the CVSA examiner prior to the beginning of the examination.***



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- Any person who has been forced or coerced into taking the examination should not be examined. (This relates to Criminal Investigations only)
- Any person who has been formally indicted by the Grand Jury or charged for the crime the CVSA is being requested should not be examined. This prohibition can be waived when there is an agreement and stipulation signed by the person to be examined, his or her defense attorney, and the prosecutor.

## 609.4 RESPONSIBILITIES OF INVESTIGATORS AND CVSA EXAMINER

Any investigator requesting a CVSA examination will complete a preliminary investigation and report before consulting with the CVSA examiner to schedule an examination. The CVSA is a supplement to, not a substitute for, a thorough investigation. The investigator is responsible for notifying the person to be examined about the location, date and time of the examination and keep both the examiner and person to be examined informed of any changes. The investigator will be available on location during the examination. When conducting an examination the examiner should adhere to the following responsibilities:

- The CVSA examiner will review the available information pertaining to the case prior to administering an examination.
- CVSA examiners must maintain a record of all examinations they have conducted.
- CVSA examiners must obtain a second examiner's opinion on all examinations he/she conducts.
- CVSA examiners must refrain from examinations that may compromise their integrity. Any test of friends, relatives or persons the examiner has a relationship with which represent a conflict of interest must be conducted by a neutral examiner.
- In the event the examiner declines to administer an examination and the decision is questioned, a second opinion from a CVSA examiner is recommended.

The Field Operations Division Commander or his/her designee should be notified when a CVSA examination is conducted.

## 609.5 PROFESSIONAL STANDARDS INVESTIGATIONS

CVSA examinations may be administered during criminal or administrative investigations focusing on a commissioned deputy, CCIS member or civilian employee only if the member freely volunteers to participate in the examination. A CVSA examiner will not administer an examination of a deputy, member or employee without written consent from the individual in question. When ordered to participate in a CVSA examination as part of a Professional Standards investigation, refusal by an employee to submit to the CVSA examination may result in a violation of **Clay County Sheriff's Office Policy #1020 Personnel Complaints**.

Civilian complainants or witnesses may be examined with the CVSA in order to determine if their complaint, allegation or knowledge of a case is legitimate. Those interviews must only be conducted after a voluntary examination waiver has been signed. In the case of a structured interview the examiner must receive authorization from the Professional Standards Unit Commander.

***A CVSA examination will not be the sole determinant of an investigation conclusion***

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## 609.6 APPLICATIONS FOR EMPLOYMENT

CVSA examinations may be administered to law enforcement, civilian, volunteer and observer applicants as well as persons having access to restricted areas of the Clay County Sheriff's Office. This is to ensure the following:

- Suitability
- Verify accuracy and completeness of information on the application.
- Resolve questions of conflicts arising during background investigations.
- Discover previous criminal or other disqualifying behavior.
- Deter those seeking to penetrate law enforcement agencies for improper purposes.

Questions to be asked will be provided to an applicant just prior to and at the location of the examination. Applicants will be given sufficient time to review and ask the examiner questions before beginning.

The ***CVSA will not be the single determinant of employment status***. However, admissions made before, during or after the examination may be used in determining employment status.

## 609.7 OUTSIDE AGENCIES

Outside agencies may request the use of the Clay County Sheriff's Office CVSA Examiners, when needed for their official investigations:

- Only when there is reasonable time for the Examiner to conduct the CVSA exam.
- That it does not conflict with the Examiners scheduling and the Clay County Sheriff's Office investigations.
- The agency will submit a written request along with a report detailing their investigation to the CVSA Examiner.
- A report may be submitted by the Examiner revealing the activity generated by the outside agency's request.
- Requests will not exploit political and/or financial gain.



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# Eyewitness Identification

## 610.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of the Clay County Sheriff's Office/CCIS employ eyewitness identification techniques.

### 610.1.1 DEFINITIONS

Definitions related to the policy include:

**Eyewitness identification process** - Any field identification, live lineup or photographic identification.

**Field identification** - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

**Live lineup** - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

**Photographic lineup** - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

## 610.2 POLICY

The Clay County Sheriff's Office/CCIS will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

## 610.3 INTERPRETIVE SERVICES

Deputies should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating deputy should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

## 610.4 EYEWITNESS IDENTIFICATION FORM

The Field Operations Division Commander or their designee shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process and any related forms or reports should provide:

(a) The date, time and location of the eyewitness identification procedure.

(b) The name and identifying information of the witness.

(c) The name of the person administering the identification procedure.



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(d) If applicable, the names of all of the individuals present during the identification procedure.

(e) An admonishment that the suspect's photograph may or may not be among those presented and that the witness is not obligated to make an identification.

(f) An admonishment to the witness that the investigation will continue regardless of whether an identification is made by the witness.

(g) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

The process and related forms should be reviewed at least annually and modified when necessary.

## 610.5 EYEWITNESS IDENTIFICATION

Deputies are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Deputies should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified, or failed to identify, the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Each witness should be admonished that he/she is not required to make an identification of any person shown during an eyewitness identification process.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

### 610.5.1 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the person composing the lineup and the person presenting the lineup should not be directly involved in the investigation of the case. When this is not possible, the member presenting the lineup must take the utmost care not to communicate the identity of the suspect in any way.

When practicable, the employee presenting a lineup to a witness should not know which photograph or person is the suspect.

Other persons or photos used in any lineup should bear similar characteristics to the suspect to avoid causing him/her to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The employee presenting the lineup to a witness should do so sequentially and not simultaneously (i.e., show the witness one person at a time). The witness should view all persons in the lineup.

The order of the suspect or the photos and the fillers should be randomized before being presented to each witness.



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A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating deputy should contact the appropriate prosecuting attorney before proceeding.

### 610.5.2 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination or show-up identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the deputy should observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness.

(b) Assess whether a witness should be included in a field identification process by considering:

1. The length of time the witness observed the suspect.
2. The distance between the witness and the suspect.
3. Whether the witness could view the suspect's face.
4. The quality of the lighting when the suspect was observed by the witness.
5. Whether there were distracting noises or activity during the observation.
6. Any other circumstances affecting the witness's opportunity to observe the suspect.
7. The length of time that has elapsed since the witness observed the suspect.

(c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

(d) When feasible, deputies should bring the witness to the location of the suspect, rather than bring the suspect to the witness.

(e) A person should not be shown to the same witness more than once.

(f) In cases involving multiple suspects, witnesses should only be permitted to view the suspects one at a time.

(g) A person in a field identification should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

(h) If a witness positively identifies an individual as the perpetrator, deputies should not conduct any further field identifications with other witnesses for that suspect. In such instances deputies should document the contact information for any additional witnesses for follow up, if necessary.

## 610.6 DOCUMENTATION

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report. Witness comments of how certain he/she is of the identification or non-identification should be quoted in the report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.



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# *Brady* Material Disclosure

## 612.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called *Brady* information ) to a prosecuting attorney.

### 612.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** - Information known or possessed by the Clay County Sheriff's Office that is both favorable and material to the current prosecution or defense of a criminal defendant.

## 612.2 POLICY

The Clay County Sheriff's Office will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Clay County Sheriff's Office will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Office will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

## 612.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Deputies must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If a deputy learns of potentially incriminating or exculpatory information any time after submission of a case, the deputy or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., confidential informant or protected personnel files), the deputy should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If a deputy is unsure whether evidence or facts are material, the deputy should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Office case file.

## 612.4 DISCLOSURE OF PERSONNEL INFORMATION

If a member of this office is a material witness in a criminal case, a person or persons designated by the Sheriff shall examine the personnel file and/or internal affairs file of the deputy to determine whether they contain *Brady* information. If *Brady* information is located, the following procedure shall apply:



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(a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and office member shall be notified of the potential presence of *Brady* information in the member's personnel file.

(b) The prosecuting attorney or office counsel should be requested to file a motion in order to initiate an in camera review by the court.

1. If no motion is filed, the supervisor should work with counsel to determine whether the records should be disclosed to the prosecutor.

(c) The Custodian of Records shall accompany all relevant personnel files during any in camera inspection and address any issues or questions raised by the court.

(d) If the court determines that there is relevant *Brady* information contained in the files, only that material ordered released will be copied and released to the parties filing the motion.

1. Prior to the release of any materials pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.

(e) If a court has determined that relevant *Brady* information is contained in the member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

The person or persons designated by the Sheriff should periodically examine the personnel files and/or internal affairs files of all deputies who may be material witnesses in criminal cases to determine whether they contain *Brady* information. The obligation to provide *Brady* information is ongoing. If any new *Brady* information is identified, the prosecuting attorney should be notified.

## 612.5 INVESTIGATING BRADY ISSUES

If the Office receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

## 612.6 TRAINING

Office personnel should receive periodic training on the requirements of this policy.



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# Chapter 7 - Equipment

# Sheriff's Office-Owned and Personal Property

## 700.1 PURPOSE AND SCOPE

Sheriff's Office employees are expected to properly care for sheriff's office property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or sheriff's office property while performing their assigned duties. Certain procedures are required depending on the loss and ownership of the item.

## 700.2 DOCUMENTATION OF ISSUED PROPERTY

All property issued shall be documented in the appropriate property sheet or equipment log and receipt acknowledged by signature. Upon an employee's separation from the Sheriff's Office, all issued equipment shall be returned and documentation of the return signed by a supervisor.

### 700.2.1 CARE OF SHERIFF'S OFFICE PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of sheriff's office property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of sheriff's office property may lead to discipline including, but not limited to, the cost of repair or replacement.

(a) Employees shall promptly report through the chain of command, any loss, damage to or unserviceable condition of any sheriff's office issued property or equipment assigned for their use.

1. A supervisor receiving such a report shall conduct an appropriate investigation and direct a memo to the appropriate Division Commander that shall include the result of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss, damage or unserviceable condition.
2. A review by the staff to determine whether misconduct or negligence was involved should be completed.

(b) The use of damaged or unserviceable sheriff's office property should be discontinued as soon as practicable and, if appropriate and approved by the staff, replaced with comparable sheriff's office property as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by competent authority or required by exigent circumstances, sheriff's office property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Sheriff's Office property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority.

(e) In the event that any Sheriff's Office property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.



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## 700.3 USE OF PERSONAL PROPERTY

The carrying of personal equipment on-duty or its use in the performance of duties requires prior written approval by the Sheriff or appropriate Division Commander. The employee should submit for approval the description of personal property that the employee has requested to carry, the reason for its use, the period of its use and the terms of its use. Personal property of the type routinely carried by persons not performing law enforcement duties, and that is not a weapon, is excluded from this requirement.

### 700.3.1 DEFINITIONS

Definitions related to this policy include:

**Personal property** - Items or equipment owned by, provided by or purchased totally at the expense of the employee. This definition includes optional equipment items identified in the Sheriff's Uniform Regulations Policy.

### 700.3.2 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on an interdepartmental memo form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor receiving such a report shall make an appropriate investigation and direct a memo to the appropriate Division Commander that shall include the result of his/her investigation and whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

Upon review by the staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the appropriate Division Commander, who will then forward the claim to the Administrative Division Commander for disposition.

The Sheriff's Office will not replace or repair costly items (e.g., jewelry, exotic equipment) that are not reasonably required as a part of work.

### 700.3.3 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report is made.

## 700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Deputies and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement function shall report it as provided below.

(a) A verbal report shall be made to the employee's immediate supervisor as reasonably soon as circumstances permit.

(b) A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report was made.



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### 700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to personal property or property belonging to the Clay County Sheriff's Office, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as reasonably soon as circumstances permit. The employee shall submit a written report before going off-duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Division Commander.



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# Personal Communication Devices

## 702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued by the Clay County Sheriff's Office/CCIS or personally owned, while on-duty or when used for authorized work purposes

Because of technical advances and varying manufacturer nomenclature, this policy will generically refer to all Personal Communication Devices (PCD) as such, but is intended to include all mobile telephones, Personal Digital Assistants (PDA) and other such wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, e-mailing, using video or camera features, playing games and accessing sites or services on the Internet.

In addition, the use of any computer, Internet service, telephone service or other wireless service, including employee-owned devices and services, to send or receive information that may be related to public business may be subject to review or disclosure.

## 702.2 POLICY

The Clay County Sheriff's Office allows employees to utilize office-issued PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Office, will be subject to monitoring and inspection consistent with the standards set forth in this policy. The Sheriff's Office also expressly reserves the right to access and audit any and all communications (including content) sent, received and/or stored using such service at any time.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, employees are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the employee and the employee's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Employees who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

## 702.3 PRIVACY POLICY

Employees shall have no expectation of privacy with regard to any communication made with or stored in or through PCDs issued by the Office and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities. The use of any office-provided or -funded PCD, computer, Internet service, telephone service or other wireless service while on-duty is without any expectation of privacy that the employee might otherwise have in any communication, including the content of any such communication. Communications or data reception on personal, password-protected, web-based e-mail accounts and any other services are subject to monitoring if office equipment is used.

In accordance with this policy, supervisors are authorized to conduct a limited administrative search of electronic files without prior notice, consent or a search warrant, on office-issued



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or personally owned PCDs that have been used to conduct office-related business. Administrative searches can take place for work-related purposes that may be unrelated to investigations of employee misconduct and, as practicable, will be done in the presence of the affected employee. Prior to conducting any search of personally owned devices, supervisors shall consult with the Sheriff. All such searches shall be fully documented in a written report.

## 702.4 OFFICE-ISSUED PCD

Depending on an employee's assignment and the needs of the position, the Office may, at its discretion, issue a PCD. Office-issued PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Office and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless an employee is expressly authorized by the Sheriff or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

## 702.5 PERSONALLY OWNED PCD

Employees may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

(a) Carrying a personally owned PCD is a privilege, not a right.

(b) The Office accepts no responsibility for loss of or damage to a personally owned PCD.

(c) Employees shall promptly notify the Office in the event the PCD is lost or stolen.

(d) The PCD and any associated services shall be purchased, used and maintained solely at the employee's expense.

(e) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Employees will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any office business-related communication.

(f) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Office, without the express authorization of the Sheriff or the authorized designee.

(g) Use of a personally owned PCD constitutes consent for the Office to access the PCD to inspect and copy data to meet the needs of the Office, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, employees will provide the Office with all telephone access numbers of the device.

