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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**Attachments**
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.

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 ARREST AUTHORITY OUTSIDE OF THE JURISDICTION OF THE CLAY COUNTY SHERIFF’S OFFICE
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 and by the board of police from which the deputy derives his/her authority.
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.
Law Enforcement Authority

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.

(e) Sheriffs and deputies responding to another county for assistance requested by that county’s sheriff (§ 57.111, RSMo).

A deputy making an arrest under this subsection should, as soon as practicable after making the arrest, notify the agency having jurisdiction where the arrest was made.

100.2.2 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE CLAY COUNTY SHERIFF’S OFFICE

The arrest authority of deputies within the jurisdiction of the Clay County Sheriff’s Office includes:

(a) In compliance with an arrest warrant.

(b) Without a warrant pursuant to the power of arrest granted by § 544.216, RSMo.

100.2.3 GRANTING AUTHORITY TO OTHERS

Deputies may summon the aid of other persons when making an arrest or when attempting to secure an offender who has escaped from custody (§ 544.230, RSMo).

100.3 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

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

(b) When a deputy enters Iowa, Nebraska, Oklahoma or Tennessee in fresh pursuit of a felony subject or a fugitive from justice (Iowa Code § 806.1; Nebraska Revised Statutes § 29-416; 22 O.S. § 221; T.C.A. § 40-7-203).

(c) When a deputy enters Illinois or Kansas in fresh pursuit of a subject who committed any offense (725 ILCS 5/107-4; K.S.A. § 22-2404).

(d) When a deputy enters Arkansas in fresh pursuit of a felony subject or a person who has or is reasonably suspected of having committed an offense of driving or operating a vehicle while intoxicated, impaired, or under the influence (A.C.A. § 16-81-404).

Whenever a deputy makes an arrest in another state, the deputy shall take the offender to a magistrate or appropriate judicial officer in the county where the arrest occurred as soon as practicable (A.C.A. § 16-81-405; 725 ILCS 5/107-4; Iowa Code § 806.2; K.S.A. § 22-2404; Nebraska Revised Statutes § 29-417; 22 O.S. § 222; T.C.A. § 40-7-204).

100.4 FEDERAL RESERVATIONS

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

(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.

100.5 CONSTITUTIONAL REQUIREMENTS
All members shall observe and comply with every person’s clearly established rights under the
United States and Missouri constitutions.

100.6 SECTION TITLE

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

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

101.1 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).

101.1.1 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.
Oath of Office

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

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

102.3 OATH OF OFFICE
All office members, when appropriate, shall take and subscribe to the oaths or affirmations applicable to their positions (Mo. Const. art. VII, § 11).

In addition, all members shall acknowledge the office’s code of ethics and their responsibility to adhere to it.

102.4 MAINTENANCE OF RECORDS
The oath of office shall be filed in accordance with the established records retention schedule.
Policy Manual

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

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, procedures, orders and other regulations that have not been included herein shall remain in effect, provided that they do not conflict with the provisions of this manual (§ 67.287, RSMo).

103.1.1 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.

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

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

103.2.2 STAFF
The staff shall consist of the following:

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

103.2.3 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.

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

103.3.1 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."

103.3.2 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.
103.4 DEFINITIONS
The following words and terms shall have these assigned meanings throughout the Policy Manual, unless it is apparent from the content that they have a different meaning:

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

**CCIS** - Clay County Investigative Squad

**CFR** - Code of Federal Regulations

**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, RSMo).

**County** - The County of Clay.

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

**Commission** - When not obviously referring to the Missouri Peace Officer Standards and Training (POST) Commission, means a grant of authority to act as a peace officer (§ 590.010, RSMo).

**CSR** - Missouri Code of State Regulations.

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

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

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

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

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

**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, RSMo).


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

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

- Full- and part-time employees
- Licensed peace officers
- Reserve, auxiliary deputies
- Non-sworn employees
- Volunteers.

**MSHP** - Missouri State Highway Patrol.

**MULES** - Missouri Uniform Law Enforcement System.
Deputy - Those employees, regardless of rank, who are licensed peace officers of the Clay County Sheriff's Office.

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

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

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

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

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

USC - United States Code.

103.4.1 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.
103.4.2 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.

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

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

103.6 PERIODIC REVIEW OF THE POLICY MANUAL
The Sheriff will ensure that the Policy Manual is periodically reviewed and updated as necessary.

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

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

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

All office members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Division Commanders, who will consider the recommendations and forward them to the command staff as appropriate.
Chapter 2 - Organization and Administration
Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE
The organizational structure of 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 five divisions in the Sheriff's Office:

- Administration Division
- Field Operations Division
- Detention Division
- Judicial/Community Services Division
- Emergency Preparedness 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 non-sworn personnel assigned to the Clay County Detention Center.
Organizational Structure and Responsibility

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 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.

200.2.6 EMERGENCY PREPAREDNESS DIVISION
The Emergency Preparedness Division is commanded by the assigned Captain, whose primary responsibility is to provide general management, direction, and control for the Emergency Preparedness Division. The Emergency Preparedness Division includes Emergency Management, 9-1-1 Communications, and Public Information. The Emergency Preparedness Captain assumes the role of Incident Commander in times of disaster, man-made or natural, and operates according to Chapter 44 of the Missouri Revised Statutes.

200.3 COMMAND PROTOCOL

200.3.1 SUCCESSION OF COMMAND
The Sheriff exercises command over all personnel in the Office. During planned absences the Under Sheriff serves as the acting Sheriff. In the absence of both the Sheriff and Under Sheriff, the Sheriff will designate a Captain to serve as acting Sheriff.

200.3.2 UNITY OF COMMAND
The principles of unity of command ensure efficient supervision and control within the Office. Generally, each employee shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment (e.g., 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, 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.

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

201.1 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.

201.1.1 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.

201.2 RESPONSIBILITIES

201.2.1 COMMAND STAFF
The Command Staff shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by an Agency Directive.

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

201.3 ACCEPTANCE OF DEPARTMENTAL 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.
Emergency Operations Plan

202.1 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.

202.2 ACTIVATING THE EMERGENCY OPERATIONS PLAN
The Emergency Operations Plan can be activated in a number of ways. For the Police Department, the Sheriff or the highest ranking official on duty may activate the Emergency Operations 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 this office.

202.2.1 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.

202.3 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.

The Clay County Sheriff's Office Emergency Operations Plan is available for viewing at www.marc.org

202.4 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.
Training

203.1 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.

203.2 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.

203.3 OBJECTIVES
The objectives of the training program are to:

(a) Enhance the level of law enforcement service to the public.
(b) Increase the technical expertise and overall effectiveness of sheriff's office personnel.
(c) Provide for continued professional development of sheriff's office personnel.
(d) Assist in compliance with statutory requirements.

203.4 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 non-sworn 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.

203.4.1 MANDATED TRAINING
(a) Federally mandated training:
Training

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

(b) State-mandated training:

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.

203.4.2 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)

203.5 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
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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.

203.6 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 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.

203.7 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.

203.8 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.

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.

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

203.10 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 non-sworn employees assigned as detention officers and non-sworn 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.
Electronic Mail

204.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for the proper use and application of the electronic mail (email) system provided by the Office. Email 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 email 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 Office.

204.2 EMAIL RIGHT OF PRIVACY
All email messages, including any attachments, transmitted over the office computer network or accessed through a web browser accessing the office system are considered office records and therefore are the property of the Office. The 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 email system or that is stored on any office system.

The email system is not a confidential system since all communications transmitted on, to or from the system are the property of the Office. Therefore, the email 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 email. Employees using the office email system shall have no expectation of privacy concerning communications transmitted over the system.

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

204.3 PROHIBITED USE OF EMAIL
Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the email system is prohibited and may result in discipline.

Email messages addressed to the entire Office are only to be used for official business-related items that are of particular interest to all users. Users are reminded that all email 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 email communication, the user should seek prior approval from the Sheriff or a Division Commander. Personal advertisements or announcements are not permitted.
Electronic Mail

It is a violation of this policy to transmit a message under another user’s name or email 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 email, name and/or password by others.

204.4 EMAIL RECORD MANAGEMENT
Email may, depending upon the individual content, be a record under the Missouri Sunshine Laws and must be managed in accordance with the established records retention schedule and in compliance with state law (§ 109.180, RSMo). Members who use a non-office device to transmit any business-related email to two or more agency members shall ensure that the message is concurrently transmitted to the member’s agency computer or to the office Custodian of Records.

The Custodian of Records shall ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.
Administrative Communications

205.1 PURPOSE AND SCOPE
Administrative communications of the sheriff's office are governed by the following policies.

205.2 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.

205.3 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.

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

205.5 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.
Supervision Staffing Levels

206.1 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.

206.2 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.

206.2.1 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.
Concealed Carry Permit

207.1 PURPOSE AND SCOPE
The purpose of this policy is to provide a written process for the application, issuance, denial, appeal and revocation of any permit to carry a concealed firearm pursuant to Missouri law (§ 571.101, RSMo through § 571.121, RSMo; § 571.205, RSMo through § 571.230, RSMo).

207.1.1 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.

207.2 POLICY
It is the policy of the Clay County Sheriff's Office to fairly and impartially consider all applications to carry firearms in accordance with applicable law and this policy.

207.3 APPLICANT QUALIFICATIONS
An applicant for a concealed carry permit, lifetime concealed carry permit or extended concealed carry permit for a term of either 10 or 25 years must meet the following requirements (§ 571.101, RSMo; § 571.205, RSMo):

(a) Be a U.S. citizen or permanent resident of the U.S. and one of the following:
   1. A Missouri resident at least 19 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 19 years of age.

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

(c) Has not been convicted or pleaded guilty or nolo contendere to a weapons-related misdemeanor.

(d) Has not been convicted or pleaded guilty or nolo contendere 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.
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(i) Has not engaged in a pattern of behavior, documented in public or closed 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) Is not prohibited from possessing a firearm under § 571.070, RSMo or 18 USC § 922(g).

**207.4 APPLICATION PROCESS**
The following are required to process an application (§ 571.101, RSMo; § 571.205, RSMo):

(a) A Office-issued application form completed in its entirety.

1. A government-issued photo identification shall be submitted with the application for identification purposes only.

(b) Payment of applicable application and fingerprint fees.

(c) Evidence of completion of a course in firearms safety training.

(d) Background investigation which includes the applicant's fingerprints.

1. The Office shall, within three days of receiving a completed application, conduct an inquiry of the National Instant Criminal Background Check System (NICS). If that inquiry produces no disqualifying record at the state level, the fingerprints shall be forwarded to the FBI for a national criminal history record check.

2. The Office shall examine the results of the completed report from the NICS system and any response from the FBI national criminal history check.

3. If no disqualifying information is identified, the Office shall issue a concealed carry permit within three working days.

**207.4.1 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
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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).

207.5 APPLICATION NOTIFICATION

207.5.1 APPROVAL AND ISSUANCE
Upon completion of the required background investigation, the Office shall issue a concealed carry permit that conforms with the format prescribed by the Missouri Department of Public Safety (DPS) within three working days (§ 571.101, RSMo; § 571.205, RSMo; 11 CSR 30-15.010).

In the event the background investigations are not completed within 45 calendar days and no disqualifying information concerning the applicant has otherwise come to the Sheriff’s attention, the Sheriff shall issue a provisional permit. The Office shall revoke a provisional permit within 24 hours of receipt of any report that identifies a disqualifying record, and shall notify the concealed carry permit system (§ 571.101, RSMo; § 571.205, RSMo).

Approved applicants are responsible for signing the permit in the presence of the Sheriff or the authorized designee (§ 571.101, RSMo; § 571.205, RSMo).

207.5.2 DENIAL OF APPLICATION
The Office may refuse an application if any of the requirements for the permit have not been met or there is a reasonable belief that the applicant made a false statement (§ 571.101, RSMo; § 571.205, 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 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.

207.5.3 APPEAL
In the event a concealed carry permit is denied after two additional reviews and denials, the applicant may appeal the denial in small claims court (§ 571.114, RSMo; § 571.220, RSMo). If the Office receives a court order authorizing issuance of the concealed carry permit, the applicant should be contacted to facilitate issuance of the permit in accordance with this policy.

207.5.4 PERMIT ISSUED IN ANOTHER STATE
A concealed carry 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 Missouri state law restrictions regarding the carrying of concealed firearms.

207.6 SUSPENDING OR REVOKING A CONCEALED CARRY PERMIT
Any concealed carry permit issued pursuant to this policy may be immediately suspended or revoked by the Sheriff pursuant to § 571.104, RSMo and § 571.210, RSMo.
Concealed Carry Permit

207.6.1 INELIGIBILITY
Deputies of this office who serve a person with an order of protection shall accept the surrender of the person's concealed carry permit (§ 571.104, RSMo; § 271.210, RSMo).

207.6.2 EXPIRED PERMITS
If a permit is expired for more than six months, the Office shall notify the Concealed Carry Permit System that the permit is expired and cancelled.

The Office shall notify the Department of Revenue regarding any certificate of qualification issued by this office that has not been renewed within six months of its expiration (§ 571.104, RSMo).

207.6.3 STATUS CHANGES
When the Office has been notified by a permit holder from another jurisdiction that his/her new permanent address is in the Office’s jurisdiction, upon proof of the new address the Office shall (§ 571.104, RSMo):

(a) Notify the sheriff of the former jurisdiction that the permit holder has changed his/her address.

(b) Accept the transfer of any information on file for the permit holder from the sheriff of the former jurisdiction.

(c) Take possession and destroy the old permit and issue a new permit to the permit holder.

When the Office is notified that a permit holder has moved from the jurisdiction of this Office, the Office shall transfer any information on file for the permit holder to the sheriff of the new jurisdiction within 30 days.

When the Office has been notified by a permit holder that his/her name has changed, upon receiving proof of the name change and payment of the appropriate fee, the Office shall verify the name change and issue a replacement permit bearing the new name (§ 571.104, RSMo; § 571.205, RSMo).

The Office shall update the concealed carry permit system regarding changes of name, address, expirations, suspensions or revocations as applicable (§ 571.104, RSMo; § 571.205, RSMo; § 271.210, RSMo).

207.6.4 LOST OR DESTROYED PERMITS
If the Office is notified that a concealed carry permit has been lost or destroyed, upon payment of the appropriate fee, the permit shall be replaced within three working days of the notification (§ 571.104, RSMo; § 571.210, RSMo).

207.7 APPLICATION FOR RENEWAL
To renew a concealed carry permit, the applicant must complete and submit a renewal application as required by law (§ 571.104, RSMo; § 571.210, RSMo).
Concealed Carry Permit

The Office will issue a new concealed carry permit if all statutory provisions are met and after performing a current name-based background check through the appropriate databases, including NICS (§ 571.104, RSMo; § 571.210, RSMo).

Once the Sheriff or the authorized designee has verified the successful completion of the renewal process, the renewal of the concealed carry permit will either be granted or denied. Prior issuance of a concealed carry permit shall not entitle any applicant to any property or liberty right to renewal.

Whether an application for renewal is approved or denied, the applicant should be notified.

For a lifetime or extended concealed carry permit, the Office shall perform an NICS inquiry once every five years from the date of issuance or renewal. If it is determined that the permit holder has become disqualified, the permit shall be revoked (§ 571.210, RSMo).

207.8 REPORTING AND RECORDS
The Office shall keep a record of all applications for any concealed carry permit or provisional permit for the time period specified by § 571.101, RSMo or § 571.205, RSMo.

The issuance of a permit shall be reported to the concealed carry permit system (§ 571.101, RSMo; § 571.205, RSMo).

207.8.1 CONFIDENTIAL RECORDS
All information collected from an applicant is confidential unless otherwise allowed by law (§ 571.101, RSMo; § 571.205, RSMo).

Information retained in the concealed carry permit system under this subsection shall not be distributed to any federal, state, or private entities. Office members may access the concealed carry permit system for administrative purposes to issue a permit, verify the accuracy of permit holder information, change the name or address of a permit holder, suspend or revoke a permit, cancel an expired permit or cancel a permit upon receipt of a certified death certificate for the permit holder (§ 571.101, RSMo; § 571.205, RSMo).

207.9 APPLICATION OF POLICY
Nothing in this policy shall preclude the Sheriff from designating the Chief of Police of a municipal police agency to process all applications and license renewals for the carrying of concealed weapons as permitted by law (§ 571.101, RSMo).
Retiree Concealed Firearms

208.1 PURPOSE AND SCOPE
The purpose of this policy is to outline the process and conditions associated with the issuance, denial, suspension or revocation of Clay County Sheriff's Office identification cards under the Law Enforcement Officers' Safety Act (LEOSA) and Missouri law 18 USC § 926C; § 571.030, RSMo).

208.1.1 DEFINITIONS
A qualified retired peace officer means an individual who (§ 571.030.12, 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 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 this 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.

208.2 POLICY
It is the policy of the Clay County Sheriff's Office to provide identification cards to qualified former deputies as provided in this policy.

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

(a) Separated from service in good standing from this office as a deputy.
(b) Before such separation, had regular employment as a deputy for an aggregate of 10 years or more or, if employed as a deputy for less than 10 years, separated
Retiree Concealed Firearms

from service after completing any applicable probationary period due to a service-connected disability as determined by this office.

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

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

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

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

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

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

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

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

2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.

(b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(c) Not prohibited by federal law from receiving a firearm.

(d) Not in a location prohibited by Missouri law or by a private person or entity on his/her property if such prohibition is permitted by Missouri law.

208.4 FORMER DEPUTY RESPONSIBILITIES
A former deputy with a card issued under this policy shall immediately notify the Shift/Unit Supervisor of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Employee Convictions Policy.
208.4.1 RESPONSIBILITIES UNDER LEOSA
In order to obtain or retain a LEOSA identification card, the former deputy shall:

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

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

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

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

208.5 DENIAL, SUSPENSION OR REVOCATION
A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by the Office. In the event that an identification card is denied, suspended or revoked, the former deputy may request a review by the Sheriff. The decision of the Sheriff is final.