Except with prior express authorization from their supervisor, employees are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If an employee is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the employee has prior express authorization from his/her supervisor, the employee may engage in business-related communications. Should employees engage in such approved off-duty communications or work, employees entitled to compensation shall promptly document the time worked and communicate the information to their supervisor to ensure appropriate compensation. Employees who independently document off-duty



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office-related business activities in any manner shall promptly provide the Office with a copy of such records to ensure accurate record keeping.

## 702.6 USE OF PERSONAL COMMUNICATION DEVICES

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct office business:

(a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.

(b) All PCDs in the workplace shall be set to silent or vibrate mode.

(c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Employees shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.

(d) Employees may use a PCD to communicate with other personnel in situations where the use of the radio is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid or in lieu of regular radio communications.

(e) Deputies are prohibited from taking pictures, video or making audio recordings or making copies of any such picture or recording media unless it is directly related to official office business. Disclosure of any such information to any third party through any means, without the express authorization of the Sheriff or the authorized designee, may result in discipline.

(f) Employees will not access social networking sites for any purpose that is not official office business.

(g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any employee having knowledge of such conduct shall promptly notify a supervisor.

## 702.7 SUPERVISORY RESPONSIBILITIES

Supervisors should ensure that members under their command are provided appropriate training on the use of PCDs consistent with this policy. Supervisors should monitor, to the extent practicable, PCD use in the workplace and take prompt corrective action if an employee is observed or reported to be improperly using a PCD. An investigation into improper conduct should be promptly initiated when circumstances warrant.

If, when carrying out any provision of this policy, the need to contact an employee who is off-duty arises, supervisors should consider delaying the contact, if practicable, until the employee is on-duty, as such contact may be compensable.

## 702.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Deputies operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, employees who are operating non-emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. Hands-free use should be restricted to business-related calls or calls of an urgent nature.



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## 702.9 OFFICIAL USE

Employees are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, employees shall conduct sensitive or private communications on a land-based or other office communications network.

The following situations are examples of when the use of a PCD may be appropriate:

(a) Barricaded suspects

(b) Hostage situations

(c) Mobile Command Post

(d) Catastrophic disasters, such as plane crashes, earthquakes, floods, etc.

(e) Major political or community events

(f) Investigative stakeouts

(g) Emergency contact with an allied agency or allied agency field unit

(h) When immediate communication is needed and the use of the radio is not available or appropriate and other means are not readily available



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# Vehicle Maintenance

## 704.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Sheriff's Office vehicles, whether issued or fleet, so that they are properly equipped, maintained, refueled and present a clean appearance.

## 704.2 DEFECTIVE VEHICLES

When a Sheriff's Office vehicle becomes inoperative or in need of a repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who becomes aware of the defective condition. An e-mail, describing the correction needed, shall be promptly sent to the fleet manager for repair.

The employee's supervisor should also be notified when an assigned vehicle becomes inoperative or needs of repair.

### 704.2.1 SUSPECTED DAMAGE OR POOR PERFORMANCE

Vehicles that may have suffered damage, perform poorly or whose control or safety features has been diminished shall be immediately removed from service for inspection and repair. The fleet manager should be notified as soon as possible when this occurs.

### 704.2.2 SEVERE USE INSPECTION

Vehicles operated under severe use conditions, which include operations for which the vehicle is not designed or that exceeds the manufacturer's use parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Severe conditions may include rough roadway or off-road operation, hard or extended braking, pursuits or prolonged high-speed operation.

### 704.2.3 REMOVAL OF WEAPONS

All firearms, weapons and kinetic impact weapons shall be removed from a vehicle and properly secured prior to the vehicle being released for maintenance, service or repair.

## 704.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all sheriff's office vehicles for emergency purposes and to perform routine duties.

### 704.3.1 MARKED VEHICLES

Deputies/detention officers shall inspect their assigned or temporary issue fleet vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is in the vehicle:

- 1 blanket
- 1 fire extinguisher
- 1 traffic safety vest
- 1 spare tire, jack, and lug wrench



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Plus any equipment as directed by the appropriate Division Commander and the Fleet Manager.

### 704.3.2 UNMARKED VEHICLES

An employee driving an unmarked sheriff's office vehicle shall ensure that, at minimum, the equipment listed below is in the vehicle:

- 1 blanket
- 1 fire extinguisher
- 1 traffic safety vest
- 1 Spare tire, jack, and lug wrench

Plus any equipment as directed by the appropriate Division Commander and the Fleet Manager.

## 704.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, employees driving sheriff's office vehicles shall not place a vehicle in service that has less than one-half tank of fuel. Whenever practicable, vehicles should be fully fueled when placed into service and refueled before the level falls below one-half tank. Vehicles shall only be refueled at an authorized location.

## 704.5 WASHING OF VEHICLES

All units shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to enhance their appearance.

Deputies/detention officers on duty in marked vehicles shall obtain clearance from their supervisor before responding to the car wash. Only one marked unit should be at the car wash at a time unless otherwise approved by a supervisor.

Employees using a vehicle shall remove any trash or debris at the end of the shift or their respective use. Confidential documents should be placed in a designated receptacle provided for the shredding of this material.

## 704.6 CIVILIAN EMPLOYEE USE

Civilian employees, not to include designated detention transport officers operating detention transport vehicles, using marked vehicles shall ensure all weapons are removed from the vehicle before going into service. Civilian employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.



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# Vehicle Use

## 706.1 PURPOSE AND SCOPE

The Clay County Sheriff's Office utilizes County-owned motor vehicles in a variety of applications operated by sheriff's office personnel. To maintain a system of accountability and ensure County-owned vehicles are used appropriately, regulations relating to the use of these vehicles have been established. The term "County-owned" as used in this section also refers to any vehicle leased or rented by the County.

## 706.2 USE OF VEHICLES

### 706.2.1 SHIFT ASSIGNED VEHICLES

Personnel assigned to routine scheduled field duties or transport duties shall log onto the in-car computer inputting the required information when going on-duty. If the vehicle is not equipped with a working in-car computer, the deputy/detention officer shall notify the Cooperative Communications Center for entry of the vehicle number in the CAD entry if it is not their normal assigned vehicle. If the employee exchanges vehicles during the shift, the new vehicle number shall be entered in the CAD.

Employees shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of the shift. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate and forwarded to the Fleet Manager.

### 706.2.2 USE OF FLEET VEHICLES

Personnel utilizing a fleet vehicle for any purpose shall sign out said vehicle in the Cooperative Communications Center and notate the reason for use. When the employee notifies the Cooperative Communication Center that they are in service a notation will be made in the CAD entry indicating the operator's name and vehicle number. This section does not apply to personnel permanently assigned an individual vehicle.

### 706.2.3 UNDERCOVER VEHICLES

Unmarked units, if not assigned to an individual employee, shall not be used without first obtaining approval from the respective unit supervisor.

### 706.2.4 AUTHORIZED PASSENGERS

Personnel operating County-owned vehicles shall not permit persons other than County employees or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as a passenger in their vehicle.

Due to the Command Staff being on an on-call basis 24 hours a day, 7 days a week, on a limited basis such personnel are authorized to transport civilians. This authority shall apply to personnel who are also subject to call 24/7.

### 706.2.5 INSPECTIONS

The interior of any vehicle that has been used to transport any person other than an employee should be inspected prior to placing another person in the vehicle and again



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after the person is removed. This is to ensure that unauthorized items have not been left in the vehicle.

### 706.2.6 PARKING

County-owned vehicles should be parked in their assigned stalls. Employees shall not park privately owned vehicles in any stall assigned to a County-owned vehicle or in other areas of the parking lot that are not designated as a parking space, unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

## 706.3 ASSIGNED VEHICLE AGREEMENT

County-owned vehicles assigned to personnel for their use within their job assignment may be used for work-related purposes and to transport the employee to and from work. The employee shall sign an agreement setting the standard for how the vehicle shall be used and where it shall be parked when the employee is not on-duty.

The agreement states that the vehicle shall only be used for work-related purposes and shall not be used for personal errands or transport unless special circumstances exist and the Shift/Unit Supervisor gives authorization. The agreement also requires the employee to be responsible for the vehicle's care and maintenance. The Sheriff's Office will provide necessary care/maintenance supplies. Under Internal Revenue Service (IRS) regulations, personal use of the vehicle may be considered a taxable income to the employee.

The assignment of vehicles is at the discretion of the Sheriff. Assigned vehicles may be changed at any time and/or permission to take home a vehicle may be withdrawn at any time.

### 706.3.1 VEHICLES SUBJECT TO INSPECTION

All County-owned vehicles are subject to inspection and or search at any time by a supervisor. No employee assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

## 706.4 SECURITY

Employees may take home County-owned vehicles only with prior approval from their Division Commander and shall meet the following criteria:

(a) The employee lives within 10 miles of the Clay County line.

(b) Off-street parking shall be available at the employee's residence.

(c) Vehicles shall be locked when not attended.

(d) All firearms and kinetic impact weapons shall be removed from the interior of the vehicle and placed in the trunk or properly secured in the residence when the vehicle is not attended (refer to the Duty Firearms Policy regarding safe storage of firearms at home).

When an employee is on vacation, on leave or out of the area in excess of one week, the vehicle shall be stored in a secure garage at the employee's residence or at the sheriff's facility.

### 706.4.1 KEYS

Personnel assigned a permanent vehicle shall be issued keys for their respective vehicle. Fleet vehicle keys are maintained in the Cooperative Communications Center. The loss



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of any assigned key or fleet vehicle key shall be promptly reported in writing through the employee's chain of command and forwarded to the Fleet Manager.

## 706.5 ENFORCEMENT ACTIONS

When driving an assigned vehicle to and from work outside of the jurisdiction of the Clay County Sheriff's Office, a deputy shall not become involved in enforcement actions except in those circumstances where a potential threat to life or serious property damage exists.

Deputies driving marked vehicles or emergency equipped vehicles shall be armed at all times.

Deputies may render public assistance, (e.g., to a stranded motorist), when it is deemed prudent.

## 706.6 MAINTENANCE

(a) Each employee is responsible for the cleanliness (exterior and interior) and overall maintenance of the assigned vehicle.

1. Employees may use the approved car wash facilities. Tokens can be obtained from their supervisor.
2. Cleaning/maintenance supplies will be provided by the Sheriff's Office. If a vehicle needs maintenance contact the Fleet Manager who will advise where the vehicle should be taken for the necessary maintenance.

(b) Employees shall make daily inspections of their assigned vehicle for service/maintenance requirements and damage.

(c) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to employees under their command to ensure the vehicles are being maintained in accordance with policy.

(d) Routine maintenance and oil changes shall be done in accordance with the approved schedule. The vehicles will normally be serviced at the currently approved vendor.

1. When leaving a vehicle at the maintenance shop, the employee will leave a detailed letter explaining the service or repair on the seat or dash.
2. Vehicles requiring warranty service shall be taken to the nearest authorized dealer after receiving clearance from the Fleet Manager.

### 706.6.1 ACCESSORIES AND/OR MODIFICATIONS

No modifications, additions or deletions of any equipment or accessories shall be made to the vehicle without written permission from the assigned vehicle program manager.

## 706.7 VEHICLE DAMAGE, ABUSE AND MISUSE

When a County-owned or leased vehicle is involved in a traffic accident, the involved employee shall promptly notify a supervisor. A traffic accident report shall be filed with the agency having jurisdiction over the incident.

When an accident involves a County vehicle or when a member of the sheriff's office is an involved driver in a accident that occurs in this jurisdiction, and the accident results in serious injury or death, another agency should be summoned to handle the investigation.

The employee involved in the accident shall complete the County's Auto Damage form. If the employee is incapable, the supervisor shall complete the form.



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Post-crash testing shall be required after a vehicular collision resulting in a fatality, or when a traffic citation is issued to a County employee regarding the collision, or where injury to a person requires transport to a medical treatment facility, or disabling damage to one or more vehicles requires towing from the crash site. Testing shall include both breath alcohol and urine drug testing of the employee(s). Post-crash testing shall be required and completed whenever possible within two (2) hours of the accident occurrence, but in any case no later than before eight (8) hours following the accident for breath alcohol testing or thirty-two (32) hours for controlled substance testing. An employee involved in a collision shall refrain from alcohol consumption for eight (8) hours following the collision. All collisions involving a county owned or leased vehicle will be reviewed by a Crash Review Panel.

Any damage to a vehicle that was not caused by a traffic accident shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Shift/Unit Supervisor and Fleet Manager.

An administrative investigation will be conducted to determine if there is any vehicle abuse or misuse. If it is determined that misuse or abuse was a result of negligent conduct or operation, appropriate disciplinary action may result.

### 706.7.1 VEHICLE CRASH REVIEW PANEL

Public confidence and the need to continually evaluate policy, procedures and training are essential ingredients for effective and efficient law enforcement. In recognition of these factors it shall be the policy of the Clay County Sheriff's Office to review all situations when personnel are involved in a vehicle crash involving a county owned or leased vehicle.

A vehicle crash review panel will be convened to review all reports of a vehicle crash involving a county owned or leased vehicle operated by, or in which department personnel are a passenger. The panel will be an informal proceeding directed toward the issue of proper law enforcement policy, procedure(s), personnel judgment and training. The panel shall consist of three voting members appointed by the Sheriff. The Administrative Division Commander and Training Unit Coordinator shall also serve as non-voting members of all review panels. Under no circumstances will a panel member have been involved in the crash or its subsequent investigation.

The panel will convene within two weeks of the completion of all investigations. The panel will have the authority to call before them all department personnel to answer questions of fact related to the incident being reviewed. They may also request the presence of any other person who they believe has information relevant to the incident. The panel shall complete its review and file a written report within 30 days of receiving the request for panel review.

Upon completion of their review the panel will make a written determination of finding within one of the following categories:

- ***Non-Preventable -*** Personnel acted within established law, policy, procedures and training. Additionally, personnel while operating a vehicle showed reasonable concern for potential risk factors.
- ***Preventable -*** Personnel acted outside of established law, policy, procedures and training or failed to show reasonable concern for potential risk factors. Issues of substandard performance, negligence, culpability, justification, policy, procedures and/or training should be addressed in all preventable determinations. Other issues may also be addressed when appropriate.



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The report from the panel will also contain findings of fact and recommendations for disciplinary action. When appropriate the panel may also make recommendations for policy changes and training needs. The panel report will be forwarded to the Sheriff and affected Division Commander for final review and action.

## 706.8 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempted from incurring toll road charges. Pursuant to the nonrevenue policy of the toll roads, law enforcement agencies responding to an emergency or incident on the toll roads, while on-duty, are exempt from paying the charge. Commuting, or returning to the County after an emergency does not qualify for this exemption and personnel using County-owned vehicles are subject to the toll charge. To avoid unnecessary toll violation charges, all employees operating a County-owned vehicle shall adhere to the following:

(a) All employees operating a County-owned vehicle for any reason other than an initial response to an emergency shall stop and pay the appropriate toll charge. Employees may submit for reimbursement from the County for any toll fees.

All employees passing through the toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Division Commander within five working days explaining the circumstances.



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# Assigned Patrol Use Vehicle

## 708.1 PURPOSE AND SCOPE

The Clay County Sheriff's Office may assign a patrol use vehicle to full-time deputies. This policy shall not be construed to create or imply any contractual obligation by the County to assign patrol use vehicles and such assignment is at the discretion of the Sheriff. Assigned patrol use vehicles have demonstrated a long-term fiscal and service benefit to the County. Vehicles get better care during operation and storage, and accumulate fewer service miles and hours of operation. This vehicle assignment results in an extended vehicle service life over pool patrol use vehicle assignment. Vehicles subsequently require less frequent replacement and a reduced frequency of transfer and replacement of support equipment (radios, emergency, safety equipment). Ultimately per-mile operational costs are reduced.

## 708.2 LOGISTICS

The Clay County Sheriff's Office recognizes that the placement of all patrol vehicles in one location or a select few locations renders an increase risk of fleet damage due to act of nature or disaster (e.g., hail damage, tornado, floods, snowstorms) as well as planned or opportunity-based intentional damage and vandalism, domestic destruction and/or terrorism. These conditions could render the entire fleet unavailable for deployment.

## 708.3 DEFINITIONS

Definitions related to this policy include:

**Patrol use vehicle** - Includes, but is not limited to, any marked or unmarked squad car, transport, truck, van, plow, ATV, snowmobile, boat, hovercraft, rescue craft, jet-ski, dive vehicle, Special Tactics And Response Team (STAR) vehicle, mobile crime lab, undercover or unmarked vehicle or deployment trailers provided by the Sheriff's Office for the purpose of performing job duties as required by public safety or emergency response duties or essential job functions.

## 708.4 ASSIGNMENT OF PATROL USE VEHICLES

Assignment of Sheriff's patrol use vehicles shall be governed solely by the County and the Sheriff's Office under the discretion of the Sheriff.

### 708.4.1 ELIGIBILITY

Eligibility for assignment of a patrol use vehicle requires the deputy to be in good standing with the Sheriff's Office. Also, personnel shall not operate any county owned or leased vehicle unless they possess a valid Missouri Operator's license. State or court issued 'hardship" licenses are not considered an appropriate license for the operation of a county owned or leased vehicle. Personnel who operate a county vehicle must maintain acceptable driving records to include, but not limited to: No drug or alcohol related driving convictions within the most recent three (3) years; and No more than three moving violations within the most recent three (3) years. The Clay County Sheriff's Office will perform annual driver's license checks on all employees who operate county vehicles.

### 708.4.2 ASSIGNMENT GUIDELINES AND USE CRITERIA

Assignment guidelines and criteria for patrol use vehicles include the following. The Sheriff or the authorized designee may make exceptions to these provisions.



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(a) The location of the deputy's home, nature of the deputy's duties, job description and essential functions and employment status; residence in the County is a prime consideration. Personnel who live more than a 10 mile driving distance from the county line will not be allowed to home garage an assigned vehicle.

(b) The Sheriff retains the right to assign/revoke any or all assigned patrol use vehicles.

(c) Patrol use vehicles should be operated in accordance with policy and state law.

(d) Patrol use vehicles shall not be used for unapproved use, either on- or off-duty, and are restricted to operation by County employees, peace officers assigned to the County or by peace officers under their direction.

(e) Patrol use vehicles are to be parked off-street at the deputy's residence unless prior arrangements have been made with the Sheriff or the authorized designee.

(f) Patrol use vehicles are subject to inspection, search and validation of location at all times by the Sheriff, the authorized designee or any on-duty supervisor.

(g) Patrol use vehicles are to be secured at the deputy's home or the Sheriff's Office when a deputy is on vacation. If the vehicle remains at the home of the deputy, the Sheriff's Office shall have access to the vehicle, including if it is garaged. If the deputy is unable or unwilling to provide access to the patrol use vehicle, it shall be parked at the Sheriff's Office.

(h) A patrol use vehicle, despite assignment to a deputy for specific duties, may be reassigned or utilized by other personnel at the discretion of the Sheriff's Office.

(i) The assignment of a patrol use vehicle may be suspended when the deputy is unable to perform his/her regular assignment.

(j) Deputies who live outside the County, who may be assigned a patrol use vehicle, may be required to secure or garage the vehicle at a designated location or the central office at the discretion of the Sheriff.

(k) Any patrol use vehicle assignment that is declined will be secured or garaged at a designated location or the station.

(l) Patrol use vehicles will not be used by members when off-duty, with certain exceptions, including:

1. On-call administrative positions, Sheriff and Division Commanders
2. On-call investigators or STAR Team members
3. In circumstances when a deputy has been placed on-call by the Sheriff or Division Commanders and there is a high possibility the deputy will be called back to duty.
4. When the deputy is performing a work-related function while off-duty, including patrol use vehicle maintenance or travelling to or from a work-related activity or function.
5. When the deputy has received permission for the use of the patrol use vehicle from the Sheriff or Division Commanders.

(m) A deputy's family members or other persons will not be allowed to ride in any County vehicle except as stated in the Ride-Along Policy and under the following exceptions.

1. Family members may ride with deputies during assignments when the deputy is not considered to be on-duty for regular duties under the following circumstances:
   (a) Out-of-County overnight schools and conferences
   (b) Parade functions as approved by the Sheriff



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(c) As authorized by the Sheriff or Division Commanders

(d) The deputy is called to duty and it is reasonably necessary to drop off the family member at a safe location prior to responding to the call

2. The deputy will not operate the patrol/use vehicle at emergency response speeds with family members in the vehicle.

(n) Deputies are prohibited from operating a County owned or leased vehicle when on- or off-duty if the deputy is or has been consuming alcohol, unless it is required by his/her duty assignment (e.g., task force, undercover work). However, regardless of the assignment, employees may not violate state law regarding vehicle operation while intoxicated.

(o) Whenever operating vehicles owned by the Sheriff's Office, whether on- or off-duty, the deputy will carry and have accessible his/her duty firearm and be prepared to perform any function he/she would be expected to perform while on-duty.

(p) The two-way communications radio, MDT and Global Positioning Satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.

(q) Deputies shall ensure all weapons are secure while the patrol use vehicle is unattended.

(r) Unattended patrol use vehicles are to be locked and secure at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine environmental safety, charging).

## 708.5 VEHICLE ALTERATIONS

Alterations of any type to a patrol use vehicle require prior written authorization of the Sheriff or the authorized designee.

## 708.6 DEPUTY MAINTENANCE RESPONSIBILITIES

Deputies will be responsible for the upkeep of their assigned patrol use vehicle. Failure to adhere to these requirements may result in discipline and loss of patrol use vehicle assignment. The following should be performed as outlined below:

(a) When in operation the deputy must be prepared and reasonably available to respond to an emergency. If deputies are summoned to, or involved in, a law enforcement activity, they shall notify dispatch of their response or activity and should continue the action until the incident or activity is canceled or concluded.

(b) Vehicles should be fueled at the end of each shift to prepare for an emergency response at the next use.

(c) Upon start of shift, check all fluid levels, tires, all safety and emergency equipment, interior and exterior to verify that the vehicle is in a safe operating condition and prepared for emergency service.

(d) At the start and end of any use, inspect the vehicle for any damage. If damage is discovered, the deputy must advise his/her immediate supervisor and the Fleet Manager.

(e) Vehicle is to be kept clean both inside and out as is reasonable. The appearance of the vehicle reflects directly upon the deputy and the entire Sheriff's Office.

(f) Ensure all scheduled vehicle maintenance and car washes are performed as necessary at a facility approved by the Fleet Manager. The Sheriff's Office shall



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be notified of problems with sheriff's office owned vehicles and approve any major repairs before they are performed.

1. Unless specified otherwise, follow the vehicle maintenance schedule as set by the vehicle manufacturer. This includes no less than:
   (a) Belts, battery, fluids and radiator.
   (b) Tune-ups, tires, brakes.
   (c) Lube, oil and filter service every 5,000 miles.

(g) Vehicle maintenance should not be delayed and should be coordinated in advance when reasonably possible for completion during a deputy's regular duty time to minimize cost to the County. If unanticipated circumstances thwart such advance planning, the deputy should arrange an alternative for timely vehicle maintenance with the Fleet Manager. Vehicle maintenance during off-duty time resulting in overtime pay should be avoided and is warranted only in unusual circumstances after prior approval of a supervisor.

(h) Receipts for all maintenance and service work should be submitted to the Fleet Manager.

## 708.7 ATTIRE AND APPEARANCE

When operating a patrol use vehicle off-duty, deputies may dress in a manner appropriate for their intended activity. Attire and appearance whenever in view of or in contact with the public, regardless of the activity, should be suitable to reflect positively upon the Sheriff's Office. Personal use of fleet vehicles within the boundaries of Clay County is limited to commuting and de minimis use (lunch, etc). Personal use of fleet vehicles for travel, other than commuting, outside of the boundaries of Clay County is prohibited. Deputies should dress appropriately when operating a marked law enforcement vehicle. Appropriate attire includes some type of clearly identifiable marking, (i.e. department approved shirt, hat or badge). Deputies are prohibited from wearing short-shorts, tank tops, flip flops, etc. Deputies should equip themselves with police identification, police radio, handcuffs, firearm, and spare magazines. Deputies will monitor the police radio at all times while operating a law enforcement vehicle. While off-duty and/or in civilian attire, deputies will not take traffic enforcement action unless the violation is extremely hazardous. Any deputy on suspension or disciplinary probation is not authorized to home garage a vehicle.



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# Cash Handling, Security and Management

## 710.1 PURPOSE AND SCOPE

The proper handling and documentation of cash transactions and the maintenance of accurate records of cash transactions is important to protect the integrity of sheriff's operations and to ensure the public trust.

## 710.2 PETTY CASH FUNDS

Petty cash funds provide a useful and inexpensive way to make prompt cash payments for minor business expenses. Petty cash may be used for most authorized agency expenses up to $75.00 per transaction that otherwise would require a purchase order. By establishing a petty cash fund, an area which normally incurs a large volume of minor expenses may realize a significant reduction in administrative work. In addition, payees will receive payment faster. Therefore, it shall be the policy of the Clay County Sheriff's Office to maintain properly funded and accounted petty cash funds. All funds require the creation and maintenance of an accurate and current transaction ledger and filing of invoices, receipts and expense reports by the custodian.

## 710.3 PETTY CASH TRANSACTIONS

Each petty cash fund is the responsibility of primarily one employee called the "Custodian" of the fund. There may be only one Custodian per petty cash fund. The Custodian is personally responsible for the value of the fund and to ensure that all policies and procedures are adhered to. The Administrative Unit Commander will be responsible for authorizing the establishment of all petty cash funds and for appointing the Custodian of each fund. Petty cash funds will be established at an amount not to exceed $500.00, unless specifically approved by the Sheriff.

The Administrative Unit Commander at his/her discretion may close petty cash funds at any time. If it is determined that a petty cash fund is being misused or not properly accounted for, the fund will be closed and the misuse reported to the Professional Standards Unit.

The use of petty cash is encouraged to reduce time, paperwork and administrative expense for minor Clay County Sheriff's Office expenditures. Petty cash may be used to **reimburse** authorized expenditures up to $75 per transaction for:

- Local retail purchases
- Meeting expenses
- Business meals
- Local transportation expenses (i.e., day trips)
- Books
- Subscriptions
- Postage
- Similar expenses if approved by the Administrative Unit Commander



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Specific accounts may be established to reimburse for specific expenses (i.e. training related expenses). Funds for specific accounts will only be drawn from the appropriate Clay County Sheriff's Office budget account. Petty cash funds may not be comingled with other funds.

In some cases, petty cash may be used to advance up to $75.00 cash to an employee for non-overnight travel or for miscellaneous business supplies. Under no circumstances will petty cash advances be allowed:

- Without written approval from a Division Commander.
- For overnight travel.
- For more than 48 hours before the expense is anticipated.
- For more than $75.
- Without a signed receipt (Petty Cash Voucher).
- Outstanding for more than 4 days.

The employee's Division Commander will immediately be notified if advances are not fully resolved within 4 business days.

Petty cash may not be used:

- For transactions over $75.00 (splitting one transaction over $75.00 into 2 or more parts is specifically not allowed)
- To make personal loans
- To pay employees or non-employees compensation for services rendered
- As a check-cashing service
- To purchase alcoholic beverages and/or other items not permitted by county ordinance or state law.

The custodian shall insure that all transactions are documented on the ledger and other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt or invoice. Transactions not documented by a receipt, invoice or cash transfer form require an expense report.

## 710.4 PETTY CASH AUDITS/RECONCILIATION

Petty cash funds will be reconciled and replenished on the 1st day of each month. The Custodian will prepare the reconciliation and submit it to the Office Manager who will verify the receipts and count the cash before approving the reconciliation. The Office Manager will submit the receipts making a request for a replenishment check to county purchasing through normal requisition procedures. When the replenishment check is received the Office Manager will verify it is the correct amount, present the check to a bank for cash and replenish the petty cash fund. The Office Manager will maintain a list of all approved petty cash funds.

The Office Manager of a petty cash fund shall audit the fund no less than once every six months. This audit requires that the office manager and at least one other person, selected by the Division Commander, review the ledger, records, receipts and funds, verifying the accuracy of the accounting. Each participant of the audit shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy



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in the audit requires documentation by those performing the audit and immediate reporting of the discrepancy to the Sheriff.