208.6 FIREARM QUALIFICATIONS
The Lead Firearms Instructor or his designee may provide or former deputies from this office an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Lead Firearms Instructor or his designee will maintain a record of the qualifications and weapons used.

The course standards shall meet any relevant standards that may be established by the Department of Public Safety (§ 650.030, RSMo).
Chapter 3 - General Operations
Use of Force

300.1 PURPOSE AND SCOPE
This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this office is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner (§ 67.287, RSMo).

300.1.1 DEFINITIONS
Definitions related to this policy include:

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

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

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

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

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

300.2.1 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.

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
Use of Force

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

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.
• 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.
(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.

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

300.4 DEADLY FORCE APPLICATIONS
Use of deadly force is justified in the following circumstances:

(a) A deputy/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.

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

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.

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:

- 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.

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

300.12 USE OF FORCE ANALYSIS
At least annually, the Field Operations Division Commander should prepare an analysis report on use of force incidents. The report should be submitted to the Sheriff. The report should not contain the names of deputies, suspects or case numbers, and should include:

(a) The identification of any trends in the use of force by members.
Use of Force

(b) Training needs recommendations.
(c) Equipment needs recommendations.
(d) Policy revision recommendations.
Use of Force Review Boards

301.1 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.

301.2 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.

301.3 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.

301.4 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.

301.4.1 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
Use of Force Review Boards

- Training Coordinator
- Non-administrative supervisor
- 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.

301.4.2 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.
Use of Force Review Boards

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.

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

302.1 PURPOSE
The purpose of this policy is to provide guidance and direction in the handling of individuals who may appear to law enforcement officers and others to be in a state of excited delirium (ExDS). This policy is part of a cooperative response protocol shared by the Clay County Sheriff’s Office, CCIS, the Cooperative Communications Center, Emergency Medical Services (EMS), and hospital emergency department staff. The coordinated activities and responsibilities identified herein are designed to enhance the response to incidents involving excited delirium.

302.2 POLICY
Rapid control of the subject and transfer to the care of emergency medical providers should be the primary objectives of law enforcement officers unless other action is necessary in order to protect officers or others. The underlying causes of ExDS are not fully understood, although its common symptoms have been documented and witnessed by law enforcement officers. Persons exhibiting symptomatic behavior should be suspected of being the subject of a medical emergency that could result in sudden death.

302.3 DEFINITIONS
Excited Delirium Syndrome (ExDS): A medical disorder generally characterized by observable behaviors including extreme mental and physiological excitement, intense agitation, hyperthermia often resulting in nudity, hostility, exceptional strength, endurance without apparent fatigue, and unusual calmness after restraint accompanied by a risk of sudden death.

Medical Syndrome: A collection of behavioral and physiological signs and symptoms of a medical disorder known to frequently appear together but without a full understanding of their underlying cause or causes.

302.4 PROCEDURES
The following subsections shall delineate the suggested procedures for members of the Clay County Sheriff’s Office.

302.4.1 INITIAL CALL

(a) Calls associated with ExDS often include descriptions by complainants of wild, uncontrollable physical action, and hostility that comes on rapidly.

(b) Where there is suspicion from the complainant that ExDS might be involved, Cooperative Communication Officers shall request the following types of information:

1. Specific behaviors of the subject
Excited Delirium

2. Whether the subject has been or is using PCP, methamphetamine, cocaine, alcohol, or other mind-altering substances separately or in combination.

3. Whether the subject has a history of mental or physical illness or substance use.

(c) When information suggests ExDS, a sufficient number of deputies (if the incident is occurring in the Detention Center a sufficient number of deputies/detention officers) to physically control the subject should be dispatched together with Advanced Life Support EMS personnel (or Detention Center Medical Staff), all of whom shall be alerted to the possibility that the call may involve ExDS.

(d) A supervisory deputy / member should be dispatched to all such calls for service, when reasonably possible.

(e) The caller should be kept on the line, unless it is unsafe or impractical so he or she can provide updated information about the subject that can be relayed to responding deputies and emergency medical providers.

302.4.2 ASSESSMENT

While deputies/members/detention officers cannot diagnose ExDS, they should be cognizant of specific signs and characteristic symptoms. These may include one or more of the following.

(a) Constant or near constant physical activity

(b) Irresponsiveness to police presence

(c) Nakedness/inadequate clothing that may indicate “self-cooling” attempts

(d) Elevated body temperature/Hot to touch

(e) Rapid breathing

(f) Profuse sweating

(g) Extreme aggression or violence

(h) Making unintelligible, animal-like noises

(i) Insensitivity to/extreme tolerance of pain

(j) Excessive strength (out of proportion)

(k) Lack of fatigue despite heavy exertion

(l) Screaming and incoherent talk

(m) Paranoid or panicked demeanor

(n) Attraction to bright lights/loud sounds/glass or shiny objects

302.4.3 CONTROL
Excited Delirium

Physical control must be affected quickly to minimize the intensity and duration of resistance and struggle, which often are direct contributors to sudden death.

(a) When responding to a call involving possible ExDS, deputies/members/detention officers shall do the following:
   1. Eliminate unnecessary emergency lights and sirens.
   2. Ensure that an adequate number of backup personnel have been dispatched to affect rapid control of the suspect.
   3. Ensure that EMS (or Detention Medical Staff) is on the scene or en route. Where possible, EMS (Detention Medical Staff) should be on site when subject control is initiated.

(b) When the individual is responsive to verbal commands, one deputy/member/detention officer should approach the subject and employ verbal techniques to help reduce his or her agitation before resorting to the use of force. The deputy/member/detention officer should
   1. not rush toward, become confrontational, verbally challenge, or attempt to intimidate the subject, as he or she may not comprehend or respond positively to these actions and may become even more agitated or combative; and
   2. ask the subject to sit down, which may have a calming effect, and be prepared to repeat instructions or questions.

(c) Pepper spray, impact weapons, and electronic control weapons (ECWs) used in drive stun contact mode are normally ineffective due to the subject’s elevated threshold of pain.

(d) If an ECW is used in probe mode, the deputy/member/detention officer shall energize the suspect no longer than necessary to overcome resistance. The subject should be restrained as soon as practical while affected by ECW power.

(e) Alternately, a physical takedown using a swarming technique is an effective means of obtaining compliance as long as an adequate number of personnel are available. Lateral vascular neck restraint, if authorized, is another effective means of obtaining control. A coordinated restraint plan should be devised quickly before implementing these approaches.

(f) Personnel should use only those restraints that appear necessary to control the situation and only for the period of time required.

(g) When restrained, personnel should position the subject in a manner that will assist breathing, such as placement on his or her side, and avoid pressure to the chest, neck, or head.

(h) Reasonable steps should be taken to avoid injury, such as moving the subject from asphalt to a grassy area to reduce abrasions and contusions.

(i) Personnel should not attempt to control continued resistance or exertion by pinning the subject to the ground or against a solid object, using their body weight.
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(j) Personnel should check the subject’s pulse and respiration on a continuous basis until transferred to EMS or Medical Staff. Personnel shall ensure the airway is unrestricted and be prepared to administer CPR or an automated external defibrillator (AED) if the subject becomes unconscious.

(k) If the subject becomes calm and breathing is not labored shortly during or after the application of restraints while personnel are still gasping for air, it may be an indication that the subject is in jeopardy and requires immediate medical attention to avoid cardiac arrest.

(l) Individual deputies/members/detention officers who encounter persons exhibiting symptoms of ExDS should adhere to the following guidelines.

1. When there is no apparent threat of immediate injury to the subject or others, the individual should not attempt to take physical control of the subject. This would likely precipitate a struggle and exacerbate the subject’s physical and emotional distress. The individual should wait for backup and EMS assistance before attempting to control the subject.

2. If the subject poses a threat of death or serious bodily injury to the deputy/member/detention officer, others, or to him or herself, apart from the dangers inherent in ExDS alone, intervention should be taken using that level of force reasonably necessary to control the individual.

3. If it can be determined that the subject has been under duress for an extended period of time, the symptoms of ExDS appear acute, and EMS is not readily available, the deputy/member/detention officer should consider affecting control and transporting the subject to the nearest emergency medical facility. This decision should be based largely on whether backup and/or EMS assistance is forthcoming, and the individual’s judgment as to his or her ability to gain control through the use of ECWs or similar means without undue personal risk of bodily harm.

302.4.4 EMERGENCY MEDICAL RESPONSE

As soon as control is obtained, pre-staged EMS (Medical Staff) personnel should examine the subject and provide emergency medical aid as necessary, to include sedation and cooling as indicated.

If sedation is authorized, deputies/members/detention officers shall work with EMS (Medical Staff) to control the subject for purposes of drug administration.

Whenever possible, a deputy/member/detention officer should accompany the subject to the hospital for security purposes and to provide assistance as necessary.

302.4.5 DOCUMENTATION
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Documentation of ExDS incidents is critical for purposes of post-incident personnel review and debriefing, training, creation of a historical record to respond effectively to any civil litigation that may arise, and to respond effectively to inquiries concerning the incident from the community and the media. Documentation should include, at a minimum,

(a) Conditions at the incident scene
(b) Description of the subject’s behavior and its duration
(c) Description of what the subject said during the event
(d) Type of and duration of resistance
(e) Identity of personnel at the scene
(f) Actions taken to control the subject
(g) Restraints used on the subject and the length of time applied
(h) Location of the restraints on the subject
(i) Response time and actions taken by EMS (Medical Staff), including a list of drugs given to the patient
(j) Means of transport and total elapsed time of transport
(k) Behavior of the subject during transport
(l) Means of resuscitation, if appropriate
(m) Vital signs; especially body temperature
(n) Ambient temperature at the time of the incident (warm temperatures are associated with increased frequency of ExDS)
(o) Results of tests and medical assessments taken by Medical Staff, EMS personnel and emergency medical staff
(p) Results of autopsy, if appropriate
(q) Information from relatives and friends of the subject that can provide insight to the potential causation of the incident
(r) Measures taken by Cooperative Communication Center during initial receipt of the call for service, dispatch, and follow up
(s) Analysis of incident and arrest reports and any other information from involved personnel concerning the sheriff's office response to ExDS
(t) Where in-car video cameras and related video recordings are available, they should be used to document the actions of the subject and personnel during the incident

302.4.6 TRAINING
The Sheriff's Office training authority shall ensure that personnel are properly prepared for such incidents, including early detection of ExDS, instruction in defensive tactics recommended for use
when dealing with ExDS subjects, tactics and techniques that should be avoided, and protocols for interfacing with emergency medical responders or detention center Medical Staff.

Cooperative Communications Center staff shall be trained to recognize symptoms that may indicate that an incident involves someone experiencing ExDS.

302.5 ENDNOTES

A broad based panel of experts, commissioned by the National Institute of Justice, US Department of Justice, concluded that “the consensus view of the panel’s medical experts is that this syndrome is indeed real.” Special Panel Review of Excited Delirium, Weapons and Protective Systems Technology Center, December 2011. This is not necessarily the view of the NIJ or USDOJ. However, the report illustrates the continuing debate on underlying causation rather than whether the syndrome, by any other name, exists.

The term “excited delirium” has been accepted by the National Association of Medical Examiners (NAME), the American College of Emergency Physicians (ACEP), and other medical experts but not by the American Medical Association or the American Psychiatric Association.

While verbal de-escalation techniques should be employed before the use of force, due to the extreme fear, confusion, agitation, and panic characteristic of ExDS, these actions will not normally be adequate in efforts to gain compliance sufficient to apply restraints.
Handcuffing and Restraints

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

303.2 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.

303.3 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.

303.3.1 RESTRraint 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.

303.3.2 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.
Handcuffing and Restraints

303.3.3 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.

303.3.4 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.

303.4 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.

303.5 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.

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.

303.6 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.

303.7 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).
303.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS
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.

(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).

303.8 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.
Flash/Sound Diversionary Devices

304.1 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.

304.1.1 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).

304.2 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.

304.3 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.
304.4 STORAGE
Storage of DD's shall follow the guidelines contained in this section:

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

304.5 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.

304.5.1 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.

304.5.2 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
(b) Riot Control
(c) To provide distraction to a potentially dangerous suspect to help effectuate his/her arrest
(d) To help prevent a shooting

304.5.3 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.

304.5.4 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.
Control Devices and Techniques

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

305.2 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.

305.3 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.

305.3.1 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.

305.4 RESPONSIBILITIES

305.4.1 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.
305.4.2 LEAD FIREARMS INSTRUCTOR OR HIS DESIGNEE RESPONSIBILITIES
The Lead Firearms Instructor or his 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.

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

305.4.3 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 his 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.

305.5 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.

305.6 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.

305.7 OLEORESIN CAPSICUM (OC) GUIDELINES
As with other control devices, oleoresin capiscum (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.
Control Devices and Techniques

305.7.1 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.

305.7.2 PEPPER PROJECTILE SYSTEMS
Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the deputy/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.

305.7.3 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.

305.8 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.

305.9 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.
Control Devices and Techniques

305.9.1 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.
(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.

305.9.2 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
Control Devices and Techniques

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.

305.9.3 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 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.

305.10 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.
305.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES
Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.
Conducted Energy Device

306.1 PURPOSE AND SCOPE

306.2 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.

306.3 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 or Class C 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.

306.4 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:
Conducted Energy Device

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

(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.

306.5 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.

306.5.1 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.

306.5.2 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.
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(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.
(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.

306.5.3 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.

306.5.4 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.
306.5.5 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.

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

306.5.7 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.

306.6 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.

306.6.1 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.
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(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 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.

306.6.2 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

306.7 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.
Conducted Energy Device

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.

306.8 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.

306.9 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:
Conducted Energy Device

(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.

306.10 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.
Officer-Involved Shooting

307.1 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.

307.1.1 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.

307.2 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.

307.3 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.

307.3.1 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.

307.3.2 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.

307.3.3 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.

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

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Criminal investigation of suspect</th>
<th>Criminal investigation of officer</th>
<th>Civil investigation</th>
<th>Administrative investigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>CCSO officer in this jurisdiction</td>
<td>CCSO investigators</td>
<td>CCSO investigators or uninvolved agency</td>
<td>CCSO Civil Liability Team</td>
<td>CCSO Professional Standards Unit</td>
</tr>
<tr>
<td>Outside agency's officer in this jurisdiction</td>
<td>CCSO investigators</td>
<td>CCSO investigators or outside agency</td>
<td>Involved officer's agency</td>
<td>Involved officer's agency</td>
</tr>
<tr>
<td>CCSO officer in another jurisdiction</td>
<td>Agency where incident occurred</td>
<td>Decision made by agency where incident occurred</td>
<td>CCSO Civil Liability Team</td>
<td>CCSO Professional Standards Unit</td>
</tr>
</tbody>
</table>

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

307.4.1 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.

307.4.2 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.

(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 an 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.

307.4.3 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.

307.4.4 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
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• 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.

307.4.5 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.

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.

307.4.6 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.

307.5 SHOOTING INCIDENT CRIMINAL INVESTIGATION

307.5.1 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.

307.5.2 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.

307.5.3 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 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.

307.6 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.

307.7 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.

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.
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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.

307.8 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.
Officer-Involved Shooting

307.9 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.
Firearms

308.1 PURPOSE AND SCOPE
This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms qualifications and training.

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

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

308.1.1 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 and qualification course by a department 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

308.2 POLICY
The Clay County Sheriff’s Office will equip its members with firearms to address the risks posed to the public and office members by violent and sometimes well-armed persons. The Firearms Training Unit will ensure firearms are appropriate, in good working order and that relevant training is provided on a continual basis.

308.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS
Members shall only use firearms that are issued or approved by the Office and have been thoroughly inspected by the Lead Firearms Instructor or his designee. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized office range.

All other firearms and or weapons not provided by the Office, including, but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by office policy, may not be carried by members in the performance of their official duties without the express written authorization of the Sheriff and
Firearms

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

308.3.1 HANDGUNS

The authorized office-issued handgun is the Glock 17 Gen5 and Glock 19 Gen5. Both of these handguns are chamber in 9mm caliber. These handguns will be carried while members are on duty and wearing their Class A and C uniforms.

The Sheriff may approve alternative handguns at his discretion.

308.3.2 SHOTGUNS

The authorized office-issued shotgun is the Remington 870 Police Magnum and the Remington 870 Express Magnum; both models of these shotguns carry a barrel of 14 or 18 inches, and are chamber for 12ga rounds. Personally owned shotguns are prohibited from being carried.

When not deployed, a member’s office-issued shotgun shall be properly secured in a locking gun rack in the patrol vehicle with the magazine loaded, the action closed on an empty chamber, the trigger pulled to release the hammer and the safety in the safe position.

Members that are issued patrol vehicle that do not have gun locks, shall store their office-issue shotgun in a soft or hard gun case. The gun case will be stored in discrete location out of view, but quickly accessible to the member.

308.3.3 PATROL RIFLES

The authorized office-issued patrol rifle is the Colt LE6933, LE6944, LE6943 and LE6920. Personally owned patrol rifles are prohibited from being carried on-duty.

When not deployed, a member’s office-issued patrol rifle shall be properly secured in a locking gun rack in the patrol vehicle with the chamber empty, magazine loaded and inserted into the magazine well, the bolt forward with the dust cover closed, the trigger pulled to release the hammer and the selector switch in the “FIRE” position (selector switch cannot be placed in the “SAFE” position with the hammer released).

Members that are issued patrol vehicle that do not have gun locks, shall store their office-issue patrol rifle in a soft or hard gun case. The gun case will be stored in discrete location out of view, but quickly accessible to the member.