Should fund management be transferred to any person, each transfer of this responsibility shall require completion of a separate petty cash audit by those persons involved in the transfer.

A separate audit by the Sheriff or the County should be completed on a random date approximately once each year on each petty cash fund.

All personnel who handle cash receipts are required to take at least one continuous week of vacation per year during which time their supervisor sits at their desk and reconciles their work.

### 710.4.1 CUSTODIAN RESPONSIBILITIES

A county check will be issued to Petty Cash or the Petty Cash Fund Custodian to establish the petty cash fund. The Custodian remains accountable for the petty cash until custody is formally transferred to another employee or until the fund is formally closed. It is the responsibility of the Custodian to ensure that all reimbursements are made in accordance with this policy. It is also the responsibility of both the Custodian and the Office Manager to acquire a thorough knowledge of the applicable policies and procedures and to ensure the funds are properly safeguarded.

Access to cash funds must be restricted to the Custodian only. To prevent access by anyone except the Custodian, petty cash must be kept in a locked strong box in a locked desk or cabinet whenever not in use or whenever the Custodian is absent. In case of theft the Administrative Unit Commander will initiate an investigation and the Professional Standards Unit will be notified.

Loss of petty cash funds will be charged to the responsible divisional budget account that the fund was drawn upon. The county auditor will be notified of the loss. Petty cash funds must never be commingled with other cash funds, personal funds, miscellaneous cash receipts, or collected revenue of any type.

No person other than the Custodian or the Office Manager may have access to the petty cash fund. A Custodian may not informally transfer a fund to a new Custodian without obtaining written permission from the Administrative Unit Commander. The petty cash fund must be physically counted and reconciled before it is accepted by a new Custodian. During absence or vacation, the Administrative Unit Commander may authorize placing the petty cash fund with a temporary Custodian. The temporary Custodian and the regular Custodian must physically count the petty cash box and prepare a list of cash, receipts and replenishment requests in process. These must total the authorized value of the petty cash fund. The temporary Custodian signs a copy of the reconciliation as a receipt. This receipt is retained by the regular Custodian since that individual is transferring personal responsibility for the value of the fund. When the regular Custodian returns the same procedures must be followed with the receipt retained by the temporary Custodian. Custodians may receive periodic requests from the Office Manager to confirm the amount of the petty cash fund.

If a petty cash fund is no longer needed the Custodian must close the fund. If a Custodian leaves without formally closing the fund they may be held personally responsible for the funds. The funds may be reported to the IRS as income to the Custodian, and the Clay County Sheriff's Office may choose to prosecute.



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### 710.4.2 MAINTAINING A PETTY CASH FUND

Proper accounting for petty cash requires that Custodians make payments for **authorized** expenditures only, obtain receipts, and record expenditures. Each petty cash expenditure requires a Petty Cash Voucher. Petty cash expenditures are subject to all Clay County Sheriff's Office and Clay County Purchasing policies, procedures and practices relative to proper expenses, authorization, accounting and documentation. There generally must be an original sales slip, cash register tape, or other receipt attached to the Petty Cash Voucher for all expenditures. Each Petty Cash Voucher must be approved by a person authorized to expend from the account charged (i.e., Division Commander, Unit Commander or Training Coordinator). An employee may not approve his or her own expenses.

When payments by the Custodian deplete the amount of cash, receipts are added to account for the expenditures and keep the petty cash fund "in balance." At any time, the sum of the cash on hand plus the total receipts and replenishment requests in process should equal the authorized amount of the petty cash fund. A petty cash fund must **always be balanced** (i.e., reconciled) before a request is made for replenishment.

On the 1st working day of each month or more frequently if cash in the petty cash fund is low, the Custodian should reconcile the petty cash fund and submit a Petty Cash Replenishment Request. The reconciliation and request must be approved by the Office Manager or Administrative Unit Commander.

## 710.5 ROUTINE CASH HANDLING

Members of the Sheriff's Office authorized to routinely handle cash as part of their assignment are property officers and the Investigation Unit supervisor. Routine cash handling shall be pursuant to their specific policies (see the Confidential Informants Policy and the Property and Evidence Policy). Also, the Detention Office Manager, Detention Bookkeeping staff, and personnel assigned to the booking area of the Clay County Detention Center are authorized to handle cash as per their specific procedures. The Administrative Office Manager, Administrative Office Staff and Conceal Carry Personnel are also authorized to handle cash as per their specific procedures.

## 710.6 OTHER CASH HANDLING

Members of the Sheriff's Office who, within the course of their duties come into the possession of cash that is not their property or is outside their defined cash handling duties shall, as soon as reasonably practicable, verify the amount of cash, summon another employee to verify their accounting, and process the cash as safekeeping, evidence or found property. Cash in excess of $1,000 requires immediate notification of a supervisor as well as special handling, verification and accounting by a supervisor. Each employee involved in this handling, verification or processing of cash shall complete an appropriate report or record entry.

## 710.7 PURCHASE REQUIREMENTS

Members of the Sheriff's Office who make purchases should insure that all purchases are made according to Clay County Code of Ordinances, Chapter 37, Article II specifically Sections 37.20 through 37.25. Those sections are available to all personnel on the Clay County website under the Purchasing header.

## 710.8 ENFORCEMENT

Personnel who behave in a manner that violates this policy are subject to progressive discipline up to and including termination. Termination will occur if conflicts significantly



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damage the work relationship with other members or public confidence and trust or results in loss of county assets.



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# Chapter 8 - Support Services

# Communication Operations

## 802.1 PURPOSE AND SCOPE

The basic function of the communications system is to satisfy the immediate information needs of the law enforcement agency in the course of its normal daily activities and during emergencies. The latter situation places the greatest demand on the communications system and tests the capability of the system to fulfill its functions. Measures and standards of performance are necessary to assess the effectiveness with which any organization, large or small, uses available information technology in the fulfillment of its missions.

### 802.1.1 FEDERAL COMMUNICATIONS COMMISSION (FCC) COMPLIANCE

Clay County Sheriff's Office radio operations shall be conducted in accordance with FCC procedures and guidelines.

## 802.2 COMMUNICATION OPERATIONS

This organization provides 24-hour telephone service to the public for information or assistance that may be needed in emergencies. The ability of citizens to telephone quickly and easily for emergency service is critical. This organization provides access to the 9-1-1 system with a single emergency telephone number.

This organization has two-way radio capability providing continuous communication between the Cooperative Communications Center and deputies, detention transport officers, and other law enforcement agencies utilizing the Clay County Cooperative Communication Center services.

### 802.2.1 CALL HANDLING

When a call for law enforcement services is received, the dispatcher will determine if the call is an emergency or non-emergency. The dispatcher will determine the call type, location and priority by asking the four key questions:

- Where?
- What
- When?
- Who?

A person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to ensure the safety of the responding units and the affected citizen. Dispatchers should be courteous, kind, patient and respectful in dealing with the public. Emergency calls should be dispatched immediately. The Shift/Unit Supervisor shall be notified of pending calls for service when units are unavailable for dispatch. The Shift/Unit supervisor will also be notified whenever a unit is dispatched on a call

### 802.2.2 COMMUNICATIONS LOG

It shall be the responsibility of the Cooperative Communications Center to record all relevant information on calls for criminal and noncriminal service or self-initiated activity. Employees shall attempt to elicit, record and share as much information as possible to enhance the



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safety of the responding member and assist in anticipating conditions to be encountered at the scene. Desirable information would include, at a minimum, the following:

- Event number
- Date and time of request
- Name, address and telephone number of complainant, if possible
- Type of incident reported
- Involvement of weapons, drugs and/or alcohol
- Location of incident reported
- Identification of any deputy/detention officer/peace officer assigned as primary and backup
- Time of dispatch
- Time of the deputy/detention officer/peace officer's arrival
- Time of deputy/detention officer/peace officer's return to service
- Disposition or status of reported incident

## 802.3 RADIO COMMUNICATIONS

Operations are more efficient and officer safety is enhanced when dispatchers, supervisors and other personnel know the status of personnel, their locations and the nature of their cases.

### 802.3.1 UNIT IDENTIFICATION

Identification systems are based on factors such as beat assignment and deputy/officer identification numbers. Employees and other agencies utilizing the Cooperative Communications Center should use their entire call sign when calling the Cooperative Communications Center or another unit. The use of the call sign allows for a brief pause so that the dispatcher or called unit can respond to the appropriate unit. Employees initiating communication with other agencies shall use their entire call sign. This requirement does not apply to continuing conversation between the mobile unit and dispatcher once the mobile unit has been properly identified.



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# Property and Evidence

## 804.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, security and disposition of evidence and other property. This policy also provides for the protection of the chain of custody and those persons authorized to remove and/or destroy property.

This policy does NOT cover the collection and maintenance of inmate property at the Clay County Detention Center. Inmate property procedures are designated in the Detention Center Operating Procedure Manual.

### 804.1.1 EVIDENCE ROOM SECURITY

The Evidence Room shall maintain secure storage and control of all property necessitating custody by the Sheriff's Office. The property and evidence technician reports to the Field Operations Investigations Supervisor and is responsible for the security of the Evidence Room. Evidence Room keys are maintained only by the property and evidence technician and the Field Operations Investigations Supervisor. An additional key is in a sealed and initialed envelope maintained in the safe in the Sheriff's office. The property and evidence technician and the Field Operations Investigations Supervisor shall not loan Evidence Room keys to anyone and shall maintain keys in a secure manner.

Any individual entering the Evidence Room other than the property and evidence technician must be accompanied by the property and evidence technician or the Field Operations Investigations Supervisor and must sign in and out on the logbook, giving the date and time of entry and exit, and the purpose, including a specific case or property number. The entry shall be initialed by the accompanying individual.

## 804.2 DEFINITIONS

Definitions related to this policy include:

**Evidence** - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case.

**Found property** - Includes property found by an employee or citizen where the owner cannot be readily identified or contacted and has no apparent evidentiary value.

**Safekeeping** - Includes the following types of property:

- Property obtained by the Sheriff's Office for safekeeping, such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law

## 804.3 PROPERTY HANDLING

Any employee who first comes into possession of any property shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room, along with the property form. Care shall be taken to maintain the chain of custody for all evidence.



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Where ownership can be established as to found property that has no apparent evidentiary value, excluding contraband, such property may be released to the owner without the need for booking. The property documentation must be completed to document the release of property not booked. The owner shall sign the appropriate form acknowledging receipt of the item.

### 804.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty. Employees booking property shall observe the following guidelines:

(a) Complete the property form describing each item separately, listing all serial numbers, owner's name, finder's name and other identifying information or markings.

(b) The member shall mark each item of evidence with initials and date.

(c) Items too small to mark, or that will be damaged, degraded or devalued by marking, should be individually packaged, labeled and the package marked with initials and date.

(d) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.

(e) Place the case number in the upper right corner or in the appropriate field of the evidence/property tag.

(f) The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if it is stored somewhere other than a property locker.

(g) When the property is too large to be placed in a temporary property locker, the item may be temporarily stored in any sheriff's office room or other location that can be secured from unauthorized entry. The location shall be secured to prevent entry and a completed property form placed into a numbered property locker indicating the location of the property.

### 804.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate property record. Drug and narcotics paraphernalia shall also be booked separately.

The employee seizing the narcotics and dangerous drugs shall place them in the designated temporary property locker accompanied by two copies of the form for the Reports Unit and investigators. The original will be detached and submitted with the case report.

### 804.3.3 EXPLOSIVES

Employees who encounter a suspected explosive device shall promptly notify an immediate supervisor or the Shift/Unit Supervisor. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the sheriff's facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The property and evidence technician is responsible for transporting to the fire department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.



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### 804.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

(a) Any evidence collected which may contain DNA, should be properly labeled as such.

(b) Property stained with bodily fluids such as blood or semen stains shall be air-dried prior to booking.

(c) License plates found not to be stolen or connected with a known crime should be released directly to the property and evidence technician or placed in the designated container for return to the Missouri Department of Revenue. No formal property booking process is required.

(d) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the property and evidence technician or placed in the bicycle storage area until a property and evidence technician can log the property.

(e) All cash shall be counted in the presence of another employee and the envelope initialed by both employees. A supervisor shall be contacted for cash in excess of $1,000. The supervisor shall also witness the count and will initial and date the property documentation and specify any additional security procedures to be used.

(f) All evidence collected by personnel processing a crime scene requiring specific storage requirements pursuant to laboratory procedures should clearly indicate storage requirements on the property form.

(g) Items that are potential biohazards shall be appropriately packaged and marked to reduce the risk of exposure or contamination.

County property, unless connected to a known criminal case, should be released directly to the appropriate County department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

## 804.4 PACKAGING OF PROPERTY

Packaging will conform to certain procedures. Certain items require special consideration and shall be booked separately as follows:

(a) Controlled substances

(b) Firearms (ensure they are unloaded, rendered safe, and booked separately from ammunition)

(c) Property with more than one known owner

(d) Drug paraphernalia

(e) Fireworks

(f) Contraband

(g) Biohazards

### 804.4.1 PACKAGING CONTAINER

Employees shall package all property, except controlled substances, in a suitable container that is appropriate for its size. Knife boxes should be used to package knives or any other sharp items. Handgun boxes should be used for handguns. Syringe tubes should be used to package syringes and needles.



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A property tag shall be securely attached to the outside of all items or group of items packaged together.

### 804.4.2 PACKAGING CONTROLLED SUBSTANCES

The employee seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged and placed in the designated drug locker, accompanied by two copies of the property record. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected controlled substances. When conducted, the result of this test shall be included in the employee's report.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size, available in the report room. The booking employee shall initial the sealed envelope and the initials shall be covered with cellophane tape. Controlled substances shall not be packaged with other property.

The booking employee shall weigh the suspected narcotics or dangerous drugs in the container in which it was seized. A full description of the item, along with packaging and total weight of the item as seized, will be placed in the case report and on the property form. After packaging and sealing as required, the entire package will be weighed and the Gross Package Weight (GPW) will be written on the outside of the package, initialed and dated by the packaging employee.

The GPW will be verified every time the package is checked in or out of the Evidence Room. Any discrepancies shall be noted on the outside of the package. Any change in weight should be immediately reported to the Field Operations Division Commander.

A completed property tag shall be attached to the outside of the container. The chain of custody shall be recorded on the back of this tag.