308.3.4 PERSONALLY OWNED DUTY FIREARMS

Members wearing civilian clothing my carry a personally owned handgun, the personally owned handgun must be on the approved secondary / off-duty approved handgun list. Each personally owned handgun shall be inspected and approved by the Lead Firearms Instructor or his designee. Each member that desires to carry a personally owned handgun shall complete all qualification requirements to carry the personally owned handgun on-duty or off-duty.
308.3.5 AUTHORIZED SECONDARY HANDGUN
Members desiring to carry office or personally owned secondary handguns are subject to the following restrictions:

a. The handgun shall be on the secondary / off-duty approved handgun list. The Lead Firearms Instructor will maintain a current secondary / off-duty approved handgun list.
b. The handgun shall be in good working order.
c. Only one secondary handgun can be carried at a time.
d. The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Office.
e. The secondary handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
f. The handgun shall be inspected by the Lead Firearms Instructor or his designee prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
g. Ammunition shall be the same as office issue. If the caliber of the handgun is other than office issue, the Lead Firearms Instructor or his designee shall approve alternative ammunition.
h. Prior to carrying the secondary handgun, members shall qualify under range supervision by the Lead Firearms Instructor or his designee. The member shall qualify annually on their secondary handgun. Members must demonstrate proficiency, safe handling, and the handgun functions properly.
i. Members shall provide the Lead Firearms Instructor written notice of the make, model, serial number and caliber of the secondary handgun, who will maintain a list of the information.

308.3.6 AUTHORIZED OFF-DUTY HANDGUNS
The carrying of handguns by member while off-duty is permitted by the Sheriff but may be rescinded should circumstances dictate (e.g., administrative leave). Members who choose to carry a handgun while off-duty, based on their authority as a peace officer, will be required to meet the following guidelines:

a. The handgun shall be on the secondary / off-duty approved handgun list. The Lead Firearms Instructor will maintain a current secondary / off-duty approved handgun list.
b. The purchase of the personally owned handgun and ammunition shall be the responsibility of the member.
c. The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
d. It will be the responsibility of the member to submit the handgun to the Lead Firearms Instructor or his designee for inspection prior to being personally carried. Thereafter the handgun shall be subject to periodic inspections by the Lead Firearms Instructor or his designee.
e. Prior to carrying the secondary handgun, members shall qualify under range supervision by the Lead Firearms Instructor or his designee. The member shall qualify annually on their off-duty handgun. Members must demonstrate proficiency, safe handling, and the handgun functions properly.
Firearms

f. Members shall provide the Lead Firearms Instructor written notice of the make, model, serial number and caliber of the secondary handgun, who will maintain a list of the information.
g. If the member desires to use more than one handgun while off-duty, he/she may do so, as long as all the requirements set forth in this policy for each handgun are met.
h. Ammunition shall be the same as office issue. If the caliber of the handgun is other than office issue, the Lead Firearms Instructor or his designee shall approve alternative ammunition
i. When armed, members shall carry their badges and Clay County Sheriff’s Office identification cards under circumstances requiring possession of such identification.

308.3.7 SPECIALTY FIREARMS
Specialty Firearms will only be used by members that have been through the appropriate training for that specific firearm. The following is a list of office-issued specialty firearms, but not limited to:
a. Precision Rifle (bolt action rifles)
b. Gas Gun
c. Shotguns that are dedicated to be used as less lethal weapons
d. Simunition firearms

The Sheriff, the Lead Firearms Instructor, STAR Team-Team Leader(s) or their designee, shall be the only members to have the authority to issue the usage of the above listed specialty firearms.

308.3.8 AMMUNITION
Members shall carry only office-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all office-issued firearms. Replacements for unserviceable or depleted ammunition issued by the Office shall be dispensed by the Lead Firearms Instructor or his designee when need, in accordance with established policy.

Members carrying personally owned approved handguns shall be responsible for obtaining fresh duty ammunition at their own expense. The Lead Firearms Instructor will provide a list of approved ammunition.

The Clay County Sheriff’s Office will provide ammunition for all training and qualifications relating to office-issued firearms. Member attending a secondary or off-duty handgun qualification will provide ammunition at their own expense. Ammunition shall be of good quality and factory built; reloaded ammunition shall not be fired in office-issued firearms or allowed at any office-range event.

Any member using reloaded and/or non-approved ammunition in an office-owned firearm may be subject to discipline up to and including termination. Damage to office-owned firearms 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 firearm will be reside with the Sheriff or his designee

308.4 REPAIRS, MODIFICATIONS AND EQUIPMENT
Firearms

Firearms carried on or off-duty shall be maintained in a clean, serviceable condition. The Sheriff’s Office shall provide a location where members can clean office-issued firearms. The Lead Firearms Instructor will be responsible for stocking the appropriated tools and products to clean office-issued firearms.

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor and the Lead Firearms Instructor.

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

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

308.4.1 HOLSTERS
Only office-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun. Office-approved holster shall have a level 1 retention or higher. The Lead Firearms Instructor will provide a list of office-approved holsters.

Members carrying approved personal handguns will be required to purchase a holster at their own expense. The holster shall be made to accept the handgun they have chosen to carry. The member will need to show that they are proficient at manipulating the holster.

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

308.4.3 SIGHTS AND OPTICS
Aftermarket sights and or optics may only be installed on a firearm carried on or off-duty after they have been examined and approved by the Lead Firearms Instructor. Any approved sight or optic shall only be installed in strict accordance with manufacture specifications. Once approved, and the sight and or optic have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

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

308.5 SAFE HANDLING, INSPECTION AND STORAGE
Members shall maintain the highest level of safety when handling firearms and shall consider the following:
Firearms

a. Members shall not unnecessarily display or handle any firearm.

b. Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Lead Firearms Instructor or designee. Members shall not dry fire or practice quick draw except under the Lead Firearms Instructor or designee’s supervision.

c. Members shall not clean, repair, load or unload a firearm anywhere in the Office, except where clearing barrels are present.

d. Shotguns and rifles removed from vehicles or the Armory safe shall be loaded and unloaded in the parking lot and outside of the vehicle or anywhere there is a clearing barrel present.

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

f. Members shall never use any automatic or three round burst firearms. Heavy caliber rifles, gas guns, chemical guns or other type of specialty firearms can only be issued and approved by the Sheriff, Lead Firearms Instructor or the STAR Team-Team Leader(s) or their designee.

g. Any firearm authorized by the Office to be carried on or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Lead Firearms Instructor for approved inspection and repair. Any firearm deemed in need of repair or service by the Lead Firearm Instructor will immediately be removed from service. If the firearm is the member’s primary duty firearm, a replacement will be issued to the member until the duty firearm is serviceable.

308.5.1 INSPECTION AND STORAGE

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

Personally owned firearms shall be stored safely and locked up when not being used in the line of duty. Handguns may remain loaded if they are secured in an appropriate holster or in a locked gun case.

308.5.2 STORAGE AT HOME

Members shall ensure that all firearms and ammunition are secured while in their homes, vehicles or any other area under their control and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit office-issued firearms to be handled by anyone not authorized by the Office to do so. Members should be aware that negligent storage of firearms could result in civil liability.
308.5.3 ALCOHOL AND DRUGS
Firearms shall not be carried by any member, either on or off-duty, who has consumed any amount of an alcoholic beverage, taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the member’s senses or judgment.

308.6 FIREARMS TRAINING AND QUALIFICATIONS
Members who carry a firearm while on duty are required to successfully complete training annually with their duty firearms. In addition to annual training, all members will qualify annually with their duty firearms. Members carrying secondary firearms or off-duty firearms are required to qualify annually. Secondary and off-duty firearms qualifications will be on a volunteer basis. At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

Members who attend firearms training and or a qualification must be in good physical condition. Member must have the physical stamina to run/sprint short distances, lift heavy objects, complete basic calisthenics, pull themselves up, walk upstairs, move from a standing position to a kneeling position and vice versa.

Members who have physical limitation shall not attend firearms functions. Members who display limitations, being physical or mental, that put them and other in harm’s way will be removed from the range. Members who violate firearms safety rules will be removed from the range. Any firearms instructor has the authority to remove any member from a firearms function.

308.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

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

Those who fail to meet minimum standards or qualify on their first shooting attempt will be given a second attempt to qualify on the same day. If a member fails their second attempt or shows a poor performance, their firearm shall be removed and forwarded to the Lead Firearms Instructor. If the member arrived in an office-issued vehicle they shall not be allowed to drive that vehicle. Once a firearm has been removed from a member the following shall take place:

a. After Action Reports shall be completed about the member not meeting the minimum requirement. Copies of the After Action Report will be forwarded to the Lead Firearms Instructor.

b. Additional range assignment or remedial training will be scheduled to assist the member in demonstrating consistent firearm proficiency.

c. The member shall be given a third attempt to pass the training and qualification requirements. If the member passes the range requirement, After Action Reports will be completed and forwarded to the Lead Firearms Instructor.

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

e. No range credit will be given for the following:
   1. Unauthorized range make-up
   2. Failure to meet minimum standards or qualify after remedial training.

Members who repeatedly fail to meet minimum standards will be removed from field assignments and may be subject to disciplinary action. After Action Reports will be completed and forwarded to the Lead Firearms instructor regarding any member that fails a third training or qualification requirement.

308.6.2 MODIFIED DUTY-FIREARMS
The Lead Firearms Instructor shall be notified when any member is placed on modified duty longer than 14 days. Any member that is on modified duty longer than 14 days may be required to attend and pass a practical pistol course. It will be the member’s responsibility to contact the Lead Firearms Instructor to see if a firearms qualification course is needed.

Members that are injured, ill or placed on modified duty may continue to carry a firearm as long as their injury or illness doesn’t hinder their ability to handle said firearm. Members on modified duty carrying a firearm will not wear issued uniforms or attire with Sheriff’s Office signatures. Members on modified duty carrying a firearm should wear clothing that effectively conceals the firearm when outside a controlled law enforcement facility or work area.

Any member on modified duty, who did not qualify during the previous year, will not carry a firearm and will qualify prior to returning to full duty. In addition, the Sheriff/Commander or a department-authorized physician may direct the member not to carry a firearm for the duration of the modified duty assignment.

Members that are on placed on administrative leave will surrender all DEPARTMENT ISSUED firearms to their division commander or designee. The firearms will be turned over to the Lead Firearms Instructor for safe keeping. The firearms will not be return to the member until approved by the division commander.

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

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

a. If on-duty at the time of the incident, the member shall file a written report with his/her 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 a recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

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

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

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

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

308.7.3 WARNING AND OTHER SHOTS

308.8 LEAD FIREARMS INSTRUCTOR
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. The Lead Firearms Instructor will maintain a roster of all members attending the range and will submit the roster to the Training Coordinator after each range event. Failure of any member to sign in and out with the Lead Firearms Instructor may result in non-participation or non-qualification.

The range shall remain operational and accessible to office members during hours established by the Lead Firearms Instructor. Members shall not arrive more than 15 minutes prior to their scheduled times. The Lead Firearms Instructor or his designee has exclusive control over who attends the range and can remove any member from the range if he/she deems it necessary. Members who arrived late for their scheduled range date/time will not be allowed to participate.

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

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

The Lead Firearms Instructor shall complete documentation of the training courses provided. Documentation shall include the qualification of each instructor who provides the training, a description of the training provided, and a list of each member who completes the training. The Lead Firearms Instructor should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records that may be requires. The Lead Firearms Instructor shall submit documents/certificates to the Training Coordinator, for each member that has successfully completed a training or qualification course.

Additional requirements for the Lead Firearms Instructor are, but not limited to:

a. Organizing all firearms training and qualification events, this would include locating an available range, sending out range event notices, creating range schedules. Making sure all required equipment is available.
b. Transporting all required equipment to the available range location.
c. Documenting all members’ firearms training/qualifications, imputing required documents into the firearms database.
d. Submitting firearms records for continuing education hours.
e. Developing lesson plans and course of fires.
f. The issuance and intake of all firearms to members, along with other firearms related equipment.
g. Overseeing that the cleaning bench is properly supplied, and clearing/charging barrels are in their proper location and in working order.
h. Yearly firearms inspections
i. Fix, repair, and clean all firearms before they are issued.
j. Annual auditing of all firearms and their location or issuance.
k. Developing yearly firearms budget.
l. Purchasing all firearms related equipment.
m. Overseeing ammunition inventory and issuance. (Training and Duty)

The Lead Firearms Instructor and all other Office Firearms Instructors should attend a formal firearms instructor or firearms training course every two years to maintain their skills and knowledge.

308.9 FLYING WHILE ARMED

a. Members wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure.
b. Members must have a need to have the firearm accessible, as determined by the Office based on the law and published TSA rules.
c. Members must carry their Clay County Sheriff’s Office identification card, bearing the member’s name, a full-face photograph, identification number, the member’s signature and the signature of the Sheriff or the official seal of the Office.

d. Members must present this identification to airline officials when requested. The member shall also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g. driver license, passport).

e. The Clay County Sheriff’s Office must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the members travel.

f. If approved, TSA will send the Clay County Sheriff’s Office an NLETS message containing unique alphanumeric identifiers. The member must present the message on the day of travel to airport personnel as authorization to travel while armed.

g. An official letter signed by the Sheriff authorizing armed travel may also accompany the member. The letter should outline the members need to fly armed, detail his/her itinerary, and include that the member has completed the mandatory TSA training for a law enforcement officer flying while armed.

h. Members must complete the mandated TSA security training covering members flying armed. The training shall be given by the office-appointed instructor.

i. It is the member’s responsibility to notify the air carrier in advance of the intended armed travel. This should be accomplished by early check-in at the carriers check in counter.

j. Any member flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.

k. Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The member 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.

l. Members should try to resolve any problem through the flight captain, ground security manager, TSA Representative or other management representative of the air carrier.

m. Member shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

308.10 CARRYING FIREARMS OUT OF STATE

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

a. The member shall carry his/her Clay County Sheriff’s Office identification card whenever carrying such firearm.

b. The member is not the subject of any current disciplinary action.

c. The member may not be under the influence of alcohol or any other intoxicating or hallucinatory drugs.

d. The member will remain subject to this and all other office polices (including qualifying and training).

Members 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,
Firearms 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 member from arrest and prosecution in such locally restricted areas.

Active peace officers from other states are subject to all requirements set forth in 18 USC 926B

308.11 TRAVELING WITH NFA FIREARMS
Currently all Sheriff’s Office shotguns and rifles are registered as NFA (National Firearms Act) Firearms. These are short barreled firearms and therefore have restrictions when it comes to possession and travel. NFA firearms shall only be used by and in the possession of the deputy it was assigned to, unless circumstance deem otherwise.

Members shall not travel outside the state with any NFA firearms unless it’s for work or training. Members’ traveling out of state for training that requires the use of their NFA firearm shall notify the Lead Firearm’s Instructor of the dates the firearms will be out of State and for what purpose.
Use of Non-Lethal Training Ammunition

309.1 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.

309.2 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.

309.3 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.

309.3.1 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 or his designee, competence, proficiency and familiarity with the NLTA system being utilized.

309.3.2 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.
Use of Non-Lethal Training Ammunition

(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

(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
Use of Non-Lethal Training Ammunition

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.

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:
Use of Non-Lethal Training Ammunition

(a) No NLTA shall be loaded into weapons until authorized by the Training Instructor.

(b) The training environment shall be at all times designated as "hot" or "cold" by the Training Instructor.

(c) Subsequent to the issuance, but prior to the loading, of any ammunition, the range shall be declared "cold" by the Training Instructor.

(d) Helmets and other protective equipment may only be removed when the training environment is declared "cold".

(e) At any point in which the training environment is declared "cold" NLTA weapons shall either be slung or holstered.

(f) 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.

(g) 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.

(h) NLTA may only be loaded, or training weapons handled, subsequent to a declaration of the training environment as "hot".

(i) Protective equipment may not be removed at any time during which the training environment is declared "hot".

(j) 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".

(k) 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.

(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.
309.3.3 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".

309.3.4 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.

309.3.5 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.
Use of Non-Lethal Training Ammunition

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.

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.

309.4 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.

309.5 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.
Vehicle Pursuits

310.1 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 (§ 67.287, RSMo).

310.1.1 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.

310.2 POLICY
This office’s 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.

310.3 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). The officer/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.
Vehicle Pursuits

- 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.

310.3.1 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.

310.3.2 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.

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.

310.4 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.
Vehicle Pursuits

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 involved in a pursuit whenever practicable.

310.4.1 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.

310.4.2 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.

310.4.3 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.

310.4.4 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.

310.4.5 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.

(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.
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310.4.6 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.

310.4.7 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.

310.4.8 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.

310.5 SUPERVISORY CONTROL AND RESPONSIBILITIES
It is the policy of this office that available supervisory and management control will be exercised over all vehicle pursuits involving deputies from this 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 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.

310.5.1 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.

310.6 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 or communications dispatcher. If the pursuit leaves the jurisdiction of this office or such is imminent, involved units should, whenever available, switch radio communications to an emergency channel most accessible by participating agencies and units.

310.6.1 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.

(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.
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(f) Notifying the Shift/Unit Supervisor as soon as practicable.

310.6.2 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.

310.7 INTERJURISDICTIONAL CONSIDERATIONS
A deputy may only initiate a pursuit while within the jurisdiction of this 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) When a tire deflation device (s) are successfully deployed on a vehicle where the pursuit was initiated within Clay County by Sheriff's Office personnel as detailed in section 314.8.3 Intervention Standards subsection (e)
(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 (§ 544.157, RSMo).

310.7.1 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 this 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 same reasons, when a pursuit leaves another jurisdiction and a request for assistance is made to this office, the other agency should relinquish control.

310.7.2 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.

310.8 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.

310.8.1 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.

310.8.2 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 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.

310.8.3 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 non-sworn 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 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.

310.8.4 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.
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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.

310.9 REPORTING AND REVIEW REQUIREMENTS
All appropriate reports shall be completed to comply with local and state regulations.

(a) The primary deputy and assisting Deputies shall complete appropriate crime/arrest report(s) and Use of Force/Pursuit report(s).

(b) In the event the primary pursuing Deputy, or any assisting Deputy, is unable to prepare a report of the pursuit the on duty field supervisor shall prepare the report as outlined in section 314.9 subsection (a).

(c) After first obtaining the available information, the primary pursuing Deputy and the assisting Deputies shall promptly complete detailed reports of the pursuit. These reports shall 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
   7. Arrestee information should be provided if applicable
   8. Injuries and/or property damage
   9. Medical treatment
   10. The outcome of the pursuit
   11. All in -car audio/video and body worn audio/video attached to the report or if audio/video is unavailable, providing a detailed explanation as to why it is unavailable.

(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.

310.9.1 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
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to balance the known offense and the need for immediate capture against the risks to deputies and others.

310.9.2 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.
Deputy Response to Calls

311.1 PURPOSE AND SCOPE
This policy provides for the safe and appropriate response to all emergency and non-emergency situations.

311.2 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).

311.3 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.

311.3.1 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.
311.4 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.

311.5 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.

311.6 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.
Deputy Response to Calls

(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.

311.7 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.

(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

311.8 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.
Canines

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

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

312.3 ASSIGNMENT
Canine teams should be assigned to assist and supplement the Field Operations Division to function primarily in assist or cover assignments. However, they may be assigned by the Shift/Unit Supervisor to other functions, such as routine calls for service, based on the current operational needs.

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time and then only with the approval of the Shift/Unit Supervisor.

312.4 CANINE COORDINATOR
The canine coordinator shall be appointed by and directly responsible to the Field Operations Division Commander or the authorized designee.

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

(a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.
(b) Maintaining a liaison with the vendor kennel.
(c) Maintaining a liaison with command staff and functional supervisors.
(d) Maintaining a liaison with other agency canine coordinators.
(e) Maintaining accurate records to document canine activities.
(f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.
(g) Scheduling all canine-related activities.
(h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.
312.5 REQUESTS FOR CANINE TEAMS
Field Operations Division members are encouraged to request the use of a canine. Requests for a canine team from office units outside of the Field Operations Division shall be reviewed by the Shift/Unit Supervisor.

312.5.1 OUTSIDE AGENCY REQUESTS
All requests for canine assistance from outside agencies must be approved by the Shift/Unit Supervisor and are subject to the following:

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

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

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

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

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

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

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Shift/Unit Supervisor. Absent a change in circumstances that present an imminent threat to deputies, the canine or the public, such canine use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

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

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

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

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

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

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

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

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.
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312.6.2 WARNINGS AND ANNOUNCEMENTS
Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

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

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

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

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

Canines used by law enforcement agencies are generally exempt from impoundment and reporting requirements (§ 578.022, RSMo).

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

(a) Absent a change in circumstances that present an immediate threat to deputies, the canine or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.

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

(c) Throughout the deployment the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.

(d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

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

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

(a) The search of vehicles, buildings, bags and other articles.

(b) Assisting in the search for narcotics during a search warrant service.

(c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

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

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

(a) Assisting in the search of a building, structure, area, vehicle or article where an actual or suspected explosive device has been reported or located.

(b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).

(c) Preventive searches at special events, VIP visits, official buildings and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.

(d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

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

312.8 HANDLER SELECTION
The minimum qualifications for the assignment of canine handler include:

(a) A deputy who is currently off probation.
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(b) Residing in an adequately fenced, single-family residence (minimum 5-foot high fence with locking gates).

(c) A garage that can be secured and accommodate a canine vehicle.

(d) Living within 30 minutes travel time from the Clay County limits.

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

312.9 HANDLER RESPONSIBILITIES

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

The canine handler will be responsible for the following:

(a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.

(b) The handler shall maintain all office equipment under his/her control in a clean and serviceable condition.

(c) When not in service, the handler shall maintain the canine vehicle in a locked garage, away from public view.

(d) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Clay County Sheriff's Office facility.

(e) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.

(f) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.

(g) When off-duty, the canine shall be in a kennel provided by the County at the home of the handler. When a canine is kenneled at the handler’s home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.

(h) The canine should be permitted to socialize in the home with the handler’s family for short periods of time and under the direct supervision of the handler.

(i) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Shift/Unit Supervisor.

(j) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Shift/Unit Supervisor.

(k) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made.
312.9.1 CANINE IN PUBLIC AREAS
The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

(a) A canine shall not be left unattended in any area to which the public may have access.

(b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the dog. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

312.10 CANINE INJURY AND MEDICAL CARE
In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine coordinator or Shift/Unit Supervisor as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the handler's personnel file.

312.11 TRAINING
Before assignment in the field, each canine team shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards established for their particular skills.

The canine coordinator shall be responsible for scheduling periodic training for all office members in order to familiarize them with how to conduct themselves in the presence of office canines.

All canine training should be conducted while on-duty unless otherwise approved by the canine coordinator or Shift/Unit Supervisor.

312.11.1 CONTINUED TRAINING
Each canine team shall thereafter be recertified to a current nationally recognized standard or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

(a) Canine teams should receive training as defined in the current contract with the Clay County Sheriff's Office canine training provider.

(b) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.

(c) To ensure that all training is consistent, no handler, trainer or outside vendor is authorized to train to a standard that is not reviewed and approved by this office.

312.11.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING
Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably
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practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

312.11.3 TRAINING RECORDS
All canine training records shall be maintained in the canine handler’s and the canine’s training file.

312.11.4 TRAINING AIDS
Training aids are required to effectively train and maintain the skills of canines. Deputies possessing, using or transporting controlled substances or explosives for canine training purposes must comply with federal and state requirements regarding the same. Alternatively, the Clay County Sheriff's Office may work with outside trainers with the applicable licenses or permits.

312.11.5 CONTROLLED SUBSTANCE TRAINING AIDS
Deputies acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws (21 USC § 823(f); § 195.030, RSMo; § 195.050, RSMo).

The Sheriff or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Clay County Sheriff's Office to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this office for training purposes, provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Sheriff or the authorized designee may request narcotics training aids from the Drug Enforcement Agency (DEA).

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

312.11.6 CONTROLLED SUBSTANCE PROCEDURES
Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the canine’s accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

(a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.

(b) The weight and test results shall be recorded and maintained by this office.

(c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.

(d) All controlled substance training samples will be inspected, weighed and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.

(e) All controlled substance training samples will be stored in locked, airtight and watertight cases at all times, except during training. The locked cases shall be secured...
in the trunk of the canine handler’s assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.

(f) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.

(g) Any unusable controlled substance training samples shall be returned to the 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.

312.11.7 EXPLOSIVE TRAINING AIDS
Deputies may possess, transport, store or use explosives or destructive devices in compliance with state and federal laws (18 USC § 842; 27 CFR 555.41; 11 CSR 40-7.010).

Explosive training aids designed specifically for canine teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids by canine teams is subject to the following:

(a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.

(b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.

(c) The canine coordinator shall be responsible to verify the explosive training aids on hand against the inventory ledger once each quarter.

(d) Only members of the canine team shall have access to the explosive training aids storage facility.

(e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.

(f) Any lost or damaged explosive training aids shall be promptly reported to the canine coordinator, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).
Domestic Violence

313.1 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.

313.1.1 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.

**Domestic violence** - Abuse or stalking committed by a family or household member. Abuse may be in the form of an assault, battery, coercion, harassment, sexual assault, unlawful imprisonment or an attempt to commit these acts (§ 455.010, RSMo).

**Family or household member** - Includes spouses, former spouses, any person related by blood or marriage, persons who are presently residing together or have resided together in the past, persons who are or have been in a continuing social relationship of a romantic or intimate nature, and persons who have a child in common regardless of whether they have been married or have resided together at any time (§ 455.010, RSMo).

313.2 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.

313.3 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.

313.4 INVESTIGATIONS
The following guidelines should be followed by deputies when investigating domestic violence cases:
Domestic Violence

(a) Calls of reported, threatened, imminent or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.

(b) When practicable, deputies should obtain and document statements from the victim, the suspect and any witnesses, including children, in or around the household or location of occurrence.

(c) Deputies should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.

(d) When practicable and legally permitted, video or audio record all significant statements and observations.

(e) All injuries should be photographed, regardless of severity, taking care to preserve the victim’s personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident, 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
Domestic 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

313.4.1 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.

313.4.2 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.
   2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).

(b) Document the resolution in a report.

313.5 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.
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(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.

313.6 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.

313.7 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.

313.8 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.

(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.

313.9 LEGAL MANDATES AND RELEVANT LAWS

Missouri law provides for the following:

313.9.1 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.

313.9.2 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.
Search and Seizure

314.1 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.

314.2 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.

314.3 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.

314.4 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.

314.5 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
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• 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.
Temporary Custody of Juveniles

315.1 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).

315.1.1 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.

315.2 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.

315.3 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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315.3.1 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.

315.3.2 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.

315.3.3 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.
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- 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 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).

315.4 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, RSMo; 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.

315.5 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.
315.5.1 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.

315.6 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.

315.7 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.
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(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.

315.7.1 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.

315.7.2 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.

315.8 PHYSICAL AND MENTAL HEALTH-RELATED ISSUES

315.8.1 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.
315.8.2 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.

315.8.3 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.

315.9 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. 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.

315.10 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
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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.

315.11 SECURE CUSTODY

315.11.1 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.

315.11.2 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.

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.
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315.11.3 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.

315.12 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

315.13 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).

315.14 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.

315.15 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.

(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.
Adult Abuse

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

316.1.1 DEFINITIONS
Definitions related to this policy include:

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

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

316.3 MANDATORY NOTIFICATIONS
Members of the Clay County Sheriff's Office shall immediately notify the Department of Health and Senior Services (DHSS) whenever they have reasonable cause to believe that any of the following individuals have been abused or neglected or present a likelihood of suffering serious abuse or neglect:

(a) A resident of a convalescent, nursing and boarding facility (§ 198.070, RSMo)
(b) A person 60 years of age or older who is unable to protect his/her own interests, or adequately perform or obtain services which are necessary to meet his/her essential human needs (§ 192.2405, RSMo)
(c) An adult with a disability between the ages of 18 and 59 who is unable to protect his/her own interests or adequately perform or obtain services which are necessary to meet his/her essential human needs (§ 192.2405, RSMo)
(d) An in-home services client (§ 192.2475, RSMo)

For purpose of notification, abuse includes physical, sexual, or emotional injury or harm, financial exploitation or bullying (§ 192.2400, RSMo; § 198.006, RSMo).

316.3.1 NOTIFICATION PROCEDURE
Notifications shall be made either orally or in writing as soon as practicable and may be made to the DHSS toll-free reporting number. The notification should include the name and address of any related facility, including the name of the victim, information regarding the nature of the abuse or neglect, the name of the complainant and any other information that might be helpful to the investigation (§ 192.2410, RSMo; § 198.070, RSMo).

The time and manner of notification should be documented in a report.
316.4 QUALIFIED INVESTIGATORS
Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

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

316.5 INVESTIGATIONS AND REPORTING
All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated.

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

(a) The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected adult abuse victim is contacted.
(b) Any relevant statements the victim may have made and to whom he/she made the statements.
(c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
(d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
(e) Whether the victim was transported for medical treatment or a medical examination.
(f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.
(g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
(h) Previous addresses of the victim and suspect.
(i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim’s environment.

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.
316.6 PROTECTIVE CUSTODY
Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the deputy should make reasonable attempts to contact DHSS. Generally, removal of an adult abuse victim from his/her family, guardian or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this office should remove an adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the deputy should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the deputy shall ensure that the adult is delivered to DHSS.

Whenever practicable, the deputy should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, deputy should contact a supervisor promptly after taking the adult into protective custody.

Protective custody of an adult abuse victim may only occur in the following situations (§ 192.2465, RSMo):

(a) Where there is probable cause to believe an adult who is incapable of giving consent will suffer imminent physical harm if not immediately taken to a medical facility and it is not practicable for the DHSS to initiate guardianship or conservatorship proceedings.
   1. The deputy shall notify the next of kin of the victim, if known, and the DHSS.
(b) Pursuant to a warrant to enter the premises and remove the victim.

When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

316.7 INTERVIEWS
316.7.1 PRELIMINARY INTERVIEWS
Absent extenuating circumstances or impracticality, deputies should audio record the preliminary interview with a suspected adult abuse victim. Deputies should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating deputies should defer interviews until a person who is specially trained in such interviews is available.
316.7.2 DETAINING VICTIMS FOR INTERVIEWS
A deputy should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

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

(b) A court order or warrant has been issued.

316.8 MEDICAL EXAMINATIONS
When an adult abuse investigation requires a medical examination, the investigating deputy should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The deputy should also arrange for the adult’s transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, deputies should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for deputies to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

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

316.9.1 SUPERVISOR RESPONSIBILITIES
The Investigation Unit supervisor should:

(a) Work with professionals from the appropriate agencies, including DHSS, other law enforcement agencies, medical service providers and local prosecutors, to develop community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when a deputy notifies the Investigation Unit supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.
(c) Develop a report format or checklist for use when deputies respond to drug labs or other narcotics crime scenes. The checklist will help deputies document the environmental, medical, social and other conditions that may affect the adult.

316.9.2 DEPUTY RESPONSIBILITIES
Deputies responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives should:

(a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.
(b) Notify the Investigation Unit supervisor so an interagency response can begin.

316.10 RECORDS CENTER RESPONSIBILITIES
The Records Center is responsible for:

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

316.11 RELEASE OF REPORTS
Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy.

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

(a) Participating in multidisciplinary investigations, as appropriate.
(b) Conducting interviews.
(c) Availability of therapy services for adults and families.
(d) Availability of specialized forensic medical exams.
(e) Cultural competence (including interpretive services) related to adult abuse investigations.
(f) Availability of victim advocates or other support.
Discriminatory Harassment

317.1 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.

317.2 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 members 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.

317.3 DISCRIMINATION PROHIBITED

317.3.1 DISCRIMINATION
The Clay County Sheriff's Office prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on race, color, religion, sex, age, national origin or ancestry, genetic information, disability, military service, sexual orientation and other classifications protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment, can include making derogatory comments, authoring crude and offensive statements or remarks, making slurs or off-color jokes, stereotyping, engaging in threatening acts, making indecent gestures, pictures,
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cartoons, posters or material, making inappropriate physical contact, or using written material or sheriff's office equipment and/or systems to transmit 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.

317.3.2 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 a member 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.
Discriminatory Harassment

317.3.3 ADDITIONAL CONSIDERATIONS
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.
- 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.

317.3.4 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.

317.3.5 ADDITIONAL CONSIDERATIONS
Discrimination and discriminatory harassment does not include actions that are in accordance with established rules, principles or standards, including:
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(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.

317.4 RESPONSIBILITIES

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 a 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.

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's Office Human Resources Coordinator or the Professional Standards Unit.

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.

317.4.1 SUPERVISOR RESPONSIBILITIES

Each supervisor and managers responsibilities include but are not limited to:
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(a) Continually monitoring the work environment and strive to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.

(b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment or retaliation.

(c) Ensuring that their subordinates understand their responsibilities under this policy.

(d) Ensuring 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) Notifying the Human Resource Specialist or Professional Standards Unit in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation no later than the next business day.

317.4.2 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.

(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, Professional Standards Unit 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 members or issuing discipline, in a manner that is consistent with established procedures.
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317.5 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 members should be protected against retaliation, and the complaint and related investigation should be kept confidential to the extent possible.

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

317.5.2 FORMAL INVESTIGATION
If the complaint cannot be resolved satisfactorily through the Supervisory Resolution process described above, a formal investigation will be conducted.

The member assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. 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 is not limited to, details of the specific incident, frequency and dates of occurrences and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Sheriff's Office Human Resources Coordinator or the Professional Standards Unit.

317.5.3 ALTERNATIVE COMPLAINT PROCESS
No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Office. Members who believe that they have been harassed or discriminated or retaliated against are entitled to bring complaints of employment discrimination to federal, state and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.
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317.6 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 or address the circumstances giving rise to the complaint.

317.7 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.

317.8 TRAINING
All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that 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 with the Sheriff's Office.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents and agree that they will continue to abide by its provisions.

317.8.1 QUESTIONS REGARDING DISCRIMINATION OR SEXUAL HARASSMENT
Members with questions regarding discrimination or sexual harassment are encouraged to contact a supervisor, manager, the Sheriff's Office Human Resources Coordinator, Professional Standards Unit or they may contact the Missouri Commission on Human Rights.
Child Abuse

318.1 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.

318.1.1 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).

318.2 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.

318.3 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.).

318.3.1 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.
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(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.
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.

318.4 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 a Child Advocacy Center (e.g. Synergy).

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

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

(a) The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected child abuse victim was contacted.

(b) The exigent circumstances that existed if deputies interviewed the child victim without the presence of a parent or guardian.

(c) Any relevant statements the child may have made and to whom he/she made the statements.

(d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.

(f) Whether the child victim was transported for medical treatment or a medical examination.

(g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.

(h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.

(i) Previous addresses of the victim and suspect.

(j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

(k) 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).

318.6 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
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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 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.

318.6.1 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).

318.6.2 SAFE PLACE FOR NEWBORNS ACT
A person may leave an unharmed infant up to 45 days old with an on-duty employee at any hospital, maternity home, pregnancy resource center, 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.

A parent voluntarily relinquishing a child is not required to provide any identifying information about the child or the parent. Deputies shall not induce or coerce, or attempt to induce or coerce, a parent into revealing his/her identity, or attempt to locate or determine the identity of the parent.

318.7 INTERVIEWS

318.7.1 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.

318.7.2 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) Existent circumstances exist, such as:

1. A reasonable belief that medical issues of the child need to be addressed immediately.

2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.

3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.

(b) A court order or warrant has been issued.

318.7.3 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).

318.7.4 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.

318.8 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.

318.9 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.

318.9.1 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.

318.9.2 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.