### 804.4.3 RIGHT OF REFUSAL

The property and evidence technician has the right to refuse any piece of property that is hazardous or that has not been properly documented or packaged. Should the property and evidence technician refuse an item of property, he/she shall maintain secure custody of the item in a temporary property locker or other safe location and inform the submitting employee's supervisor.

## 804.5 RECORDING OF PROPERTY

The property and evidence technician receiving custody of evidence or property shall create a property control card for each piece of property received. The property control card will be the permanent record of the property in the Evidence Room. The property and evidence technician will record his/her signature, GPW if it is a controlled substance to be used as evidence, the date and time the property was received and where the property will be stored.

A property logbook shall be maintained and a unique property number created for each piece of property received. The logbook shall record, by property number, the date received, case number, tag number, item description, item location and date disposed. A unique property number shall be obtained for each item or group of items from the logbook. This number shall be recorded on the property tag and the property control card.

Any changes in the location of property held by the Clay County Sheriff's Office shall be noted in the property logbook.



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## 804.6 PROPERTY CONTROL

Each time the property and evidence technician receives property or releases property to another person, he/she shall enter this information on the property control card. Deputies desiring property for court shall contact the property and evidence technician at least one day prior to the court day.

### 804.6.1 RESPONSIBILITIES OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of custody. No property or evidence is to be released without first receiving written authorization from a supervisor or investigator.

Request for analysis of items other than controlled substances shall be completed on the appropriate forms and submitted to the property and evidence technician. This request may be filled out anytime after booking of the property or evidence.

### 804.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time on the property control card and the request for laboratory analysis.

The property and evidence technician releasing the evidence must complete the required information on the property control card and the evidence. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the employee will record the delivery time on both copies and indicate the locker in which the item was placed or the employee to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the Reports Unit for filing with the case.

### 804.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of custody. Temporary release of property to deputies for investigative purposes, or for court, shall be noted on the property control card, stating the date, time and to whom it was released.

The property and evidence technician shall obtain the signature of the person to whom property was released and the reason for release. Any employee receiving property shall be responsible for such property until it is returned to the Evidence Room or released to another authorized person or entity.

The return of the property should be recorded on the property control card, indicating date, time and the person who returned it.

### 804.6.4 AUTHORITY TO RELEASE PROPERTY

The property and evidence technician shall not release any property without a signed authorization from an appropriate authorized member of the Sheriff's Office. The Investigation Unit Supervisor shall authorize the disposition or release of all evidence and property coming into the care and custody of the Sheriff's Office.

For property in custody of the Sheriff's Office for investigatory or prosecutorial purposes and owned by a victim or witness, a property and evidence technician shall, upon the request of the owner:



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(a) Provide a list describing the property, unless such release would seriously impede an investigation.

(b) Return the property expeditiously, unless the property is contraband or required as evidence.

Upon the direction of a prosecuting attorney, property held as evidence of a crime may be photographed and released to the owner.

### 804.6.5 RELEASE OF PROPERTY

A reasonable attempt shall be made to identify the rightful owner of found or stolen property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or investigator and must conform to the items listed on the property form or must specify the specific item to be released. Release of all property shall be properly documented.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available.

A property and evidence technician shall release the property to the owner or finder, upon valid identification and proper documentation presented by the owner or finder, for which an authorized release has been received. The owner or finder shall also pay any costs incurred by the agency, including costs for advertising or storage. A signature of the person receiving the property shall be recorded on the original property documentation. After release of all property entered on the property control card, the card shall be forwarded to the Reports Unit for filing with the case. If some items of property have not been released, the property card will remain with the Evidence Room.

Upon release or other form of disposal, the proper entry shall be recorded in all property documentation and logs.

### 804.6.6 STOLEN OR EMBEZZLED PROPERTY

Stolen or embezzled property that is in the custody of the Clay County Sheriff's Office shall be restored to the legal owner upon receipt of a court order (§ 542.301.1(2), RSMo).

Property wrongfully taken from a mercantile establishment may be returned to the owner when (§ 490.717.3, RSMo):

(a) Photographs of the property signed by the arresting deputy have been taken that depict the owner of the property and the date and time of the photograph.

(b) A written affidavit has been signed by the arresting deputy that includes:

1. A written description of the property including the retail price of the property and, if available, the manufacturer's number, the style, the color and the size of the property.
2. The name and address of the mercantile establishment.
3. The name, address and signature of the owner, agent or representative of such mercantile establishment.



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4. The name and badge number of the arresting deputy and his/her signature indicating the date of signing.
5. The name and address of the photographer and the date and time that the photographer signed the photograph

### 804.6.7 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the sheriff's office, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a court order or establishes proof of the undisputed right to the property.

All parties should be advised that their claims are civil. In extreme situations, legal counsel for the Sheriff's Office may be asked to file an interpleader in court to resolve the disputed claim.

### 804.6.8 RELEASE AND DISPOSAL OF FIREARMS

A firearm may not be released until it has been verified that the person receiving the weapon is not prohibited from receiving or possessing the weapon by 18 USC § 922 (d).

## 804.7 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be sold at a public auction in compliance with existing laws, upon receipt of proper authorization for disposal. The property and evidence technician shall request a disposition or status on all property which has been held in excess of 120 days and for which no disposition has been received from a supervisor or detective.

Property not held for any other purpose and not claimed after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed. Property with an estimated value of $500 or more will be advertised in the local print media before it is destroyed or auctioned. The final disposition of all such property shall be fully documented in related reports.

Upon any release or sale of any property, the proper notation shall be made on the property control card and in the property logbook. Proceeds from the sale of unclaimed property shall be deposited into the County treasury, minus reimbursement for sheriff's office expenses.

### 804.7.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by law or by a court of competent jurisdiction:

- Weapons declared by law to be nuisances
- Animals, birds and equipment related to their care and containment that have been ordered forfeited by the court
- Counterfeiting equipment
- Gaming devices
- Obscene matter ordered to be destroyed by the court
- Altered vehicles or component parts



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- Narcotics
- Unclaimed, stolen or embezzled property
- Destructive devices

### 804.7.2 UNCLAIMED MONEY

If found money is no longer required as evidence and remains unclaimed after three years, the money is presumed abandoned property and shall be turned over to the State Treasurer (§ 447.532.1, RSMo).

### 804.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Investigation Unit supervisor shall ensure that no biological evidence is destroyed without adequate notification to the following persons, when applicable:

(a) The defendant

(b) The defendant's attorney

(c) The appropriate prosecutor

(d) Any sexual assault victim

(e) The Field Operations Division Commander

Biological evidence shall be retained for a minimum period established by law or the Field Operations Division Commander, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Sheriff's Office within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Field Operations Division Commander.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Sheriff and the head of the applicable prosecutor's office.

## 804.8 REPORT OF ABANDONED PROPERTY

The Field Operations Investigations Supervisor shall complete and file a Missouri Report of Unclaimed Property to the State Treasurer annually. The report shall be postmarked no later than November 1 for the period ending June 30 (§ 447.539.1, RSMo).

## 804.9 INSPECTIONS OF THE EVIDENCE ROOM

On a monthly basis, the Investigation Unit supervisor shall inspect the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

(a) Unannounced inspections of evidence storage areas shall be conducted annually, as directed by the Sheriff.

(b) An annual audit of evidence held by the Sheriff's Office shall be conducted by a Division Commander, who is not routinely or directly connected with evidence control, as assigned by the Sheriff.

(c) Whenever a change is made in personnel who have access to the Evidence Room, an inventory of all evidence/property shall be made by an individual not associated with



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the Evidence Room or function to ensure that records are correct and all evidence property is accounted for.



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# Reports Unit

## 806.1 PURPOSE AND SCOPE

The Administrative Assistant - Reports Unit shall keep the Sheriff's Office Reports Unit procedures on a current basis to reflect the process being followed within the Reports Unit. Policies and procedures that apply to all employees of the sheriff's office are contained in this chapter.

### 806.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically by Reports Unit personnel.

Reports are numbered commencing with the last two digits of the current year followed by a sequential number beginning with 00001 starting at midnight on the first day of January of each year. As an example, case number 1200001 would be the first new case beginning January 1, 2012.

### 806.1.2 PRIVACY POLICY

The Administrative Assistant - Reports Unit shall apply, and assist in the development and maintenance of, the organization's policy standardizing the collection, storage, transfer and use of personally identifiable information pursuant to § 610.010, RSMo, et seq. Minimally, the policy shall include:

(a) A declaration supporting the protection of individual privacy.

(b) Standards which minimize the collection of personally identifiable information to the least amount of information required to complete a particular transaction.

(c) The applicability of the Missouri Sunshine Law.

(d) A method for feedback from the public on compliance with the privacy policy.

(e) Notation that the policy applies to the collection of all personally identifiable information, regardless of the source or medium.

The privacy policy shall be published on the sheriff's office's website.

## 806.2 FILE ACCESS

All reports including, but not limited to, initial, supplemental, follow-up, evidence and all reports related to a case shall be maintained in a secure area within the Reports Unit, accessible only to authorized Reports Unit personnel. Access to report files after hours or when reports personnel are otherwise not available may be obtained through the Investigations Unit Supervisor.

Clay County Sheriff's Office employees shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether hard copy or electronic file format, except in accordance with sheriff's office policy and with a legitimate law enforcement or business purpose or as otherwise permissible by law.

### 806.2.1 REQUESTING ORIGINAL REPORTS

Generally, original reports shall not be removed from the Reports Unit. Should an original report be needed for any reason, the requesting employee shall first obtain authorization



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from the Administrative Assistant - Reports Unit. All original reports removed from the Reports Unit shall be recorded on the report check-out log, which shall constitute the only authorized manner by which an original report may be removed from the Reports Unit.

All original reports to be removed from the Reports Unit shall be photocopied and the photocopy retained in the report file location of the original report until the original is returned to the Reports Unit. The photocopied report shall be shredded upon return of the original report to the file.

## 806.3 RECORDS/REPORTS MANAGER TRAINING

The Administrative Assistant - Reports Unit shall receive training in records management, including proper maintenance, retention and disposal of records and the proper release of records under state and federal law.



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# Restoration of Firearm Serial Numbers

## 808.1 PURPOSE AND SCOPE

The primary purpose for restoring firearm serial numbers is to determine the prior owner or origin of the item. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The purpose of this policy is to develop standards, methodologies and safety protocols for the recovery of obliterated serial numbers from firearms and other objects using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of firearm serial numbers will observe the following guidelines.

## 808.2 PROCEDURE

Any firearm coming into the possession of the Clay County Sheriff's Office as evidence or found property, where the serial numbers have been removed or obliterated, shall be processed in the following manner.

### 808.2.1 PRELIMINARY FIREARM EXAMINATION

(a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tubular magazine) as well as the chamber contents.

(b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it were loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.

(c) Accurately document the condition of the gun when it is received. Note the positions and conditions of the various components, such as the safeties, cylinder, magazine, slide and hammer. Accurately document cylinder chamber and magazine contents. Package the ammunition separately.

(d) If the firearm is to be processed for fingerprints or trace evidence, it should be processed before the serial number restoration is attempted. Document important aspects, such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

### 808.2.2 PROPERTY BOOKING PROCEDURE

Any employee taking possession of a firearm with removed or obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the property form that serial numbers have been removed or obliterated.

### 808.2.3 EVIDENCE CUSTODIAN RESPONSIBILITIES

The property and evidence technician receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime laboratory for restoration and to maintain the chain of custody.



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### 808.2.4 DOCUMENTATION

Case reports should be prepared in order to document the chain of custody and the initial examination and handling of evidence, from the time it is received or collected until it is released.

This report shall include a record of the manner in which and/or from whom the firearm was received.

### 808.2.5 FIREARM TRACE

After the serial number has been restored (or partially restored) by the crime laboratory, a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center (NTC) Obliterated Serial Number Trace Request Form (ATF 3312.1-OBL) will be completed and forwarded to the NTC in Falling Waters, West Virginia or entered into the ATF eTrace system.

## 808.3 OTHER CONSIDERATIONS

Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the ATF's National Integrated Ballistic Information Network (NIBIN), which uses the Integrated Ballistic Identification System (IBIS) technology to search the national database and compare with ballistic evidence recovered from other crime scenes.



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# Records Release and Security

## 810.1 PURPOSE AND SCOPE

The purpose of this section is to establish a reference and procedure for the security and release of Sheriff's Office public records in accordance with the Missouri Open Records law (§ 109.180, RSMo).

This policy does not prevent the Sheriff's Office from voluntarily making part or all of specific records available to the requesting person, or the public, unless disclosure is deemed exempt, confidential, private or expressly prohibited by law.

The Federal Freedom of Information Act (FOIA) does not apply to state or local records.

### 810.1.1 DEFINITIONS

Definitions related to this policy include:

**Public record** - A record that is made, maintained, retained or kept by the Clay County Sheriff's Office that is not deemed exempt, confidential, closed, expunged, private or expressly prohibited from disclosure by law.

**Record** - A document, book, paper, photograph, map, sound recording or other material, regardless of physical form or characteristics, made or received pursuant to law or in connection with the transaction of official business (§ 109.210(5), RSMo).

**Records Custodian** - A person assigned the responsibility for the public records of the Clay County Sheriff's Office, regardless of whether the records are in his/her personal custody and control.

## 810.2 PUBLIC REQUESTS FOR RECORDS

The Records Custodian is responsible for the retention, archiving, release and destruction of sheriff's office public records, to include:

(a) Maintaining a policy for the retention, archiving and destruction of sheriff's office public records (§ 610.023(1), RSMo).

(b) Maintaining and updating the approved records retention schedule.

(c) Requesting and responding to an authorization to destroy records (§ 109.260, RSMo).

(d) Establishing rules regarding the inspection and copying of sheriff's office public records as reasonably necessary for the protection of such records (§ 610.023(2), RSMo).

(e) Periodic consultation with the Records Services Department of the office of the Secretary of State regarding retention and disposition of records and determining whether records are of legal, administrative or historical value.

1. Records determined to be of no legal, administrative or historical value may be disposed of in compliance with the organization's records retention schedule. A list of those records, together with a statement signed by the approving authority certifying compliance with the sheriff's office retention schedule, shall be filed and preserved by the Records Custodian or their authorized designee.