318.10 STATE MANDATES AND OTHER RELEVANT LAWS
Missouri requires or permits the following:

318.10.1 PROTECTIVE CUSTODY RECORDS
The Administration Division Captain 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).

318.10.2 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 Maintenance and Release Policy.

318.10.3 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).

318.10.4 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).
318.10.5 SCHOOL PERSONNEL
Reports of child abuse committed by school personnel shall be investigated in accordance with § 160.261, 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.

318.11 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.
Missing Persons

319.1 PURPOSE AND SCOPE
This policy provides guidance for handling missing person investigations.

319.1.1 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.

319.2 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

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.

319.3 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.

319.4 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:
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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 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.

319.4.1 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
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- 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

319.4.2 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:
   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.

319.4.3 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.
   (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:
      (a) Confirm authorization for consent to obtain dental and medical records.
      (b) Send to the child's parent or guardian a request for certain identifying information regarding the child that the NCIC recommends to be provided.
      (c) Request the child's parent or guardian to provide such identifying information regarding the child.
      (d) 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
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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.

319.4.4 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.

(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. Interpretative 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.

319.5 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 Center 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):
   (a) Place entry into MULES/NCIC within two hours.
   (b) Send BOLO electronic notification without delay.
   (c) Check with Medical Examiner Office immediately after 14 days missing.
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(d) Obtain and enter dental records into MULES/NCIC within 24 hours after 14 days missing.
(e) Obtain and enter a recent photograph of missing child into MULES/NCIC within 24 hours after 14 days missing.
(f) Provide written notice and photograph of missing child to the child's school within 10 days.

(c) Endangered adult:
   (a) Place entry into MULES/NCIC within four hours.
   (b) Send BOLO electronic notification without delay.
   (c) Check with Medical Examiner Office immediately after 45 days missing.
   (d) Obtain and enter dental records into MULES/NCIC after 45 days missing.

(d) Adult not endangered:
   (a) Place entry into MULES/NCIC within 45 days.
   (b) A BOLO electronic notification can be sent without delay but is not required.
   (c) Check with Medical Examiner Office immediately after 45 days missing.
   (d) Obtain and enter dental records into MULES/NCIC after 45 days missing.

319.5.1 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 Center 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.

319.5.2 ELECTRONIC NOTIFICATIONS
When a missing person is under the age of 21, Records Center 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.

319.5.3 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.
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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.

319.6 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.

319.6.1 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 Center shall cancel the entry in the MULES and NCIC and call the Missouri State Highway Patrol to verify 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.

319.6.2 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.

319.7 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.
Public Alerts

320.1 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.

320.2 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.

320.3 RESPONSIBILITIES

320.3.1 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.

320.3.2 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

320.4 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.
320.4.1 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):
   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 or kidnapping in the first degree 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.

320.4.2 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).

320.5 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.
(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.

320.5.1 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.

320.5.2 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.

320.6 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.
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(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.

320.6.1 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.

320.6.2 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.

320.7 BLUE ALERTS
Blue Alerts are used to provide a statewide system for the rapid dissemination of information regarding a violent criminal who has seriously injured or killed a local, state or federal law enforcement officer (§ 650.520, RSMo).

320.7.1 CRITERIA
The following criteria are utilized to determine if a Blue Alert should be issued:

(a) A law enforcement officer has been killed or seriously injured in the line of duty or is missing in connection with official duties.

(b) There is an imminent and credible threat to kill or seriously injure a law enforcement officer.

(c) There is actionable information known about the suspect to make public notification that would be helpful to law enforcement in locating the suspect.
320.7.2  PROCEDURE
The following is the procedure for initiating a Blue Alert:

(a) Complete the Blue Alert form available on the MSHP website and submit the form to
the MSHP with available supporting documents, if available (i.e., photographs, area
maps).

(b) Confirm receipt of the submitted form.

(c) Notify the office PIO that the alert has been requested to facilitate updates to the
media, as appropriate.
Victim and Witness Assistance

321.1 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.

321.2 POLICY
The Clay is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Clay will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

321.3 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.

321.3.1 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.

321.4 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.
321.5 VICTIM INFORMATION AND NOTIFICATION
The Administration supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

(a) Shelters and other community resources for victims of domestic violence (§ 455.080, RSMo).
(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, and information about evidence collection, storage and preservation in sexual assault cases (42 USC § 3796gg-4; 42 USC § 10603f).
(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 (§ 455.080, RSMo).
(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 any local crime victim advocate.
(o) Contact information for the office’s crime victim liaison.
(p) Information regarding the rights and protections provided in the federal Trafficking Victims Protection Act of 2000, 22 USC 7101 et seq., as amended (§ 566.200, RSMo; § 566.223, RSMo).
321.6 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 tampering with a witness and take enforcement action when lawful and reasonable.

321.7 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 § 595.209, RSMo.
Hate Crimes

322.1 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.

322.1.1 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).

322.2 DEFINITIONS
Definitions related to this policy include:

Hate crime - A crime knowingly motivated because of race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims.

322.3 CRIMINAL STATUTES
State law creates penalty enhancements to Class D or Class E 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).

322.4 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.
322.5   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).

322.6   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.
Hate Crimes

(c) Maintaining statistical data and tracking of suspected hate crimes as indicated or required by state law.

322.6.1 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 Field Operations Division Commander or assigned to the Investigation Unit.

322.6.2 FEDERAL HATE CRIME REPORTING
The Field Operations Division Commander (or their designee) 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 Center procedures and in compliance with (28 USC § 534(a)).

322.7 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.
Insubordination

323.1 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.

323.2 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.

323.3 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.

323.4 NONEXCLUSIVE LISTING OF VIOLATIONS
The following is a nonexclusive list of behavior that would be considered an act of Insubordination:
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.)

(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.
Insubordination

323.5 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.
Conduct

324.1 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.

324.2 POLICY
The continued employment of every employee of this office shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

324.3 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.

324.3.1 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.
324.3.2 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.

(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.

324.3.3 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.
324.4 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.

324.4.1 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.

324.4.2 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.

(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 non-sworns 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.
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(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.

324.4.3 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.

324.5 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.

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.
Conduct

324.5.1 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.

324.5.2 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.

324.5.3 ENFORCEMENT GUIDELINES
Personnel who behave in a manner that violates this standard of conduct are subject to progressive discipline up to and including termination. Termination will occur if another member's safety is seriously jeopardized or a member is seriously injured or killed.

324.6 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.

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.

324.6.1 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.

324.6.2 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.

324.6.3 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 a working relationship is severely damaged or destroyed.

324.7 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.

324.7.1 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 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.

324.7.2 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.

324.7.3 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).
Conduct

(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.

324.7.4 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.

324.8 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.

324.8.1 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.
Conduct

(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.

324.8.2 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.

324.8.3 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.

324.9 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.

324.9.1 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 Competent Performance:
Conduct

(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).

324.9.2 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.

(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.
Conduct

(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.

324.9.3 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.*

324.10 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.

324.10.1 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 Courteous and Respectful Behavior toward Positions of Authority:

(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.
Conduct

324.10.2 NONEXCLUSIVE LISTING OF VIOLATIONS
The following is a nonexclusive list of behavior that would be considered a violation of standards of conduct regarding 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.

324.10.3 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.

324.11 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.

324.11.1 NONEXCLUSIVE LISTING OF NON-VIOLATIONS
There are NO exemptions to the standards of conduct regarding the Observance of Laws.

324.11.2 NONEXCLUSIVE LISTING OF VIOLATIONS
The following is a nonexclusive list of behavior that would be considered a violation of standards of conduct regarding Observance of Laws:
Conduct

(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.

324.11.3 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.

324.12 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.
324.12.1 NONEXCLUSIVE LISTING OF NON-VIOLATIONS
There are NO exemptions to the standards of conduct regarding Knowing, Observing, and Obeying Directives and Expectations.

324.12.2 NONEXCLUSIVE LISTING OF VIOLATIONS
The following is a nonexclusive list of behavior that would be considered a violation of standards of conduct regarding 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.

324.12.3 ENFORCEMENT GUIDELINES
Personnel who behave in a manner that violates this standard of conduct are subject to progressive discipline up to and including termination 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.

324.13 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.

324.13.1 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.
324.13.2 NONEXCLUSIVE LISTING OF VIOLATIONS
The following is a nonexclusive list of behavior that would be considered a violation of standards of conduct regarding Giving a Full Day's Work for a Full Day's Pay:

(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.

324.13.3 ENFORCEMENT GUIDELINES
Personnel who behave in a manner that violates this standard of conduct are subject to progressive discipline up to and including termination.

324.14 DIRECTIVES AND ORDERS
Members shall comply with lawful directives and orders from any office supervisor or person in a position of authority, absent a reasonable and bona fide justification.

324.14.1 UNLAWFUL OR CONFLICTING ORDERS
Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or office policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of
Conduct

an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

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

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

324.14.2 SUPERVISOR RESPONSIBILITIES
Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

(a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
(b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
(c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
(d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

324.15 GENERAL STANDARDS
Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Missouri Constitutions and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.
324.16 CAUSES FOR DISCIPLINE
The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient office service.

324.16.1 LAWS, RULES AND ORDERS
(a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in office or County manuals.
(b) Disobedience of any legal directive or order issued by any office member of a higher rank.
(c) Violation of federal, state, local or administrative laws, rules or regulations.

324.16.2 ETHICS
(a) Using or disclosing one’s status as a member of the Clay County Sheriff's Office in any way that could reasonably be perceived as an attempt to gain influence or authority for nonoffice business or activity.
(b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
(c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member’s duties (lawful subpoena fees and authorized work permits excepted).
(d) Acceptance of fees, gifts or money contrary to the rules of this office and/or laws of the state.
(e) Offer or acceptance of a bribe or gratuity.
(f) Misappropriation or misuse of public funds, property, personnel or services.
(g) Any other failure to abide by the standards of ethical conduct.

324.16.3 DISCRIMINATION, OPPRESSION OR FAVORITISM
Discriminating against, oppressing or providing favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, marital status, physical or mental disability, medical condition or other classification protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power or immunity, knowing the conduct is unlawful.

324.16.4 RELATIONSHIPS
(a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one’s official capacity.
(b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
Conduct

(c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

(d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this office.

(e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this office.

324.16.5 ATTENDANCE

(a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness.

(c) Excessive absenteeism or abuse of leave privileges.

(d) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.

324.16.6 UNAUTHORIZED ACCESS, DISCLOSURE OR USE

(a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms or reports obtained as a result of the member’s position with this office.

(b) Disclosing to any unauthorized person any active investigation information.

(c) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this office for personal or financial gain or without the express authorization of the Sheriff or the authorized designee.

(d) Loaning, selling, allowing unauthorized use, giving away or appropriating any Clay County Sheriff’s Office badge, uniform, identification card or office property for personal use, personal gain or any other improper or unauthorized use or purpose.

(e) Using office resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.

324.16.7 EFFICIENCY

(a) Neglect of duty.

(b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.
Conduct

(c) Concealing, attempting to conceal, removing or destroying defective or incompetent work.

(d) Unauthorized sleeping during on-duty time or assignments.

(e) Failure to notify the Office within 24 hours of any change in residence address, contact telephone numbers or marital status.

324.16.8 PERFORMANCE

(a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.

(b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any office record, public record, book, paper or document.

(c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any office-related business.

(d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this office or its members.

(e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this office or subverts the good order, efficiency and discipline of this office or that would tend to discredit any of its members.

(f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
   1. While on office premises.
   2. At any work site, while on-duty or while in uniform, or while using any office equipment or system.
   3. Gambling activity undertaken as part of a deputy’s official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(g) Improper political activity including:
   1. Unauthorized attendance while on-duty at official legislative or political sessions.
   2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or on office property except as expressly authorized by County policy, the employment agreement, or the Sheriff.

(h) Engaging in political activities during assigned working hours except as expressly authorized by County policy, the employment agreement, or the Sheriff.

(i) Any act on- or off-duty that brings discredit to this office.
324.16.9 CONDUCT

(a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.

(b) Unreasonable and unwarranted force to a person encountered or a person under arrest.

(c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.

(e) Engaging in horseplay that reasonably could result in injury or property damage.

(f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this office or the County.

(g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.

(h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member’s relationship with this office.

(i) Unauthorized possession of, loss of, or damage to office property or the property of others, or endangering it through carelessness or maliciousness.

(j) Attempted or actual theft of office property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of office property or the property of another person.

(k) Activity that is incompatible with a member’s conditions of employment or appointment as established by law or that violates a provision of any employment agreement or contract to include fraud in securing the appointment or hire.

(l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Sheriff of such action.

(m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this office, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this office or its members.

324.16.10 SAFETY

(a) Failure to observe or violating office safety standards or safe working practices.

(b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).

(c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

(d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.
Conduct

(e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member’s appointing authority.

(f) Unsafe or improper driving habits or actions in the course of employment or appointment.

(g) Any personal action contributing to a preventable traffic accident.

(h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

324.16.11 INTOXICANTS

(a) Reporting for work or being at work while intoxicated or when the member’s ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.

(b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.

(c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.
Office Technology Use

325.1 PURPOSE AND SCOPE
This policy describes the use of sheriff's office computers, software and systems.

325.1.1 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.

325.2 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.

325.3 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.
Office Technology Use

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 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.

325.4 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.

325.5 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.

325.6 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.
Office Technology Use

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.

325.7 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.
Report Preparation

326.1 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.

326.1.1 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.

326.2 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.

326.2.1 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
Report Preparation

(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

326.2.2 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

326.2.3 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
326.2.4 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.

326.2.5 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.

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.

326.3 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.

326.3.1 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.

326.3.2 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.

326.4 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.

326.5 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.
Media Relations

327.1 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.

327.1.1 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 Public Information Officer (PIO), 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.

327.1.2 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.

Public Information Officer (PIO) - 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.

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.
Media Relations

**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.

### 327.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Sheriff. However, in situations not warranting immediate notice to the Sheriff and in situations where the Sheriff has given prior approval, Division Commanders, Shift/Unit Supervisors and the designated Public Information Officer may prepare and release information to the media in accordance with this policy and the applicable law.

#### 327.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated office media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

(a) At no time shall any employee of this office make any comment or release any official information to the media without prior approval from a supervisor or the designated office media representative.

(b) In situations involving multiple law enforcement agencies or other criminal justice agencies including, but not limited to, prosecutors and coroners, every reasonable effort should be made to coordinate information that may be released to the media with the authorized representative of each involved agency prior to the release of any information by this office.

(c) Under no circumstance should any member of this office make any comments to the media regarding any law enforcement incident not involving this office without prior approval of the Sheriff.

#### 327.2.2 NOTIFICATION

Whenever newsworthy events occur concerning the Clay County Sheriff's Office, the PIO 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 PIO 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 PIO to allow for proper planning for dissemination of information to the news media. Notification is the responsibility of the affected Division Commander.

327.2.3 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:
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 PIO 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 PIO 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.

327.2.4 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 PIO, 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 PIO.

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 PIO 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 PIO or the Commander in charge 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 PIO, PIO 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 PIO. Upon arrival, the PIO 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.

327.2.5 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).

327.2.6 PHOTOGRAPHS/TAPEING OF CRIME & INCIDENT SCENES

1. General:

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.

327.2.7 ON SCENE INTERVIEWS

1. General:

When consenting to an interview concerning an incident, the PIO 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 PIO 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.

327.2.8 INFORMATION DISSEMINATION GUIDELINES

1. Incident Scene Press Briefings:

The PIO or designee shall act as a liaison between the Sheriff's Command Post and the news media. The PIO, in conjunction with the on scene Commander, will determine what information can be released, and when it can be released. The PIO 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 PIO or designee.

2. Situations Involving Multiple Agencies:

In situations where multiple jurisdictions or agencies are present, the PIO 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.
- 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.
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- The facts and circumstances immediately surrounding an arrest, including 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.

327.2.9 SPECIAL MEDIA REQUESTS

1. Department Records/Documents:
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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 PIO 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 PIO 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:
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 PIO 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.

327.3 MEDIA ACCESS
Authorized members of the media should be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities. Access by the media is subject to the following conditions:

(a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.

(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the Public Information Officer or other designated spokesperson.

(c) 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.

(d) Media interviews with individuals who are in custody should not be permitted without the approval of the Sheriff and the express written consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Office members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer.

327.3.1 TEMPORARY FLIGHT RESTRICTIONS
Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Shift/Unit Supervisor. The TFR request should include specific information regarding the perimeter and
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altitude necessary for the incident and should be requested through the Kansas City International Airport via the Clay County Communications Center.
Court Appearance and Subpoenas

328.1 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.

328.1.1 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.

328.2 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).

328.2.1 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.

328.2.2 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.
328.2.3 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 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.

328.2.4 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.

328.2.5 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.

328.2.6 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.

328.2.7 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.

328.3 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.

328.3.1 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.

328.3.2 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).

328.3.3 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).

328.4 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.

328.5 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.
328.5.1 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.

328.5.2 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.

328.6 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.

328.7 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
Reserve Deputies

329.1 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.

329.1.1 DEFINITIONS
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)).

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).

329.2 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.

329.2.1 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.

329.2.2 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).

329.2.3 COMPENSATION FOR RESERVE OFFICERS 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 long sleeve class A shirt, one short sleeve class A shirt and one pair of class A pants 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.

329.2.4 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 Department of Human Resources prior to an employee serving in a reserve capacity (29 CFR 553.30).

329.3 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.

329.3.1 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.

329.3.2 RESERVE DEPUTY ASSIGNMENTS
All reserve deputies will be assigned to duties by the Reserve Coordinator or the authorized designee.

329.3.3 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.
Reserve Deputies

(g) Maintaining liaison with other agency Reserve Coordinators.

329.4 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.

329.4.1 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.

329.4.2 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).

329.4.3 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.

329.4.4 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.

329.4.5 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.
Reserve Deputies

329.4.6 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.

329.4.7 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.

329.5 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).

329.5.1 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.

329.5.2 IDENTIFICATION OF DEPUTIES
All reserve deputies will be issued a uniform badge and a 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.

329.5.3 UNIFORM
Reserve deputies shall conform to all uniform regulation and appearance standards of the Clay County Sheriff's Office.

329.5.4 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
Reserve Deputies

a liberty interest hearing, which shall be limited to a single appearance before the Sheriff or
authorized designee.

329.5.5 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.

329.6 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).

329.7 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.
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.

329.7.1 CONCEALED FIREARMS PROHIBITED
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 or his designee.

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.

329.7.2 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 Policy.

329.8 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL
The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for
reserve personnel.
Outside Agency Assistance

330.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

330.2 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.

330.2.1 MUTUAL AID AGREEMENTS
The Sheriff may 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, RSMo.

330.2.2 INITIATED ACTIVITY
Any on-duty deputy who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Clay County Sheriff's Office shall notify his/her supervisor or the Shift/Unit Supervisor and the Cooperative Communications Center as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

330.3 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 be taken to provide radio equipment capable of communicating on the assigned frequency to any personnel who do not have compatible radios.
Outside Agency Assistance

330.4 REPORTING REQUIREMENTS
Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Shift/Unit Supervisor.

330.5 MANDATORY SHARING
Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Emergency Management Coordinator or the authorized designee.

The documentation should include:

(a) The conditions relative to sharing.
(b) The training requirements for:
    1. The use of the supplies and equipment.
    2. The members trained in the use of the supplies and equipment.
(c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to the Shift/Unit Supervisor to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Coordinator should maintain documentation that the appropriate members have received the required training.

330.6 POLICY
It is the policy of the Clay County Sheriff's Office to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this office.
Registered Offender Information

331.1 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.

331.2 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.

331.3 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.

331.3.1 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.

331.4 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:
Registered Offender Information

(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.

331.5 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).

331.5.1 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.
Major Incident Notification

332.1 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.

332.2 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.

332.3 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

332.4 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.
332.4.1 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.

332.4.2 INVESTIGATOR NOTIFICATION
If the incident requires that a deputy or investigator respond from home, the immediate supervisor of the appropriate detail shall be contacted.

332.4.3 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.

332.4.4 PUBLIC INFORMATION OFFICER
After members of the staff have been notified, the Public Information Officer shall be called if it appears the media may have a significant interest in the incident.
Death Investigation

333.1 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.

333.2 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.

333.2.1 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

333.2.2 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.

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.

333.2.3 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.

333.2.4 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.

333.2.5 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.
333.2.6 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.

333.2.7 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 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.

333.2.8 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.
Identity Theft

334.1 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.

334.2 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 (§ 595.232, 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 this 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.

334.3 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 the Missouri Attorney General's website for further information.

The victim may file an identity theft complaint with the Missouri Attorney General’s Office, Consumer Protection Unit.

334.4 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
Identity Theft

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.
Private Person’s Arrests

335.1 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.

335.2 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.

335.3 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 an offense has been committed and the person to be arrested has committed the offense, when the private person's actions are immediately necessary to arrest the person or prevent his/her escape from custody.

335.4 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.

335.5 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.
Limited English Proficiency Services

336.1 PURPOSE AND SCOPE
This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

336.1.1 DEFINITIONS
Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Office to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the Clay County Sheriff's Office, designated by the Office, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

336.2 POLICY
It is the policy of the Clay County Sheriff's Office to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Office will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

336.2.1 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.
336.3 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.

336.3.1 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.

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.

336.3.2 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.

336.3.3 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.

336.3.4 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.

336.3.5 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
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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).

336.4 FOUR-FACTOR ANALYSIS
Since there are many different languages that members could encounter, the Office will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

(a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by office members, or who may benefit from programs or services within the jurisdiction of the Office or a particular geographic area.

(b) The frequency with which LEP individuals are likely to come in contact with office members, programs or services.

(c) The nature and importance of the contact, program, information or service provided.

(d) The cost of providing LEP assistance and the resources available.

336.4.1 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.
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336.4.2 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 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 Department of Human Resources to hire and develop in-house language capacity in the Cooperative Communications Center by hiring qualified personnel with specific language skills.

336.4.3 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.

336.4.4 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.

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.
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336.4.5 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.

336.4.6 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.

336.4.7 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.

336.5 TYPES OF LEP ASSISTANCE AVAILABLE
Clay County Sheriff's Office members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Office will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Office will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.
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LEP individuals may choose to accept office-provided LEP services at no cost or they may choose to provide their own.

Office-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

336.6 WRITTEN FORMS AND GUIDELINES
Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

336.7 AUDIO RECORDINGS
The Office may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

336.8 QUALIFIED BILINGUAL MEMBERS
Bilingual members may be qualified to provide LEP services when they have demonstrated through established office procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

When a qualified bilingual member from this office is not available, personnel from other County departments, who have been identified by the Office as having the requisite skills and competence, may be requested.

336.8.1 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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336.9 AUTHORIZED INTERPRETERS
Any person designated by the Office to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the office case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

(a) The competence and ability to communicate information accurately in both English and in the target language.

(b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this office and of any particularized vocabulary or phraseology used by the LEP individual.

(c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(d) Knowledge of the ethical issues involved when acting as a language conduit.

336.9.1 SOURCES OF AUTHORIZED INTERPRETERS
The Office may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

• Qualified bilingual members of this office or personnel from other County departments.

• Individuals employed exclusively to perform interpretation services.

• Contracted in-person interpreters, such as state or federal court interpreters, among others.

• Interpreters from other agencies who have been qualified as interpreters by this office, and with whom the Office has a resource-sharing or other arrangement that they will interpret according to office guidelines.

336.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE
Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted above) and have been approved by the Office to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, office members must carefully consider the nature of the contact and the
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relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

336.10 CONTACT AND REPORTING
While all law enforcement contacts, services and individual rights are important, this office will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this office is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Office or some other identified source.

336.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE
The Clay County Sheriff's Office will take reasonable steps and will work with the Department of Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

336.11.1 EMERGENCY CALLS TO 9-1-1
Office members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in the Cooperative Communications Center, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.
336.12  FIELD ENFORCEMENT
Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the deputy is unable to effectively communicate with an LEP individual.

If available, deputies should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

336.13  INVESTIGATIVE FIELD INTERVIEWS
In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, deputies should consider calling for an authorized interpreter in the following order:

- An authorized office member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any Miranda warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated Miranda warning card.

The use of an LEP individual’s bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

336.14  CUSTODIAL INTERROGATIONS
Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. Miranda
warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

336.15 BOOKINGS
When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee’s health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

336.16 COMPLAINTS
The Office shall ensure that LEP individuals who wish to file a complaint regarding members of this office are able to do so. The Office may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this office.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

336.17 COMMUNITY OUTREACH
Community outreach programs and other such services offered by this office are important to the ultimate success of more traditional law enforcement duties. This office will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

336.18 TRAINING
To ensure that all members who may have contact with LEP individuals are properly trained, the Office will provide periodic training on this policy and related procedures, including how to access office-authorized telephonic and in-person interpreters and other available resources.

The Training Coordinator shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Coordinator shall maintain records of all LEP training provided, and will retain a copy in each member’s training file in accordance with established records retention schedules.
Communications with Persons with Disabilities

337.1 PURPOSE AND SCOPE
This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

337.1.1 DEFINITIONS
Definitions related to this policy include:

**Auxiliary aids** - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; use of a notepad and pen or pencil to exchange written notes; use of a computer or typewriter; use of an assistive listening system or device to amplify sound; use of a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or use of a qualified interpreter.

**Disability or impairment** – A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102). This includes a speech disability that prevents a person from speaking clearly or understandably in a normal conversational tone, regardless of the use of assistive devices (§ 209.261, RSMo).

**Qualified interpreter** - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters and intermediary interpreters. Qualified interpreters should have a valid certification issued by the Missouri Commission for the Deaf and Hard of Hearing and a license issued by the Division of Professional Registration (§ 209.285, RSMo; § 209.321, RSMo; 5 CSR 100-200.035).

337.2 POLICY
It is the policy of the Clay County Sheriff's Office to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Office will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

337.2.1 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.
337.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR
The Sheriff shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Field Operations Division Commander or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

(a) Working with the County ADA coordinator regarding the Clay County Sheriff's Office's efforts to ensure equal access to services, programs and activities.
(b) Developing reports, new procedures, or recommending modifications to this policy.
(c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to office services, programs and activities.
(d) Ensuring that a list of qualified interpreter services is maintained and available to each Shift/Unit Supervisor and Communications Supervisor. The list should include information regarding the following:
   1. Contact information
   2. Availability
(e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
(f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.
(g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to office services, programs and activities.

337.3.1 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.

337.3.2 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.

337.3.3 TELEPHONE INTERPRETER SERVICES
The ADA Coordinator 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.

337.3.4 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.

337.3.5 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 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.

337.3.6 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).

337.4 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.

337.4.1 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
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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.

337.4.2 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 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.

337.4.3 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
Communications with Persons with Disabilities

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.

337.4.4 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.

337.5 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.

337.6 AUDIO RECORDINGS AND ENLARGED PRINT
The Office may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

337.7 TTY AND RELAY SERVICES
In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Office will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.
337.8 COMMUNITY VOLUNTEERS
Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Office to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, office members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

337.9 FAMILY AND FRIENDS
While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

(a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.

(b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

337.10 REPORTING
Whenever any member of this office is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Office or some other identified source. If the individual’s express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

337.11 FIELD ENFORCEMENT
Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.
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The Office recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this office. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual’s preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the deputy is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, deputies should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

337.11.1   FIELD RESOURCES
Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

(a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.

(b) Exchange of written notes or communications.

(c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.

(d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.

(e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

337.12   COMMUNITY OUTREACH
Community outreach programs and other such services offered by this office are important to the ultimate success of more traditional law enforcement duties. This office will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.
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337.13 COMPLAINTS
The Office shall ensure that individuals with disabilities who wish to file a complaint regarding members of this office are able to do so. The Office may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the office ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Office.

337.14 ARRESTS AND BOOKINGS
If an individual with speech or hearing disabilities is arrested, the arresting deputy shall use office-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the deputy reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee’s health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

337.15 CUSTODIAL INTERROGATIONS
In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this office will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. Miranda warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written Miranda warning card.

In order to ensure that communications during custodial Investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.
Communications with Persons with Disabilities

337.16 TYPES OF ASSISTANCE AVAILABLE
Clay County Sheriff's Office members shall never refuse to assist an individual with disabilities who is requesting assistance. The Office will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Office will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept office-provided auxiliary aids or services or they may choose to provide their own.

Office-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.
Developmentally Disabled Persons

338.1 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.

338.2 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
Developmentally Disabled Persons

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 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.

338.3 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.
Developmentally Disabled Persons

- **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.

- **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.

### 338.4 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).

• 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.

### 338.5 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:
Developmentally Disabled Persons

- 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.
Pupil Arrest Reporting

339.1 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).

339.2 PUPIL ARREST REPORTING
In the event a school pupil is arrested for committing any acts provided in § 167.115.1, RSMo, the arresting deputy shall include in the report the necessary information to ensure that the Records Center notifies the superintendent or an appropriate designee of the school district in which the pupil is enrolled:

• First- or second-degree murder (§ 565.020, RSMo; § 565.021, RSMo)
• Kidnapping as it existed prior to January 1, 2017 (§ 565.110, RSMo)
• Kidnapping in the first degree (§ 565.110, RSMo)
• First-degree assault (§ 565.050, RSMo)
• Second-degree assault as it existed prior to January 1, 2017 (§ 565.060, RSMo)
• Second-degree assault (§ 565.052, RSMo)
• Rape or sodomy in the first degree (§ 566.030, RSMo; § 566.060, RSMo)
• First-degree burglary (§ 569.160, RSMo)
• First-degree robbery as it existed prior to January 1, 2017 (§ 569.020, RSMo)
• First-degree robbery (§ 570.023, RSMo)
• Distribution of drugs, including distribution to a minor as it existed prior to January 1, 2017 (§ 195.211, RSMo; § 195.212, RSMo)
• Manufacture of a controlled substance (§ 579.055, RSMo)
• Delivery of a controlled substance (§ 579.020, RSMo)
• First-degree arson (§ 569.040, RSMo)
• Voluntary and involuntary manslaughter (§ 565.023, RSMo; § 565.024, RSMo; § 565.027, RSMo)
• Rape in the second degree or sodomy in the second degree (§ 566.031, RSMo; § 566.040, RSMo; § 566.061, RSMo; § 566.070, RSMo)
• Felonious restraint as it existed prior to January 1, 2017 (§ 565.120, RSMo)
• Second-degree kidnapping committed after December 31, 2016 (§ 565.120, RSMo)
• Property damage in the first degree (§ 569.100, RSMo)
Pupil Arrest Reporting

- Possession of a weapon (Chapter 571, RSMo)
- Child molestation as it existed prior to January 1, 2017 (§ 566.067, RSMo)
- First-, second- or third-degree child molestation committed after December 31, 2016 (§ 566.067, RSMo; § 566.068, RSMo; § 566.069, RSMo)
- Sexual misconduct involving a child (§ 566.083, RSMo)
- Sexual abuse in the first degree (§ 566.100, RSMo)

339.2.1 COMMUNITY/COURT SERVICES UNIT RESPONSIBILITIES
The Division Commander of Community/Court Services 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.

339.2.2 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.

339.2.3 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.

339.2.4 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.
Biological Samples

340.1 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.

340.2 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.

340.3 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:
   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).

340.4 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.

340.4.1 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.
340.5 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 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.

340.5.1 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.

340.6 LEGAL MANDATES AND RELEVANT LAWS
Missouri law provides for the following:

340.6.1 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).

340.6.2 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).

340.6.3 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).
Chaplains

341.1 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.

341.2 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.

341.3 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.

341.4 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.

341.5 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.

341.6 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.

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.

341.7 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.

341.8 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.
Chaplains

(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.

341.9 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.

(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.

341.9.1 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.

341.10 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.
Child and Dependent Adult Safety

342.1 PURPOSE AND SCOPE
This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this office.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Adult Abuse policies.

342.1.1 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.

342.2 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.

342.2.1 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.
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.

342.2.2 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.

342.2.3 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
3. Disposition or placement information if he/she is unable to care for him/herself

342.2.4 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.

342.3 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.

342.4 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.

342.5 TRAINING

The Training Coordinator is responsible to ensure that all members of this office who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.
Service Animals

343.1 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.

343.2 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).

343.2.1 STATE LAW
A “service dog” means any dog specifically trained to assist a person with a physical or mental disability by performing necessary physical tasks or doing work which the person cannot perform. This includes dogs that are used for guiding, hearing, mobility and medical alerts, as well as search-and-rescue dogs that help a person from becoming lost (§ 209.150.4, RSMo; § 209.200(2), RSMo).

343.2.2 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.
Service Animals

- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.

- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

343.3 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.
Service Animals

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.
Volunteers

344.1 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 non-sworn 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.

344.1.1 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.

344.1.2 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.
Volunteers

(i) Physical requirements reasonably appropriate to the assignment.

(ii) 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.

344.2 VOLUNTEER MANAGEMENT

344.2.1 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.

344.2.2 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.
344.2.3 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

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.

344.2.4 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.

344.2.5 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 Department of Human Resources prior to an employee serving in a reserve, auxiliary or volunteer capacity (29 CFR 553.30).
344.2.6 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
(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.

344.2.7 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:
Volunteers

(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.

344.2.8 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.

344.3 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.

344.4 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.

344.5 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.

344.5.1 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.
(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).

344.5.2 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.

344.6 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.

344.6.1 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.

344.7 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.

344.8 EMERGENCY CALL-OUT FOR VOLUNTEER PERSONNEL
The Volunteer Coordinator shall develop a plan outlining an emergency call-out procedure for volunteer personnel.
Native American Graves Protection and Repatriation

345.1 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.

345.2 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.

345.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT
Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, 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).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4):

- When appropriate, the Medical Examiner.
Native American Graves Protection and Repatriation

- Federal land - Appropriate agency at the U.S. Department of the Interior or the U.S. Department of Agriculture
- State land - Appropriate Missouri land management agency.
- Tribal land - Responsible Indian tribal official.

345.4 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).
Off-Duty Law Enforcement Actions

346.1 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.

346.2 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.

346.3 FIREARMS
Deputies of this office may carry firearms while off-duty in accordance with federal regulations, state law and office policy. All firearms and ammunition must meet guidelines as described in the Firearms Policy. When carrying firearms while off-duty, deputies shall also carry their office-issued badge and identification.

Deputies should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication or any combination thereof that would tend to adversely affect the member's senses or judgment.

346.4 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.
(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.

346.4.1 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 a Clay County Sheriff's Office deputy until acknowledged. Official identification should also be displayed.

346.4.2 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.

346.4.3 NON-SWORN RESPONSIBILITIES
Non-sworn personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

346.4.4 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.

346.5 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.
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.

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.
Bias-Based Policing

401.1 PURPOSE AND SCOPE
This policy provides guidance to office members that affirms the Clay County Sheriff's Office's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the office’s relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

401.1.1 DEFINITIONS
Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability or affiliation with any non-criminal (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

401.2 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, objectively and without discrimination toward any individual or group.

401.3 BIAS-BASED POLICING PROHIBITED
Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit a deputy from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.4 MEMBER RESPONSIBILITIES
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 suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

401.4.1 REASON FOR CONTACT
Deputies contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.
**Bias-Based Policing**

To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card), the involved deputy should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any deputy to document a contact that would not otherwise require reporting.

401.4.2 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.