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(f) Maintaining a schedule of fees for public records as allowed by law (§ 610.026(1), RSMo).

1. Fees may not exceed 10 cents per standard page for a copy of a public record, or a fee not to exceed the actual cost of providing a copy, printout or photograph of a public record in a format other than a standard page.
2. The hourly fee for records generated by a manipulation of data in a form not used by the Clay County Sheriff's Office shall not exceed the average hourly rate of pay for clerical staff manipulating the data and generating the record in accordance with the request. Persons making subsequent requests for the same or similar records may be charged a fee not in excess of the original fee.
3. If the public record is a result of computer output, other than word processing, the fee may be based on recovery of the actual incremental cost of providing the electronic services and products, together with a reasonable portion of the cost associated with building and maintaining the information system.
4. The Records Custodian may waive or reduce fees when it is in the public interest to do so, provided any such fee reduction or waiver is uniformly applied among persons who are similarly situated.

(g) Preparing and making available to the public a description of the basic rights of a person who requests public information, the responsibilities of the Sheriff's Office and the procedures, to include the cost of inspecting or obtaining copies.

### 810.2.1 PROCESSING OF REQUESTS

Any member of the public, including the media and elected officials, may access unrestricted records of the Clay County Sheriff's Office by submitting a written and signed request for each record sought and paying any associated fees. Requests shall be forwarded to the Records Custodian or their authorized designee for processing (§ 610.100(2), RSMo).

The processing of requests is subject to the following:

(a) The Records Custodian shall determine whether the requested record is available and/or subject to any exemption from disclosure. Processing of such requests may not take more than three days, unless the Records Custodian finds there are extenuating circumstances (§ 610.023(3), RSMo).

1. A finding that extenuating circumstances exist shall be made in writing by the Records Custodian and shall be provided to the person making the request within the three-day period.
2. The fact that portions of records are exempt from disclosure shall not preclude portions that are not exempt from being released. If portions of a record are redacted, those portions should be identified as redacted or the person requesting the record shall be notified of the redaction (§ 610.024, RSMo).
3. If the Records Custodian finds there are extenuating circumstances, he/she may make such records available for inspection within seven business days.

(b) The requesting party should be required to pay in advance any established fee for each record sought (§ 610.026, RSMo).

(c) Requests for information believed to be confidential but not specifically allowed by statute or judicial decision to be withheld from the public should be discussed with sheriff's office legal counsel before release.



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(d) If access to any public record is denied, the applicant may request a written statement of the grounds for the denial. The Records Custodian shall prepare the written statement within three business days, citing the law or regulation under which access is denied or the general nature of the public interest to be protected (§ 610.023(4) RSMo).

(e) The Sheriff's Office is not required to create records which do not otherwise exist. However, existing records may be copied in such a manner as to provide the requesting party with unrestricted portions of any public record (§ 610.024, RSMo).

(f) Requests by elected officials or other government agencies for records that are not open to public inspection should be referred to the Administration Division Commander for a determination as to whether the records will be released.

## 810.3 REPORT RELEASE RESTRICTIONS

Absent a valid court order or other statutory authority, records or unrestricted portions of such records of the Clay County Sheriff's Office may be made public subject to the following restrictions:

(a) **Closed records** - Shall not be destroyed and shall not be accessible to the public unless allowed by law (§ 610.120, RSMo).

(b) **Investigative reports** - Records, reports or portions thereof are closed records and shall not be released until the case becomes inactive (§ 610.100(2), RSMo).

(c) **Arrest records** - Arrest records where the person is not charged within 30 days of the person's arrest are closed and exempt from disclosure except as allowed by law (§ 610.100(2), RSMo).

(d) **9-1-1 records** - Unless allowed by law, any information acquired by a 9-1-1 call shall not be subject to disclosure (§ 610.150, RSMo).

(e) **Missouri criminal records repository** - Dissemination of closed and open records from the repository shall be in accordance with § 43.509, RSMo (§ 610.120(2), RSMo).

(f) **Sexual assault victim information** - The name and any other information that would identify any victim of sexual assault or of alleged or attempted sexual assault may be kept confidential, if requested, until a charge relating to such incident is filed (§ 610.100(7), RSMo).

(g) **Confidential information** - Records involving confidential informants, intelligence information, information that would jeopardize a criminal investigation, information that is reasonably likely to pose a clear and present danger to the safety of any person, victim, witness, undercover deputy, CCIS member or information that would endanger the successful completion of the investigation or a related investigation shall not be released unless expressly allowed (§ 610.100(3), RSMo).

(h) **Intelligence and security measures** - Records of intelligence information, law enforcement techniques or security procedures may not be released where disclosure would be contrary to the public interest.

(i) **Contrary to the public interest** - The Records Custodian may refuse to disclose or release any criminal justice record when it would appear that the public's interest in accessing such record is outweighed by the reason for non-disclosure.

(j) **Solicitation of business use** - The Records Custodian may deny any person access to records of official actions and criminal justice records unless such person signs a statement which affirms that such records shall not be used for the direct solicitation of business for pecuniary gain.



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(k) **Requests from criminal defendants** - Requests from criminal defendants and their authorized representatives, including attorneys, shall be referred to the Prosecuting Attorney, Sheriff's Counsel or the courts.

(l) **Personnel records** - Personnel records, medical records and similar records which would involve personal privacy shall not be made public (§ 610.021(13), RSMo).

(m) **Work product** - Any record which was created exclusively in anticipation of potential litigation involving the Clay County Sheriff's Office or the CCIS shall not be subject to public disclosure (§ 610.021(1), RSMo).

(n) **Other records** - Any other record not addressed in this policy shall not be subject to inspection where:

1. Such inspection would be contrary to any state statute.
2. Such inspection would be contrary to any federal statute or regulation.
3. Such inspection is prohibited by rules promulgated by the Missouri Supreme Court or by the order of any court.

## 810.4 DAILY LOGS

Daily logs or records that list suspected crimes, accidents, or complaints shall be made available for inspection and copying by the public (§ 610.200, RSMo).

## 810.5 PERSONAL IDENTIFYING INFORMATION

Employees shall not access, use or disclose personal identifying information, including an individual's photograph, Social Security number, driver identification number, name, address, telephone number and the individual's medical or disability information, which is contained in any driver license record, motor vehicle record or any sheriff's office record except as authorized by the Sheriff's Office and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).

## 810.6 SUBPOENA DUCES TECUM

Any subpoena duces tecum or discovery request should be promptly provided to the Administrative Division Commander for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

All questions regarding compliance with any subpoena duces tecum should be promptly referred to the Sheriff's Counsel or other legal counsel for the Sheriff's Office so that a timely response can be prepared.

Each page of any record released pursuant to a subpoena duces tecum shall be stamped in red ink with a sheriff's office stamp identifying the individual to whom the record was released.

## 810.7 PRIVACY AND SECURITY OF RECORDS

Records such as offense reports, arrest reports, juvenile records or other sensitive records shall be secured in such a manner as to reasonably protect them from unauthorized disclosure.

Closed records shall be kept separate from public records and shall remain confidential (§ 610.120(2), RSMo).



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## 810.8 PRIVACY AND SECURITY OF RECORDS

All records ordered to be expunged shall be destroyed, except as provided by law. If destruction of the record is not feasible because of the permanent nature of the record books, such record entries shall be blacked out. Entries of a record ordered expunged shall be removed from all electronic files (§ 610.124(1), RSMo).



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# Criminal History Record Information (CHRI)

## 812.1 PURPOSE AND SCOPE

This policy provides guidelines for access to the Missouri Uniform Law Enforcement System (MULES),Regional Justice Information Services (REJIS), and the National Crime Information Center (NCIC) as well as the security, maintenance and release of criminal records obtained through MULES, REJIS or NCIC including Criminal History Record Information (CHRI).

## 812.2 POLICY

The Clay County Sheriff's Office will strive to adhere to all state and federal laws and regulations related to the access, use and dissemination of sensitive information received via a law enforcement telecommunications network.

## 812.3 DEFINITIONS

Definitions related to this policy include:

**Criminal History Record Information (CHRI)** - Information collected by criminal justice agencies on individuals, which consists of identifiable descriptions and notations of arrests, detentions, indictments, information, or other formal criminal charges, and any disposition arising from sentencing, correctional supervision, and release (§ 43.500(5), RSMo).

**MULES (Missouri Uniform Law Enforcement System)** - The law enforcement communications network that provides the Clay County Sheriff's Office with direct access to information from state and federal computerized information files.

## 812.4 RESPONSIBILITIES

The Undersheriff shall appoint a MULES Terminal Agency Coordinator who will serve as the liaison with the Missouri State Highway Patrol (MSHP) on matters pertaining to the security, access and use of information available via MULES.

It is the responsibility of the coordinator to assist the Sheriff's Office/CCIS in complying with all requirements established by the MSHP including ensuring the Sheriff's Office/CCIS accounts that contains:

(a) The name of the subject of the record.

(b) The name of the recipient of the information.

(c) The name and address of the agency the recipient represents and whether it is a criminal justice agency.

(d) The purpose for which the information will be used.

(e) The date and time the information was released.

If the dissemination log is not automated or relies on other systems, such as MHSP for automated logging, the MULES Terminal Agency Coordinator shall ensure all dissemination of CHRI is manually logged (11 CSR 30-4.090(4)).



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## 812.5 AUTHORIZED RECIPIENTS OF INFORMATION

CHRI may be accessed or released as follows.

### 812.5.1 MEMBER ACCESS

Employees/CCIS members may access or otherwise obtain records or information from MULES and sheriff's office files only in accordance with their official duties. An employee/CCIS member may not access information received through MULES until a background investigation has been completed and approved and until he/she has completed all required training.

CHRI obtained through MULES, NCIC or REJIS shall be used solely for the purpose for which it was obtained (§ 43.532, RSMo). Personnel may not use CHRI information in any unauthorized manner, for any unauthorized purpose, or disclose CHRI to any person who is not entitled to the information.

Unauthorized accessing or release of information may subject the employee/CCIS member to criminal prosecution (§ 43.532, RSMo). Employees/CCIS members violating this policy may also be subject to administrative action pursuant to the Personnel Complaints Policy.

### 812.5.2 RELEASE OF INFORMATION

Only persons listed below are authorized to release information received through MULES, NCIC, or REJIS including CHRI. Each authorized person releasing such information is responsible for ensuring that each request appears legitimate and that the requester is an authorized recipient.

(a) MULES Terminal Agency Coordinator

(b) Administrative Assistant - Reports Unit

(c) Full-time employees of the Records Unit

(d) Personnel specifically designated in writing by Division Commanders with the concurrence of the Mules Terminal Agency Coordinator.

### 812.5.3 AUTHORIZED RECIPIENTS

Information received through MULES, REJIS, or NCIC may be released to authorized recipients for criminal justice purposes (11 CSR 30-4.090). All law enforcement personnel with proper identification are authorized recipients, if they are acting in the scope of their official duties.

In addition, non-criminal justice agencies may be entitled to limited CHRI for legitimate employment, licensing or authorized investigative purposes (11 CSR 30-4.090(3))

## 812.6 PROTECTION OF INFORMATION

Sensitive information obtained through MULES, such as CHRI, should generally not be transmitted by radio.

Information received through MULES shall be stored in the Records Unit where constant personnel coverage will be provided. If information is stored elsewhere for investigative or other law enforcement purposes, it shall be secured in locked desks, locked file cabinets or in locked rooms.



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The Administrative Division Commander or their designee is responsible for setting any necessary procedures to protect system information, including any policies related to the following (11 CSR 30-4.090(5)):

(a) Access to records received from MULES.

(b) Limiting direct access to information.

(c) Computer terminal security.

(d) Detection of unauthorized penetration of MULES.

(e) Proper destruction of records.

(f) Where and how such records should be stored.

The Administrative Division Commander or their designee shall also be responsible for developing appropriate procedures for physical and data security, including procedures to prevent file destruction and limitations on direct access to CHRI (11 CSR 30-4.090(5)).

### 812.6.1 COMPUTER TERMINAL SECURITY

Computer terminal equipment that is capable of providing access to MULES, including automated CHRI records, shall be maintained in secure areas to preclude access by unauthorized individuals. The terminals must be housed in areas outside of screen view of the public at all times.

Deputies shall ensure that patrol vehicles remain secured when unoccupied to preclude access to the MDT located within the vehicle that may have access to MULES.

### 812.6.2 DESTRUCTION OF RECORDS

When any document received through MULES, including CHRI, has served the purpose for which it was obtained and is eligible for destruction, it should be disposed of via a permanent destruction method, in compliance with the organization's records retention schedule. At no time shall documents merely be placed in a trash receptacle.

Each employee shall be responsible for properly destroying CHRI documents he/she receives.

## 812.7 REVIEW OF AND CHALLENGE TO RECORDS

### 812.7.1 REVIEW OF RECORDS

Upon written request and with proper proof of identification, an individual may review his/her own CHRI on file with the Sheriff's Office. However, an individual is not entitled to data contained in intelligence, investigatory or other related files (11 CSR 30-4.090(6)). If an individual seeks to review records not held by the Sheriff's Office, the individual should be directed to the applicable agency.

### 812.7.2 CHALLENGE TO RECORDS

Any person has the right to challenge the accuracy and completeness of records pertaining to him/herself and to request that said records be corrected (11 CSR 30-4.090(6)). Any such requests shall be forwarded to the Administrative Division Commander.

Upon receipt of a request to correct a record, the Administrative Division Commander or their designee will evaluate the request as follows (11 CSR 30-4.090(5):



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(a) Review the request for correction and make a determination of whether to grant or refuse the request, in whole or in part.

(b) In the event that the Administrative Division Commander or their designee requires time to evaluate the merit of the request for correction, the Administrative Division Commander shall notify the requestor and provide the requestor with a reasonable timeframe in which a response will be provided.

(c) If it is determined that a correction is warranted, the Administrative Division Commander or their designee will notify the requestor, ensure the change is made in the records of the Clay County Sheriff's Office and forward corrected copies to other applicable agencies, including:

1. All criminal justice recipients.
2. Two copies to the MSHP.

(d) If the Administrative Division Commander refuses to make the requested correction, the Administrative Division Commander should promptly provide the requestor with a written statement of the grounds for the refusal and information as to how the requestor may proceed with an administrative appeal with the Missouri Department of Public Safety.

(e) Upon request, the Administrative Division Commander shall give the requestor the names of all non-criminal justice agencies to whom the data has been disseminated.

## 812.8 TRAINING

All personnel authorized to access, process or release information received from MULES shall be required to complete a training program prescribed by the Administrative Division Commander or their designee (11 CSR 30-4.090(5)). The Training Unit shall coordinate the course to provide training in the proper use, control, and dissemination of information.

## 812.9 DISCIPLINE/ENFORCEMENT

Any employee/member found to have violated this policy may be subject to disciplinary action, up to and including termination of employment as well as any civil or criminal penalties as outlined in Missouri Statute: 576.050.



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# Disposal of Media Policy and Procedures

## 813.1 PURPOSE

The purpose of this policy is to outline the proper disposal of media at the Clay County Sheriff's Office and CCIS. These rules are in place to protect sensitive and classified information, employees and the Clay County Sheriff's Office/CCIS. Inappropriate disposal of Clay County Sheriff's Office/CCIS and FBI information and media may put employees, the Clay County Sheriff's Office/CCIS and the FBI at risk.

## 813.2 SCOPE

This policy applies to employees, contractors, temporary staff, and other workers at the Clay County Sheriff's Office/CCIS, including all personnel with access to sensitive and classified data and media. This policy applies to all equipment that processes classified and sensitive data that is owned or leased by the Clay County Sheriff's Office/CCIS.

## 813.3 POLICY

When no longer usable, diskettes, tape cartridges, ribbons, hard copies, print-outs, and other similar items used to process or store classified and/or sensitive data shall be properly disposed of in accordance with measures established by the Clay County Sheriff's Office/CCIS. The following procedures will be followed:

- When no longer usable, hard copies and print-outs shall be placed in properly marked shredding bins.
- Diskettes and tape cartridges shall be taken apart and placed in the properly marked shredding bins.
- After media has been shredded it will be placed in appropriate bins to be incinerated or disposed of properly.

IT systems that have processed, stored, or transmitted sensitive and/or classified information shall not be released from Clay County Sheriff's control until the equipment is sanitized and all stored information has been cleared. For sensitive, but unclassified information, the sanitization method shall be approved by Clay County Sheriff. For classified systems, National Security Association approved measures shall be used. The following procedures will be followed:

- Employees will send all hardware that processes and/or stores classified and/or sensitive data to the Clay County Sheriff's Office IT Manager to be properly disposed.

The Clay County Sheriff's Office IT Manager will dispose of hardware by one of the following methods:

- Overwriting - an effective method of clearing data from magnetic media. As the name implies, overwriting uses a program to write (1s, 0s, or a combination of both) onto the location of the media where the file to be sanitized is located. The number of times the media is overwritten depends on the level of sensitive information.
- Degaussing - a method to magnetically erase data from magnetic media. Two types of degaussing exist: strong magnets and electric degausses. Note that common magnets (e.g., those used to hang a picture on a wall) are fairly weak and cannot effectively degauss magnetic media.



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- Destruction - a method of destroying magnetic media. As the name implies, destruction of magnetic media is to physically dismantle by methods of crushing, disassembling, etc.

Also, computers that are used to transmit classified and/or sensitive information must protect residual data. This can be accomplished with the use of integrated encryption technology. This technology uses a device or software which encrypts all data as it is written to the disk. When the user retrieves a file, the data is automatically decrypted for the owner to use. This encryption/decryption process is typically transparent to the user. Should the hard drive be removed, no useable data can be retrieved.

## 813.4 ENFORCEMENT

Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment as well as any civil or criminal penalties as outlined in Missouri Statute: 576.050.



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# Computers and Digital Evidence

## 814.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers and other electronic devices, digital cameras and recorders that are capable of storing digital information. This policy also establishes procedures for the preservation and storage of digital evidence.

## 814.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. If it is anticipated that computer evidence or equipment will be seized, deputies/CCIS members should request that certified computer forensic examiners assist them in seizing computers and related evidence. Deputies/CCIS members should be aware of the potential to destroy information through careless or improper handling and should utilize the most knowledgeable resources available. When seizing a computer and accessories the following steps should be taken:

(a) Photograph each item, front and back, specifically including cable connections to other items. Look for a telephone line, a cable to a modem or an antenna for connection with a wireless network for Internet access.

(b) Consider the possibility of physical evidence on and around the hardware relevant to the particular investigation, such as fingerprints, biological or trace evidence and documents.

(c) If there is reason to believe that the computer is operating encryption or data deletion software or is operating in a virtual environment, the deputy/member should make every effort to obtain the assistance of a certified computer forensic examiner prior to seizing the computer.

(d) If the computer is off, do not turn it on.

(e) If the computer is on and there is no reason to believe that data deletion software is active, photograph the screen and note any programs or windows that appear to be open and running. Then shut it down following normal procedures and do not open or examine any files. Document the method used to shut down the computer.

(f) If there is reason to believe that data deletion software is active, disconnect the power cable from the back of the computer box. If the computer is a portable notebook style, disconnect any power cable from the case and remove the battery.

(g) Label each item with a case number, evidence sheet number and item number.

(h) The deputy/member should make every effort to obtain all passwords for program and account access.

(i) At a minimum, deputies/members should document the following in related reports:

1. Where the computer was located and whether it was in operation
2. Who was using it at the time
3. Who claimed ownership
4. If it can be determined, how it was being used

(j) In most cases when a computer is being used in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives



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and disk drives) should be seized along with all media. Accessories (monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture or for evidentiary purposes (fingerprinting, biological or trace evidence).

### 814.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Deputies/members should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an onsite inspection or to image only the hard drive of the involved computer. This should be done by someone specifically trained in processing computers for evidence.

### 814.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, external drives, compact discs or any other storage media is required, certain items should be forwarded to a computer forensic examiner. These include:

(a) Copy of reports involving the computer, including the evidence/property sheet.

(b) Copy of a consent-to-search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to the investigation.

(c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).

(d) A forensic copy of the media will be made and the original preserved as evidence.

## 814.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media, including hard drives, floppy disks, CDs, DVDs, tapes, memory cards or flash memory devices, should be seized and stored in a manner that will protect them from damage.

(a) If the media has a write-protection tab or switch, it should be activated.

(b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation, request the Cyber Crimes Investigator to copy the contents to an appropriate form of storage media.

(c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.

(d) Do not leave storage media where it would be subject to excessive heat, such as in a parked vehicle on a hot day.

(e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

## 814.4 SEIZING PERSONAL COMMUNICATION DEVICES

Personal communication devices (PCDs) such as cellular telephones, personal digital assistants (PDAs) or other handheld devices must be handled with care to preserve evidence that may be on the device, including messages, stored data and/or images.



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(a) Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages. Deputies/members generally should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert.

(b) Do not turn the device on or off. The device should be placed in a solid metal container, such as a paint can or in a Faraday bag, to prevent the device from sending or receiving information from its host network.

(c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead, all the data may be lost.

## 814.5 RETURN OF SEIZED STORAGE MEDIA

Contraband, including illegal images, stored on digital storage media (hard drives, floppy disks, CDs, DVDs, tapes, memory cards, flash memory devices, PCDs and PDAs or other handheld devices) shall be removed by a computer forensic examiner or other qualified personnel prior to return to the owner.

## 814.6 DIGITAL EVIDENCE RECORDED BY DEPUTIES/MEMBERS

Deputies/members handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of the evidence. Deputies/members shall not create or maintain copies of digital evidence outside of the work environment.

### 814.6.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

### 814.6.2 SUBMISSION OF DIGITAL MEDIA

The recording media (smart card, compact flash card or any other media) shall be brought to the Evidence Room as soon as possible for submission into evidence or uploaded pursuant to sheriff's office procedures.



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# Animal Control

## 820.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for Clay County Sheriff's Office personnel in dealing with calls related to animal control and to set forth procedures regarding animal control services, the handling of injured animals and the abatement of animal nuisances.

## 820.2 DEPUTY RESPONSIBILITIES

When an Animal Control Officer (ACO) is unavailable, the following animal-related calls for service will be handled by the appropriate on-duty deputy.

Deputies may be dispatched to animal-related calls and should take appropriate actions to control the situation until the arrival of an ACO if one from another agency is available. Due to the hazards of handling animals without proper equipment, responding deputies generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of an ACO. A deputy may consider acting before the arrival of an ACO:

(a) When there is a threat to public safety.

(b) When an animal has bitten someone. Deputies should take measures to confine the animal and prevent further injury.

(c) When an animal is creating a traffic hazard.

(d) When the owner/handler has been arrested and there is no other alternative placement for the animal.

(e) When an animal is gravely injured.

If none of the above conditions are present and no ACO is available Deputies should provide the calling party with information to help them contact the MO Dept of Conservation or a private contractor who may be able to assist the caller. Deputies should be careful not to recommend any specific service provider.

### 820.2.1 ANIMAL CRUELTY COMPLAINTS

A deputy shall conduct a preliminary investigation on all reports of animal cruelty and forward the information to the Investigation Unit for follow-up. Deputies shall not hesitate to take any immediate actions deemed necessary to prevent the perpetration of any act of cruelty to animals in his/her presence and may use such force as is necessary to prevent the crime.

The assistance of an animal control officer from another jurisdiction may be requested to assist with the investigation when appropriate for the purpose of handling the disposition of any animal associated with the case.

### 820.2.2 STRAY ANIMALS

If an animal has a license or can otherwise be identified, the owner should be contacted, if reasonably possible. If the owner is contacted, the animal should be released to the owner and a citation may be issued if appropriate.



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### 820.2.3 ANIMAL BITES TO HUMANS

Deputies shall obtain as much information as possible for forwarding to the Investigations Unit for follow-up. Deputies shall instruct the owner of a biting animal, if contacted, to keep the animal confined on the property until contacted by an Investigator. If the animal is a stray, every effort shall be made to capture and impound the animal immediately.

## 820.3 DECEASED ANIMALS

Deceased animals on public property will be removed and properly disposed of by the MO Dept. of Transportation or Conservation. Deputies will remove deceased animals from the roadway if they are a traffic hazard.

(a) No deputy or other sheriff's office employee will be required to climb onto or under any privately owned structure for the purpose of removing a deceased animal.

## 820.4 INJURED ANIMALS

When any injured domesticated animal is brought to the attention of a member of this agency, all reasonable attempts shall be made to contact the owner or responsible handler. When the owner or responsible handler cannot be located and the animal is not an immediate danger to the community, it may be taken to a doctor of veterinary medicine as described below:

(a) During normal business hours, the animal may be taken to an ***authorized*** veterinary care clinic.

(b) If it is after normal business hours, the animal may be taken to an ***authorized*** veterinary emergency services clinic.

(c) The only exception to the above is when the animal is an immediate danger to the community or the owner of the animal is identified and takes responsibility for the injured animal.

1. When it is necessary to kill a seriously injured or dangerous animal, the Sheriff's Office Firearm Discharge Policy shall be followed. The decision to dispose of a seriously injured animal will rest with the on-duty Shift/Unit Supervisor.

(d) Injured or deceased wildlife should be referred to the Humane Society of Missouri or Department of Conservation as applicable.

(e) When handling dead or injured animals, sheriff's office employees shall attempt to identify and notify the owner of the final disposition of the animal.

(f) Each incident shall be documented, at minimum, to include the name of the reporting party and veterinary hospital and/or person to whom the animal is released.

## 820.5 CITATIONS

It should be at the discretion of the handling deputy or the field supervisor as to the need for, or advisability of, the issuance of a citation for a violation.

## 820.6 POST-ARREST PROCEDURES

The arresting deputy should make a reasonable effort to ensure that animals or pets under a person's care will be provided with adequate care when that person is arrested. This is only required when there is no person to provide care and the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animals.



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Relatives or neighbors may be contacted, with the owner's consent, to care for the animals. If no persons can be found or the owner does not consent, the appropriate animal control authority should be notified.



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# Chapter 9 - Custody

# Custody Searches

## 902.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of persons in custody.

### 902.1.1 PHILOSOPHY

It is the policy of the Clay County Sheriff's Office that all custody searches should be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of persons subject to any search.

## 902.2 DEFINITIONS OF SEARCHES

Definitions related to this policy include:

**Body cavity search** - The inspection of a person's anus or genitalia, including but not limited to inspections conducted visually, manually or by means of any physical instrument (§ 544.193(1)(1), RSMo).

**Booking search** - A search of an arrested person and the arrested person's property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

**Search** - A thorough visual and manual examination of an arrested person and the area immediately around that person for weapons, contraband or evidence that might be destroyed. A search does not require the removal or rearrangement of some or all of a person's undergarments or clothing directly covering the person's genitalia, buttocks, anus or female breasts.

**Strip search**- The removal or rearrangement of some or all of the clothing of a person so as to permit an inspection of the genitals, buttocks, anus, breasts or undergarments of such person, including but not limited to inspections conducted visually, manually or by means of any physical instrument (§ 544.193(1)(2), RSMo).

## 902.3 ARREST AND TRANSPORTATION SEARCHES

A deputy or detention transport officer should conduct a search of an arrestee immediately after the arrest, when receiving an arrestee from another person, and before transporting an arrestee in any sheriff's vehicle.

Whenever practicable, a search should be conducted by a deputy or detention transport officer of the same sex as the person being searched. If a deputy or detention transport officer of the same sex is not reasonably available, it is recommended that a witness deputy or detention transport officer be present during any search of a person of opposite sex as the searching deputy or detention transport officer.

### 902.3.1 FAITH AND MORALS BASED ACCOMMODATIONS

In accordance with available resources, safety and security, the religious beliefs and needs of all detainees should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security interest that would justify denying the request. The responsible supervisor should be advised any time a request for religious accommodation is denied.



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Persons who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Persons wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to persons of the opposite sex if they so desire. Religious garments that substantially cover the person's head and face may be temporarily removed during the taking of booking and identification photographs.

This section only applies to detainees while they are in the Booking Holding area NOT the Housing Floor.

## 902.4 BOOKING SEARCHES

For the safety of everyone in the holding facility, all detainees brought into the facility will be searched.

### 902.4.1 SEARCHES AT TEMPORARY HOLDING OR CUSTODIAL FACILITIES

All detainees brought into the facility shall be searched by a deputy or other authorized employee of the facility before the deputy or other law enforcement officer bringing in the detainee relinquishes control. When a detainee has been handcuffed, the detainee should remain handcuffed until the search is substantially completed.