401.5 SUPERVISOR RESPONSIBILITIES
Supervisors should monitor those individuals in their command for compliance with this policy and shall handle any alleged or observed violations 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.
   1. Supervisors should document these discussions, in the prescribed manner.
(b) Supervisors should periodically review MAV recordings, portable audio/video recordings, Mobile Data Terminal (MDT) data and any other available resource used to document contact between deputies and the public to ensure compliance with this policy.
   1. Supervisors should document these periodic reviews.
   2. Recordings that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
Bias-Based Policing

(c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

(d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this office who discloses information concerning bias-based policing.

401.6 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; § 67.287, RSMo).

401.7 ADMINISTRATION
Each year, the Field Operations Division Commander should review the efforts of the Office to provide fair and objective policing and submit an overview, including public concerns and complaints, to the Sheriff. This report should not contain any identifying information about 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 should review the report submitted under § 590.650, RSMo and the annual report and discuss the results with those they are assigned to supervise.

401.8 TRAINING
Training on fair and objective policing 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).
Roll Call

402.1 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.

402.2 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.

402.3 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.

402.4 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.
Crime and Disaster Scene Integrity

403.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidance in handling a major crime or disaster.

403.2 SCENE RESPONSIBILITY
The first deputy at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Deputies shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once a deputy has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the deputy shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

403.3 FIRST RESPONDER CONSIDERATIONS
The following list generally describes the first responder’s function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

(a) Broadcast emergency information, including requests for additional assistance and resources.
(b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
(c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
(d) Provide first aid to injured parties if it can be done safely.
(e) Evacuate the location safely as required or appropriate.
(f) Secure the inner perimeter.
(g) Protect items of apparent evidentiary value.
(h) Secure an outer perimeter.
(i) Identify potential witnesses.
(j) Start a chronological log noting critical times and personnel allowed access.

403.4 POLICY
It is the policy of the Clay County Sheriff’s Office to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.
403.5 SEARCHES
Deputies arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once deputies are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Deputies should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

403.5.1 CONSENT
When possible, deputies should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.
Critical Incident Response Team

404.1 PURPOSE AND SCOPE
The Clay County Sheriff's Office shall maintain two separate Special Tactics And Responses. 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.

404.2 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.

404.2.1 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
(h) Extrajurisdictional response
(i) Specialized functions and supporting resources

404.2.2 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 STAR TEAM 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.
   (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.

404.3 UNIFORMS, EQUIPMENT AND FIREARMS

404.3.1 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.

404.3.2 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.

404.3.3 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.
404.3.4 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.

404.4 OPERATIONAL GUIDELINES FOR CRITICAL INCIDENT RESPONSE TEAM
The following procedures serve as guidelines for the operational deployment of the Special Tactics And Response. 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.

404.4.1 ON-SCENE DETERMINATION
The supervisor in charge at the scene of a particular event will assess whether the Special Tactics And Response should respond. Upon final determination by the Shift/Unit Supervisor, the STAR TEAM commander will be notified.

404.4.2 APPROPRIATE SITUATIONS FOR USE OF A CRITICAL INCIDENT RESPONSE TEAM
Examples of incidents that may result in the activation of the Special Tactics And Response include:

   (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.

404.4.3 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 Special Tactics And Responses by other agencies must be authorized by the Field Operations Division Commander/Detention Division Commander or the On-Call Commander.

404.4.4 MULTIJURISDICTIONAL SWAT 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.
Critical Incident Response Team

(a) If it is anticipated that multijurisdictional STAR TEAM operations will regularly be conducted, STAR TEAM multi-agency and multidisciplinary joint training exercises are required.

(b) Members of the Clay County Sheriff's Office STAR TEAM teams shall operate under the policies, procedures and command of the Clay County Sheriff's Office when working in a multi-agency situation.

404.4.5 MOBILIZATION OF CRITICAL INCIDENT RESPONSE TEAM
The on-scene supervisor shall make a request to the Shift/Unit Supervisor for the Special Tactics And Response to respond. The Shift/Unit Supervisor shall then notify the STAR TEAM commander. If unavailable, a team supervisor shall be notified. A current mobilization list shall be maintained in the Cooperative Communication Center by the STAR TEAM 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 STAR TEAM 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 STAR TEAM commander shall then call selected deputies to respond.

404.4.6 FIELD UNIT RESPONSIBILITIES
While waiting for the Special Tactics And Response, 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 STAR TEAM has arrived, all negotiations should generally be halted to allow the negotiators and team time to set up.

(f) Be prepared to brief the STAR TEAM commander on the situation.

(g) Plan for and stage anticipated resources.

404.4.7 ON-SCENE COMMAND RESPONSIBILITIES
Upon arrival of the Special Tactics And Response, the Incident Commander shall brief the STAR TEAM commander and team supervisors. Upon review, it will be the Incident Commander's decision, with input from the STAR TEAM commander, whether to deploy the Special Tactics And Response. Once the Incident Commander authorizes deployment, the STAR TEAM 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 Special Tactics And Response. The Incident Commander and the STAR TEAM commander or the authorized designee shall maintain communications at all times.

404.4.8 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 STAR TEAM personnel directly. All non-emergency communications shall be channeled through the STAR TEAM Commander or the authorized designee.
Citizen Observer Program (Ride-Along)

405.1 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.

405.1.1 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, non-sworn 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. 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.

**405.1.2 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.

**405.2 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.

**405.2.1 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.
Citizen Observer Program (Ride-Along)

- 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.
- 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.

405.2.2 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.

405.2.3 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
Citizen Observer Program (Ride-Along)

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.

405.2.4 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).

405.3 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.

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.

405.4 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.
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(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 non-sworn participant be permitted to enter a private residence with a deputy without the express consent of the resident or other authorized person.

405.5 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.

• 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.
Hazardous Material Response

406.1 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.

406.1.1 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)).

406.2 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:

2. Driver’s statements or shipping documents from the person transporting the material.

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.

406.3 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.
406.3.1 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.
Labor Relations

407.1 PURPOSE AND SCOPE
To establish Clay County Sheriff's Office policy regarding the Agency's role in labor disputes.

407.1.1 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.
Hostage and Barricade Incidents

408.1 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.

408.1.1 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.

408.2 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.

408.3 COMMUNICATION
When circumstances permit, initial responding deputies should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Deputies should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, office-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

408.4 FIRST RESPONDER CONSIDERATIONS
First responding deputies should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding deputy should immediately request a supervisor’s response as soon as it is determined that a hostage or barricade situation exists. The first responding deputy shall assume
the duties of the supervisor until relieved by a supervisor or a more qualified responder. The deputy shall continually evaluate the situation, including the level of risk to deputies, to the persons involved and to bystanders, and the resources currently available.

The handling deputy should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

408.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, deputies handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(d) Provide responding emergency personnel with a safe arrival route to the location.

(e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.

(g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.

(h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(i) Determine the need for and notify the appropriate persons within and outside the Office, such as command officers and the Public Information Officer.

(j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

(k) Establish a command post.
408.4.2 HOSTAGE SITUATION
Deputies presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that deputies react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

(a) 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 Office, such as command officers and the Public Information Officer.

(m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
408.5 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).

(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 office Public Information Officer 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.

408.6 CRISIS RESPONSE UNIT 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.
Hostage and Barricade Incidents

408.6.1 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.
Response to Bomb Calls

409.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines to assist members of the Clay County Sheriff's Office in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

409.2 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.

409.3 POLICY
It is the policy of the Clay County Sheriff's Office to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

409.4 RECEIPT OF BOMB THREAT
Office members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established office evidence procedures.

The member receiving the bomb threat should ensure that the Shift/Unit Supervisor is immediately advised and informed of the details. This will enable the Shift/Unit Supervisor to ensure that the
appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning.

409.5 GOVERNMENT FACILITY OR PROPERTY
A bomb threat targeting a government facility may require a different response based on the government agency.

409.5.1 CLAY COUNTY SHERIFF’S OFFICE FACILITY
If the bomb threat is against the Clay County Sheriff’s Office facility, the Shift/Unit Supervisor will direct and assign deputies as required for coordinating a general building search or evacuation of the sheriff’s office, as he/she deems appropriate.

409.5.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY
If the bomb threat is against a county or municipal facility within the jurisdiction of the Clay County Sheriff’s Office that is not the property of this office, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Shift/Unit Supervisor deems appropriate.

409.5.3 FEDERAL BUILDING OR PROPERTY
If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility’s security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

409.6 PRIVATE FACILITY OR PROPERTY
When a member of this office receives notification of a bomb threat at a location in the County of Clay, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

(a) The location of the facility.
(b) The nature of the threat.
(c) Whether the type and detonation time of the device is known.
(d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.
(e) Whether the individual is requesting sheriff’s assistance at the facility.
(f) Whether there are any internal facility procedures regarding bomb threats in place, such as:
   1. No evacuation of personnel and no search for a device.
Response to Bomb Calls

2. Search for a device without evacuation of personnel.
3. Evacuation of personnel without a search for a device.
4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Shift/Unit Supervisor is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

409.6.1 ASSISTANCE
The Shift/Unit Supervisor should be notified when sheriff's assistance is requested. The Shift/Unit Supervisor will make the decision whether the Office will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including sheriff's control over the facility.

Should the Shift/Unit Supervisor determine that the Office will assist or control such an incident, he/she will determine:

(a) The appropriate level of assistance.
(b) The plan for assistance.
(c) Whether to evacuate and/or search the facility.
(d) Whether to involve facility staff in the search or evacuation of the building.
   1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
   2. The safety of all participants is the paramount concern.
(e) The need for additional resources, including:
   1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request sheriff's assistance to clear the interior of a building, based upon the circumstances and known threat, deputies may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

409.7 FOUND DEVICE
When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

(a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
(b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
Response to Bomb Calls

(c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:
   1. Two-way radios
   2. Cell phones
   3. Other personal communication devices

(d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.

(e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.

(f) A safe access route should be provided for support personnel and equipment.

(g) Search the area for secondary devices as appropriate and based upon available resources.

(h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.

(i) Promptly relay available information to the Shift/Unit Supervisor including:
   1. The time of discovery.
   2. The exact location of the device.
   3. A full description of the device (e.g., size, shape, markings, construction).
   4. The anticipated danger zone and perimeter.
   5. The areas to be evacuated or cleared.

409.8 EXPLOSION/BOMBING INCIDENTS
When an explosion has occurred, there are multitudes of considerations which may confront the responding deputies. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

409.8.1 CONSIDERATIONS
Deputies responding to explosions, whether accidental or a criminal act, should consider the following actions:

(a) Assess the scope of the incident, including the number of victims and extent of injuries.

(b) Request additional personnel and resources, as appropriate.

(c) Assist with first aid.

(d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.

(e) Assist with the safe evacuation of victims, if possible.
Response to Bomb Calls

(f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.

(g) Preserve evidence.

(h) Establish an outer perimeter and evacuate if necessary.

(i) Identify witnesses.

409.8.2 NOTIFICATIONS
When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional office personnel, such as investigators and forensic services
- Field supervisor
- Shift/Unit Supervisor
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

409.8.3 CROWD CONTROL
Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

409.8.4 PRESERVATION OF EVIDENCE
As in any other crime scene, steps should immediately be taken to preserve the scene. The Shift/Unit Supervisor should assign deputies to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.
Crisis Intervention

410.1 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.

410.2 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.
410.3 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 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).

410.4 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.
410.5 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.

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).

410.6 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.

410.7 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.
Crisis Intervention

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*.

410.8 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 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.

410.9 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.

### 410.10 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.
Civil Commitments

411.1 PURPOSE AND SCOPE
This policy provides guidelines for when deputies may place an individual in protective custody for civil commitment (§ 632.305, RSMo).

411.2 POLICY
It is the policy of the Clay County Sheriff's Office to protect the public and individuals through legal and appropriate use of the civil commitment process.

411.3 AUTHORITY
A deputy may take an individual into custody and transport him/her to an appropriate treatment facility for evaluation and treatment when the deputy has reasonable cause to believe that such individual 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 (§ 632.305, RSMo).

411.3.1 VOLUNTARY EVALUATION
If a deputy encounters an individual who may qualify for civil commitment, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the deputies should:

(a) Transport the individual to an appropriate facility that is able to conduct the evaluation and admit the individual pursuant to a civil commitment.

(b) If at any point the individual changes his/her mind regarding voluntary evaluation, deputies should proceed with the civil commitment, if appropriate.

(c) Document the circumstances surrounding the individual’s desire to pursue voluntary evaluation and/or admission.

411.4 CONSIDERATIONS AND RESPONSIBILITIES
Any deputy handling a call involving an individual who may qualify for a civil commitment should consider, as time and circumstances reasonably permit:

(a) Available information that might assist in determining the cause and nature of the individual’s action or stated intentions.

(b) Community or neighborhood mediation services.

(c) Conflict resolution and de-escalation techniques.

(d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade deputies from taking reasonable action to ensure the safety of the deputies and others.
Civil Commitments

Civil commitments should be preferred over arrest for people who have mental health issues and are suspected of committing minor crimes or creating other public safety issues.

411.4.1 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).

411.4.2 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.

411.4.3 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.

411.4.4 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.
411.4.5 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.

411.5 TRANSPORTATION
When transporting any individual for a civil commitment, the transporting 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 whether any special medical care is needed.

Deputies may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of a deputy during the transport, Shift/Unit Supervisor approval is required before transport commences.

411.6 TRANSFER TO APPROPRIATE FACILITY
Upon arrival at the facility, the deputy will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the deputy should provide the staff member with the written application for civil commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting deputy should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the deputy may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, deputies will not apply facility-ordered restraints.

411.7 DOCUMENTATION
The deputy should complete an application for initial detention for evaluation and treatment, provide it to the facility staff member assigned to that patient and retain a copy of the application for inclusion in the case report.

The deputy should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

411.7.1 STATE REQUIREMENTS
The deputy shall document his/her personal observations or investigation and set forth the factual information that led to the reasonable belief that the individual required immediate detention (§ 632.305, RSMo).

411.8 CRIMINAL OFFENSES
Deputies investigating an individual who is suspected of committing a minor criminal offense and who is being taken into custody on a civil commitment should resolve the criminal matter by issuing a warning or a citation, as appropriate.
Civil Commitments

When an individual who may qualify for a civil commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the deputy should:

(a) Arrest the individual when there is probable cause to do so.

(b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the civil commitment.

(c) Facilitate the individual’s transfer to the jail facility.

(d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a civil commitment.

In the supervisor’s judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this office to regain custody of the individual, office resources (e.g., posting a guard) and other relevant factors in making this decision.

411.9 FIREARMS AND OTHER WEAPONS

Whenever an individual is taken into custody for a civil commitment, the handling deputies should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Deputies should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Deputies are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling deputies should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.

411.10 TRAINING

This office will endeavor to provide office-approved training on interaction with mentally disabled persons, civil commitments and crisis intervention.
Citation Releases

412.1 PURPOSE AND SCOPE
The purpose of this policy is to provide members of the Clay County Sheriff's Office with guidance on when to release adults who are suspected offenders using a uniform citation for a criminal offence, rather than having the person held in custody for a court appearance or release on bail.

Additional release restrictions may apply to those detained for domestic violence, as outlined in the Domestic Violence Policy.

412.2 POLICY
The Clay County Sheriff's Office will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a uniform citation, when authorized to do so.

412.3 RELEASE
A suspected offender may be released on issuance of a uniform citation for misdemeanors or for a violation of any traffic law (§ 300.580, RSMo).

412.4 PROHIBITIONS
The release of a suspected offender on issuance of a uniform citation is not permitted for non-bailable offenses (§ 544.470, RSMo).

See the Domestic Violence Policy for release restrictions related to those investigations.

412.5 CONSIDERATIONS
In determining whether to cite and release a person when discretion is permitted, deputies should consider:

(a) The type of offense committed.

(b) The known criminal history of the suspected offender.

(c) The ability to identify the suspected offender with reasonable certainty.

(d) Whether there is any record of the individual failing to appear in previous cases or other articulable indications that the individual may not appear in court for this offense.

(e) The individual’s ties to the area, such as residence, employment or family.

(f) Whether there is reasonable likelihood that criminal conduct by the individual will continue.
Foreign Diplomatic and Consular Representatives

413.1 PURPOSE AND SCOPE
This policy provides guidelines to ensure that members of the Clay County Sheriff's Office extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

413.2 POLICY
The Clay County Sheriff's Office respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

413.3 CLAIMS OF IMMUNITY
If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

(a) Notify a supervisor.
(b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person’s status.
(c) Request the person’s identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
(d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
(e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating “US” as the state.
413.4 ENFORCEMENT ACTION
If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

(a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.

(b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.

(c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
   1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.