In the case of female detainees, all searches shall be conducted by a female deputy or designated female employee. Male employees shall remain available to assist immediately if needed. Should a female detainee become combative, a deputy or detention officer of either sex may be assigned to restrain her. The appropriate search may be completed when additional female deputies or detention officers are available to assist.

### 902.4.2 HANDLING OF DETAINEE'S PROPERTY

Employees shall take reasonable care in the handling of a detainees property to avoid discrepancies or losses.

Any personal property belonging to a detainee but retained by a deputy for safekeeping shall be kept in a secure location until the detainee is released or transferred. Smaller items, such as a driver license, pocket knife, wallet, prescription medication, jewelry and other similar property, shall be placed in a property bag and sealed. Any property too large to be secured in the facility shall be booked into property for safekeeping. Any property that will not otherwise be accepted by a receiving facility in the event of a detainee transfer should also be booked into property for safekeeping. All property shall be listed by objective description on the booking form and the detainees signature shall be affixed to the completed inventory. If the detainees signature cannot be obtained, the inventory shall be witnessed by another staff person.

This procedure only applies to detainees temporarily holding in the booking area. If a detainee is to be housed on the housing area employees shall refer to the Detention Center Standard Operating Procedure for property retention.

Property belonging to the detainee but retained by a deputy as evidence, shall be booked according to procedures. The detainee shall be advised that such property will be kept as evidence and if requested, the deputy shall issue the detainee a receipt. Such receipt may be a copy of the property booking form, written out in the deputy's handwriting or typed for his/her personal signature. It should include the description of the property (but not its



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value), the case number, date, time, deputy's badge number and signature. When a receipt is issued, it should be mentioned in the arrest report.

### 902.4.3 VERIFICATION OF DETAINEE'S MONEY

All money belonging to the detainee should be counted in front of the detainee and the dollar amount noted on the booking sheet. The money should then be returned to the detainee until such time as it is determined that they will be housed here. At that time booking personnel should insure the money is entered into the COBRA banking system as per Detention Center Standard Operating Procedure.

## 902.5 STRIP SEARCHES

No person held at any Clay County Sheriff's Office facility shall be subjected to a strip search unless there is probable cause based upon specific and articulable facts to believe the person has a health condition requiring immediate medical attention or is concealing a weapon or contraband (§ 544.193, RSMo). Persons arrested for a felony may be strip searched based on reasonable suspicion rather than probable cause. Factors to be considered in determining reasonable suspicion or probable cause include, but are not limited to:

(a) The detection of an object during a pat-down search that may be a weapon or contraband and cannot be safely retrieved without a modified strip search or strip search.

(b) Circumstances of a current arrest that specifically indicate the person may be concealing a weapon or contraband. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

(c) Custody history (past possession of contraband while in custody, assaults on staff, escape attempts).

(d) The person's actions or demeanor.

(e) Criminal history (level of experience in a custody setting).

No transgender or intersex detainee shall be searched or examined for the sole purpose of determining the detainee's genital status. If the detainee's genital status is unknown, it may be determined during conversations with the detainee, by reviewing medical records, or, if necessary, as part of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

### 902.5.1 STRIP SEARCH PROCEDURES

Strip searches at Clay County Sheriff's Office facilities shall be conducted as follows (§ 544.193, RSMo):

(a) Written authorization from the Shift/Unit Supervisor shall be obtained prior to the strip search.

(b) All employees involved with the strip search shall be of the same sex as the person being searched, unless the search is conducted by authorized medical personnel (28 CFR 115.115).

(c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that the search cannot be observed by persons not participating in the search. The search shall not be reproduced through a visual or sound recording.



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(d) Whenever possible, a second deputy of the same sex should be present during the search for security and as a witness to the finding of evidence.

(e) Employees conducting a strip search shall not touch the breasts, buttocks or genitalia of the person being searched.

(f) The primary employee conducting the search shall prepare a written report to include:

1. The facts that led to the decision to perform a strip search.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The written authorization for the search, obtained from the Shift/Unit Supervisor.
4. The name of the person who was searched.
5. The name and sex of the persons who conducted the search.
6. The name, sex and role of any person present during the search.
7. The time and date of the search.
8. The place at which the search was conducted.
9. A list of the items, if any, recovered during the search.
10. The facts upon which the employee based his/her belief that the person searched was concealing a weapon or controlled substance, if the person was not arrested for a felony.

(g) A copy of the written authorization and search report shall be provided to the person searched.

(h) No employee should view a detainee's private underclothing, buttocks, genitalia or female breasts while the detainee is showering, performing bodily functions or changing clothes unless the detainee otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the detainee with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the detainee's consent and/or otherwise protect the detainee's privacy and dignity.

### 902.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

When the above requirements are met, a strip search conducted outside of the facility may only be authorized by the Shift/Unit Supervisor and only in exceptional circumstances, such as:

(a) There is probable cause to believe that the arrestee is concealing a weapon or other dangerous item that cannot be recovered by a normal search.

(b) There is probable cause to believe that the arrestee is concealing controlled substances or evidence that cannot be recovered by a normal search and there is no reasonable alternative to ensure the arrestee cannot destroy or ingest the substance during transportation.

## 902.6 BODY CAVITY SEARCH

No person arrested or detained for a traffic offense or an offense which does not constitute a felony may be subject to a body cavity search without a search warrant (§ 544.193(4), RSMo).

A body cavity search at the facility of a person arrested for a felony may be conducted at the facility by authorized medical personnel only if there is probable cause to believe that



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the person to be searched is concealing evidence of the commission of a criminal offense, including fruits or tools of a crime, contraband or a deadly weapon that could not otherwise be discovered or there is a legitimate medical or hygienic reason.

Body cavity searches at the holding facility shall be conducted as follows:

(a) No person arrested or detained for a traffic offense or an offense which does not constitute a felony may be subject to a body cavity search without a search warrant

(b) The body cavity search shall be conducted by a physician, registered nurse or practical nurse, licensed to practice in this state.

(c) The search shall be conducted under sanitary conditions

(d) All employees involved with the search shall be of the same sex as the person being searched, except for medical personnel.

(e) The search shall be conducted in a secure area of privacy so that the search cannot be observed by persons not involved with the search.

(f) Employees involved with the search shall not touch the breasts, buttocks or genitalia of the person being searched.

(g) The primary employee involved with the search shall prepare a written report to include:

1. A copy of the search warrant.
2. The name of the physician, registered nurse or practical nurse.
3. The name of the person who was searched.
4. The name of the employees present during the search.
5. The time and date of the search.
6. The place at which the search was conducted.
7. A list of the items, if any, recovered during the search.

(h) A copy of the search warrant and search report shall be provided to the person searched.

## 902.7 TRAINING

The Training Coordinator shall ensure members have training in, at a minimum (28 CFR 115.115):

- Conducting searches properly in a professional and respectful manner and in the least intrusive manner possible, consistent with security needs.
- Conducting cross-gender searches.
- Conducting searches of transgender and intersex detainees.



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# Prison Rape Elimination

## 904.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect and respond to sexual abuse, harassment and retaliation against detainees in the Clay County Sheriff's Office Temporary Holding Facilities (28 CFR 115.111).

### 904.1.1 DEFINITIONS

Definitions related to this policy include:

**Intersex** - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

**Sexual abuse** - Any of the following acts, if the detainee does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6)

Sexual abuse also includes abuse by a staff member, contractor or volunteer as follows, with or without consent of the detainee, arrestee or resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Contact between the mouth and any body part where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described above
- Any display by a staff member, contractor or volunteer of his/her uncovered genitalia, buttocks or breast in the presence of a detainee, arrestee or resident
- Voyeurism by a staff member, contractor or volunteer (28 CFR 115.6)



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**Sexual harassment** - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one detainee, arrestee or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a detainee, arrestee or resident by a staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

**Transgender** - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

## 904.2 POLICY

The Clay County Sheriff's Office has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Office will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Clay County Sheriff's Office will take immediate action to protect detainees who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162).

## 904.3 PREA COORDINATOR

The Sheriff shall appoint an upper-level manager with sufficient time and authority to develop, implement and oversee office efforts to comply with PREA standards in the Clay County Sheriff's Office Temporary Holding Facilities (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:

(a) Developing and maintaining procedures to comply with the PREA Rule.

(b) Ensuring that any contract for the confinement of Clay County Sheriff's Office detainees or arrestees includes the requirement to adopt and comply with applicable PREA and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).

(c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect detainees from sexual abuse (28 CFR 115.113). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.

(d) Developing methods for staff to privately report sexual abuse and sexual harassment of detainees (28 CFR 115.151).

(e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators and office leadership to an incident of sexual abuse (28 CFR 115.165).

(f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):

1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents or a similarly comprehensive and authoritative protocol.

2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.



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3. A process to document all referrals to other law enforcement agencies.
4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.
5. In accordance with security needs, provisions to permit, to the extent available, detainee access to victim advocacy services if the detainee is transported for a forensic examination to an outside hospital that offers such services.

(g) Ensuring that detainees with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing or vision disabilities) (28 CFR 115.116).

1. The agency shall not rely on other detainees for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the detainee's safety, the performance of first-response duties under this policy, or the investigation of a detainee's allegations of sexual abuse, harassment or retaliation.

(h) Publishing on the office's website

1. Information on how to report sexual abuse and sexual harassment on behalf of an arrestee (28 CFR 115.154).
2. A protocol describing the responsibilities of the Office and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).

(i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187).

1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.
2. The data shall be aggregated at least annually.

(j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 405 for all Temporary Holding Facilities used to house detainees overnight (28 CFR 115.193).

(k) Ensuring contractors or others who work in the Temporary Holding Facility are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).

## 904.4 REPORTING SEXUAL ABUSE AND HARASSMENT

Detainees may make reports verbally, in writing, privately or anonymously of any of the following (28 CFR 115.151):

- Sexual abuse
- Sexual harassment



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- Retaliation by other detainees or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

During intake the Office shall notify all detainees of the zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Office and that is able to receive and immediately forward detainee reports of sexual abuse and sexual harassment to agency officials. This allows the detainee to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

### 904.4.1 MEMBER RESPONSIBILITIES

Office members shall accept reports from detainees and third parties and shall promptly document all reports (28 CFR 115.151).

All members shall report immediately to the Shift/Unit Supervisor any knowledge, suspicion or information regarding:

(a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.

(b) Retaliation against detainees or the member who reports any such incident.

(c) Any neglect or violation of responsibilities on the part of any office member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

### 904.4.2 SHIFT/UNIT SUPERVISOR RESPONSIBILITIES

The Shift/Unit Supervisor shall report to the Office's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Shift/Unit Supervisor shall also report the allegation as required under mandatory reporting laws and office policy.

Upon receiving an allegation that a detainee was sexually abused while confined at another facility, the Shift/Unit Supervisor shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Shift/Unit Supervisor shall document such notification (28 CFR 115.163).

If an alleged detainee victim is transferred from the Temporary Holding Facility to a jail, prison or medical facility, the Office shall, as permitted by law, inform the receiving facility of the incident and the detainee's potential need for medical or social services, unless the detainee requests otherwise (28 CFR 115.165).

## 904.5 INVESTIGATIONS

The Office shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only



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investigators who have received office-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

### 904.5.1 FIRST RESPONDERS

The first deputy to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

(a) Separate the parties.

(b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.

(c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

(d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

If the first responder is not a deputy the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

### 904.5.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (28 CFR 115.171):

(a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.

(b) Interview alleged victims, suspects and witnesses.

(c) Review any prior complaints and reports of sexual abuse involving the suspect.

(d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

(e) Assess the credibility of the alleged victim, suspect or witness on an individual basis and not by the person's status as an arrestee or a member of the Clay County Sheriff's Office.

(f) Document in written reports a description of physical, testimonial, documentary and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.

(g) Refer allegations of conduct that may be criminal to the Prosecuting Attorney for possible prosecution, including any time there is probable cause to believe a detainee sexually abused another detainee in the Temporary Holding Facility (28 CFR 115.178).

(h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

### 904.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this office shall not be used as a basis for terminating an investigation (28 CFR 115.171).



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### 904.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS

No detainee who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

Detainee victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

### 904.5.5 CONCLUSIONS AND FINDINGS

All completed investigations shall be forwarded to the Sheriff, or if the allegations may reasonably involve the Sheriff, to the Citizens. The Sheriff or Citizens shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for office members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with detainees and reported to any relevant licensing bodies (28 CFR 115.177). The Sheriff shall take appropriate remedial measures and consider whether to prohibit further contact with detainees by a contractor or volunteer.

## 904.6 RETALIATION PROHIBITED

All detainees and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Shift/Unit Supervisor or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for detainee victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for detainees or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Shift/Unit Supervisor or the authorized designee shall identify a staff member to monitor the conduct and treatment of detainees or members who have reported sexual abuse and of detainees who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of detainees, such monitoring shall also include periodic status checks.



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## 904.7 REVIEWS AND AUDITS

### 904.7.1 INCIDENT REVIEWS

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

(a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.

(b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.

(c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.

(d) Assess the adequacy of staffing levels in that area during different shifts.

(e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Sheriff and the PREA Coordinator. The Sheriff or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

### 904.7.2 DATA REVIEWS

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

(a) Identification of any potential problem areas.

(b) Identification of any corrective actions taken.

(c) Recommendations for any additional corrective actions.

(d) A comparison of the current year's data and corrective actions with those from prior years.

(e) An assessment of the Office's progress in addressing sexual abuse.

The report shall be approved by the Sheriff and made readily available to the public through the office website or, if it does not have one, through other means. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.



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All aggregated sexual abuse data from Clay County Sheriff's Office facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the office website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

## 904.8 RECORDS

The Office shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Office, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

## 904.9 TRAINING

All employees, volunteers and contractors who may have contact with detainees shall receive office-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Coordinator shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The Office's zero-tolerance policy and detainees' right to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which detainees are most vulnerable.
- The right of detainees and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all detainees.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.
- Proper use of *Miranda* and *Garrity* warnings.
- Sexual abuse evidence collection in confinement settings.
- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Training Coordinator shall maintain documentation that employees, volunteers, contractors and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

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