(d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
   1. Diplomatic-level staff of missions to international organizations and recognized family members
   2. Diplomatic agents and recognized family members
   3. Members of administrative and technical staff of a diplomatic mission and recognized family members
   4. Career consular officers, unless the person is the subject of a felony warrant

(e) The following persons may generally be detained and arrested:
   1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
   2. Support staff of missions to international organizations
   3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
   4. Honorary consular officers

413.5 DOCUMENTATION
All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

413.6 DIPLOMATIC IMMUNITY TABLE
Reference table on diplomatic immunity:
## Foreign Diplomatic and Consular Representatives

<table>
<thead>
<tr>
<th>Category</th>
<th>Arrested or Detained</th>
<th>Enter Residence Subject to Ordinary Procedures</th>
<th>Issued Traffic Citation</th>
<th>Subpoenaed as Witness</th>
<th>Prosecuted</th>
<th>Recognized Family Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diplomatic Agent</td>
<td>No (note b)</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Same as sponsor (full immunity and inviolability)</td>
</tr>
<tr>
<td>Member of Admin and Tech Staff</td>
<td>No (note b)</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Same as sponsor (full immunity and inviolability)</td>
</tr>
<tr>
<td>Service Staff</td>
<td>Yes (note a)</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No for official acts Yes otherwise (note a)</td>
<td>No immunity or inviolability (note a)</td>
</tr>
<tr>
<td>Career Consul Officer</td>
<td>Yes if for a felony and pursuant to a warrant (note a)</td>
<td>Yes (note d)</td>
<td>Yes</td>
<td>No for official acts Testimony may not be compelled in any case</td>
<td>No for official acts Yes otherwise (note a)</td>
<td>No immunity or inviolability</td>
</tr>
<tr>
<td>Honorable Consul Officer</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No for official acts Yes otherwise</td>
<td>No for official acts Yes otherwise</td>
<td>No immunity or inviolability</td>
</tr>
<tr>
<td>Consulate Employees</td>
<td>Yes (note a)</td>
<td>Yes</td>
<td>Yes</td>
<td>No for official acts Yes otherwise</td>
<td>No for official acts Yes otherwise</td>
<td>No immunity or inviolability (note a)</td>
</tr>
<tr>
<td>Int’l Org Staff (note b)</td>
<td>Yes (note c)</td>
<td>Yes (note c)</td>
<td>Yes</td>
<td>Yes (note c)</td>
<td>No for official acts Yes otherwise (note c)</td>
<td>No immunity or inviolability</td>
</tr>
<tr>
<td>Diplomatic-Level Staff of Missions to Int’l Org</td>
<td>No (note b)</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Same as sponsor (full immunity and inviolability)</td>
</tr>
<tr>
<td>Support Staff of Missions to Int’l Orgs</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No for official acts Yes otherwise</td>
<td>No immunity or inviolability</td>
</tr>
</tbody>
</table>

### Notes for diplomatic immunity table:

- **Diplomatic Agent**: No immunity or inviolability
- **Member of Admin and Tech Staff**: Same as sponsor (full immunity and inviolability)
- **Service Staff**: No immunity or inviolability
- **Career Consul Officer**: No immunity or inviolability
- **Honorable Consul Officer**: No immunity or inviolability
- **Consulate Employees**: No immunity or inviolability
- **Int’l Org Staff (note b)**: No immunity or inviolability
- **Diplomatic-Level Staff of Missions to Int’l Org**: Same as sponsor (full immunity and inviolability)
- **Support Staff of Missions to Int’l Orgs**: No immunity or inviolability
Foreign Diplomatic and Consular Representatives

(a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

(b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

(c) A small number of senior officers are entitled to be treated identically to diplomatic agents.

(d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.
Rapid Response and Deployment

414.1 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.

414.2 POLICY
The Clay County Sheriff's Office will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

414.3 FIRST RESPONSE
If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding deputies should consider reasonable options to reduce, prevent or eliminate the threat. Deputies must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, deputies should take immediate action, if reasonably practicable, while requesting additional assistance.

Deputies should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action deputies should consider:

(a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.

(b) Whether to wait for additional resources or personnel. This does not preclude an individual deputy from taking immediate action.

(c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.

(d) Whether the suspect can be contained or denied access to victims.

(e) Whether the deputies have the ability to effectively communicate with other personnel or resources.
(f) Whether planned tactics can be effectively deployed.

(g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, deputies should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

414.4 CONSIDERATIONS
When dealing with a crisis situation members should:

(a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.

(b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.

(c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.

(d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

414.5 PLANNING
The Field Operations Division Commander should coordinate critical incident planning. Planning efforts should consider:

(a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Availability of building plans and venue schematics of likely critical incident target sites.

(c) Communications interoperability with other law enforcement and emergency service agencies.

(d) Training opportunities in critical incident target sites, including joint training with site occupants.

(e) Evacuation routes in critical incident target sites.

(f) Patrol first-response training.

(g) Response coordination and resources of emergency medical and fire services.

(h) Equipment needs.

(i) Mutual aid agreements with other agencies.

(j) Coordination with private security providers in critical incident target sites.
414.5.1 ACTIVE SHOOTER AND INTRUDER RESPONSE TRAINING FOR SCHOOLS PROGRAM
A supervisor should coordinate participation with appropriate school officials to advance the purpose and mandates of the Active Shooter and Intruder Response Training for Schools Program under § 170.315.1, RSMo.

414.6 TRAINING
The Training Coordinator should include rapid response to critical incidents in the training plan. This training should address:

(a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Communications interoperability with other law enforcement and emergency service agencies.

(c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.

(d) First aid, including gunshot trauma.

(e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).
Immigration Violations

415.1 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.

415.2 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.

415.3 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.

415.4 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.

415.4.1 CIVIL VS. CRIMINAL FEDERAL OFFENSES
An individual who enters into the United States illegally has committed a misdemeanor (8 USC § 1325(a)). Generally, an alien who initially made a legal entry into the United States but has remained beyond what is a legal period of time has committed a federal civil offense.

Reasonable suspicion that a criminal immigration violation has occurred shall not be based on race, color, national origin or any other generalization that would cast suspicion on or stigmatize any person, except to the extent permitted by the United States or Missouri Constitutions. 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 immigration violation has occurred may include, but are not limited to:

(a) An admission that the person entered the United States illegally.
Immigration Violations

(b) Reason to suspect that the person possesses immigration documentation that is forged, altered or otherwise indicative that the person is not legally present in the United States.

(c) While a lack of English proficiency may be considered, it should not be the sole factor in establishing reasonable suspicion. When practicable, reasonable effort should be made to accommodate persons with limited English proficiency.

(d) Other factors based upon training and experience.

415.4.2 IMMIGRATION CHECKS

Immigration status may be determined through any of the following sources:

(a) A law enforcement officer who is authorized by the federal government under 8 USC § 1357 to verify or ascertain an alien’s immigration status (sometimes referred to as a 287(g) certified officer), 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 a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request ICE or CBP to respond to the location to take custody of the detained person. In addition, the deputy should notify a supervisor as soon as practicable. No individual who is otherwise ready to be released should continue to be detained only because questions about the individual’s status are unresolved.

A deputy is encouraged to forgo detentions made solely on the basis of a misdemeanor 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.

415.4.3 SUPERVISOR RESPONSIBILITIES

When notified that a deputy has detained a person and established probable cause to believe the person has violated a criminal immigration offense, the supervisor should:

(a) Confirm that the detained person’s immigration status was properly verified.

(b) Ensure that the detained person is taken into custody when appropriate. Take any additional steps necessary that may include, but are not limited to:

1. Transfer to federal authorities.
2. Lawful arrest for a criminal offense or warrant.
415.5 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 person 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 (§ 544.472, RSMo).

The arresting deputy need not query LESC if the jail has operational procedures to handle the
query and notification.

No individual who is otherwise ready to be released should continue to be detained solely for the
purpose of notification.

415.6 INFORMATION SHARING
No member of this office will prohibit, or in any way restrict, any other member from doing any of
the following regarding the citizenship or immigration status, lawful or unlawful, of any individual
(8 USC § 1373):

(a) Sending information to, or requesting or receiving such information from ICE
(b) Maintaining such information in office records
(c) Exchanging such information with any other federal, state or local government entity
(d) 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).

415.6.1 IMMIGRATION HOLDS
No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7
unless the person has been charged with a federal crime or the detainer is accompanied by a
warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing
the detainer should be made prior to the release.

415.7 U VISA AND T VISA NON-IMMIGRANT STATUS
Under certain circumstances, federal law allows temporary immigration benefits, known as a
U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)). A law
enforcement certification for a U visa may be completed by a deputy in order for a U visa to be
issued.

Similar immigration protection, known as a T visa, is available for certain qualifying victims of
human trafficking (8 USC § 1101(a)(15)(T)). A law enforcement declaration for a T visa may be
completed by a deputy in order for a T visa to be issued.
Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigation Unit supervisor assigned to oversee the handling of any related case. The Investigation Unit supervisor should:

(a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.

(b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.

(c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
   1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.

(d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

415.8 TRAINING
The Training Coordinator shall ensure that all appropriate members receive immigration training.

415.9 ICE REQUEST FOR ASSISTANCE
Requests by ICE, or any other federal agency, for assistance from this office should be directed to a supervisor. The Office may provide available support services, such as traffic control or peacekeeping efforts, to ICE or other federal agencies.
Emergency Utility Service

416.1 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.

416.1.1 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. County Administrator requesting assistance should be referred to the appropriate water service provider.

416.1.2 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.

416.1.3 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.

416.1.4 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.

416.2 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.

416.2.1 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.
Aircraft Accidents

417.1 PURPOSE AND SCOPE
The purpose of this policy is to provide office members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

417.1.1 DEFINITIONS
Definitions related to this policy include:

**Aircraft** - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

417.2 POLICY
It is the policy of the Clay County Sheriff's Office to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

417.3 ARRIVAL AT SCENE
Deputies or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

(a) Protect persons and property.
(b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
(c) Preserve ground scars and marks made by the aircraft.
(d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
(e) Maintain a record of persons who enter the accident site.
(f) Consider implementation of an Incident Command System (ICS).

417.4 INJURIES AND CASUALTIES
Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.
Aircraft Accidents

417.5 NOTIFICATIONS
When an aircraft accident is reported to this office, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

(a) Fire department
(b) Appropriate airport tower
(c) Emergency medical services (EMS)

417.6 CONTROLLING ACCESS AND SCENE AUTHORITY
Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

(a) FAA.
(b) Fire department, EMS or other assisting law enforcement agencies.
(c) Medical Examiner.
(d) Air Carrier/Operators investigative teams with NTSB approval.
(e) Appropriate branch of the military, when applicable.
(f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this office will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene office supervisor should ensure the accident is still appropriately investigated and documented.

417.7 DANGEROUS MATERIALS
Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

(a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
(b) Pressure vessels, compressed gas bottles, accumulators and tires.
(c) Fluids, batteries, flares and igniters.
(d) Evacuation chutes, ballistic parachute systems and composite materials.

417.8 DOCUMENTATION
All aircraft accidents occurring within the County of Clay shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of CCSO members deployed to assist; other County resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

417.8.1 WRECKAGE
When reasonably safe, members should:
(a) Obtain the aircraft registration number (N number) and note the type of aircraft.
(b) Attempt to ascertain the number of casualties.
(c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
   1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
(d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
(e) Acquire copies of any recordings from security cameras that may have captured the incident.

417.8.2 WITNESSES
Members tasked with contacting witnesses should obtain:
(a) The location of the witness at the time of his/her observation relative to the accident site.
(b) A detailed description of what was observed or heard.
(c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
(d) The names of all persons reporting the accident, even if not yet interviewed.
(e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

417.9 MEDIA RELATIONS
The Public Information Officer ([PIO]) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should
Aircraft Accidents

be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims’ names. The [PIO] should coordinate with other involved entities before the release of information.
Field Training Officer Program

418.1 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.

418.2 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.

418.2.1 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

418.2.2 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.

418.3 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.
Field Training Officer Program

(d) Maintain, update and issue the Field Training Manual to each trainee.
(e) Monitor individual FTO performance.
(f) Monitor the overall FTO Program.
(g) Maintain liaison with FTO coordinators of other agencies.
(h) Maintain liaison with academy staff on recruit performance during the academy.
(i) Develop ongoing training for FTOs.

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.

418.4 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.

418.5 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.

418.5.1 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.

418.6 EVALUATIONS
Evaluations are an important component of the training process and shall be completed as outlined below.

418.6.1 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.

418.6.2 IMMEDIATE SUPERVISOR
The FTO’s immediate supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Administrator.

418.6.3 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.

418.6.4 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.

418.7 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
Air Support

419.1 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.

419.2 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.

419.2.1 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.

419.2.2 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.
Contacts, Detentions and Photographing Detainees

420.1 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.

420.2 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.

420.3 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.
420.4 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:

(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.

420.4.1 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.

420.4.2 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
Contacts, Detentions and Photographing Detainees

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.

420.4.3 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.

420.5 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.

420.6 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.

420.6.1 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.
420.6.2 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.

420.7 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 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.

420.8 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.
Criminal Organizations

421.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure that the Clay County Sheriff's Office appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

421.1.1 DEFINITIONS
Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

421.2 POLICY
The Clay County Sheriff's Office recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this office to collect and share relevant information while respecting the privacy and legal rights of the public.

421.3 CRIMINAL INTELLIGENCE SYSTEMS
No office member may create, submit to or obtain information from a criminal intelligence system unless the Sheriff has approved the system for office use.

Any criminal intelligence system approved for office use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for office use. The supervisor or the authorized designee should ensure the following:

(a) Members using any such system are appropriately selected and trained.

(b) Use of every criminal intelligence system is appropriately reviewed and audited.

(c) Any system security issues are reasonably addressed.

421.3.1 SYSTEM ENTRIES
It is the designated supervisor’s responsibility to approve the entry of any information from a report, FI, photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this office, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Center. Any supporting
documentation for an entry shall be retained by the Records Center in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Center are appropriately marked as intelligence information. The Captain Administration may not purge such documents without the approval of the designated supervisor.

421.4 TEMPORARY INFORMATION FILE
No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the office-approved CIS only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of CIS entries.

421.4.1 FILE CONTENTS
A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

(a) Must only be included upon documented authorization of the responsible office supervisor.

(b) Should not be originals that would ordinarily be retained by the Records Center or Evidence Room, but should be copies of, or references to, retained documents such as copies of reports, field interview (FI) forms, the Cooperative Communications Center records or booking forms.

(c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.

(d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

421.4.2 FILE REVIEW AND PURGING
The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged or entered in an authorized criminal intelligence system, as applicable.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.
Criminal Organizations

421.4.3 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.

421.4.4 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.

421.5 INFORMATION RECOGNITION
Office members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

(a) Gang indicia associated with a person or residence.
(b) Information related to a drug-trafficking operation.
(c) Vandalism indicating an animus for a particular group.
(d) Information related to an illegal gambling operation.

Office supervisors who utilize an authorized criminal intelligence system should work with the Training Coordinator to train members to identify information that may be particularly relevant for inclusion.

421.6 RELEASE OF INFORMATION
Office members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to office members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.
421.7 CRIMINAL STREET GANGS
The Investigation Unit supervisor should ensure that there are an appropriate number of office members who can:

(a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with identification of criminal street gangs, criminal street gang members and patterns of criminal gang activity.

(b) Coordinate with other agencies in the region regarding criminal street gang crimes and information.

(c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

421.8 TRAINING
The Training Coordinator should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

(a) The protection of civil liberties.

(b) Participation in a multiagency criminal intelligence system.

(c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.

(d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.

(e) The review and purging of temporary information files.
Shift/Unit Supervisors

422.1 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.

422.2 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.
Mobile Audio Video

423.1 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.

423.1.1 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.

423.1.2 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.
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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, 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.

423.2 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.

423.3 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.
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- 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 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.

423.4 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.

423.4.1 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:
   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.

423.4.2 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.

423.4.3 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.
423.4.4 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:
   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.

423.5 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.

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.
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(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.

423.6 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.

423.7 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.

423.7.1 COPIES OF ORIGINAL RECORDING MEDIA
Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy.

Original recording media may only be released in response to a court order or upon approval by the Sheriff or the authorized designee. In the event that an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

423.7.2 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.
423.8 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.

423.9 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.

423.10 TRAINING
All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.

423.11 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.
Mobile Data Terminal Use

424.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Terminal (MDT) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between office members and the Cooperative Communications Center.

424.2 POLICY
Clay County Sheriff's Office members using the MDT shall comply with all appropriate federal and state rules and regulations and shall use the MDT in a professional manner, in accordance with this policy.

424.3 PRIVACY EXPECTATION
Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any office technology system (see the Information Technology Use Policy for additional guidance).

424.4 RESTRICTED ACCESS AND USE
MDT use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDT system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDT by another member to their supervisors or Shift/Unit Supervisors.

Use of the MDT system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Office. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

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

It is a violation of this policy to transmit a message or access a law enforcement database under another member’s name or to use the password of another member to log in to the MDT system unless directed to do so by a supervisor. Members are required to log off the MDT or secure the MDT when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.
424.4.1 USE WHILE DRIVING
Use of the MDT by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

424.5 DOCUMENTATION OF ACTIVITY
Except as otherwise directed by the Shift/Unit Supervisor or other office-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the sheriff's radio and electronically via the MDT unless security or confidentiality prevents such broadcasting.

MDT and voice transmissions are used to document the member's daily activity. To ensure accuracy:

(a) All contacts or activity shall be documented at the time of the contact.
(b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.
(c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDT.

424.5.1 STATUS CHANGES
All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the sheriff's radio or through the MDT system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDT when the vehicle is not in motion.

424.5.2 EMERGENCY ACTIVATION
If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available deputy should respond in accordance with the Deputy Response to Calls Policy.

Members should ensure a field supervisor and the Shift/Unit Supervisor are notified of the incident without delay.

Deputies not responding to the emergency shall refrain from transmitting on the sheriff's radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

424.6 EQUIPMENT CONSIDERATIONS

424.6.1 MALFUNCTIONING MDT
Whenever possible, members will not use vehicles with malfunctioning MDTs. Whenever members must drive a vehicle in which the MDT is not working, they shall notify the Cooperative
Communications Center. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the sheriff's radio.

424.6.2 BOMB CALLS
When investigating reports of possible bombs, members should not communicate on their MDTs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDT could cause some devices to detonate.
Portable Audio/Video Recorders

425.1 PURPOSE AND SCOPE
This policy provides guidelines for the use of portable audio/video recording devices by members of this office while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Clay County Sheriff's Office facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

425.2 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.

425.3 MEMBER PRIVACY EXPECTATION
All recordings made by members on any office-issued device at any time, and any recording made while acting in an official capacity of this office, regardless of ownership of the device it was made on, shall remain the property of the Office. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

425.4 MEMBER RESPONSIBILITIES
Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a portable recorder issued by the Office, and that the recorder is in good working order. If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable.

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. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

When using a portable recorder, the assigned member shall record his/her name, CCSO identification 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.
Portable Audio/Video Recorders

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

425.5 ACTIVATION OF THE AUDIO/VIDEO RECORDER

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The portable recorder should be activated in any of the following situations:

(a) All enforcement and investigative contacts including stops and field interview (FI) situations
(b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
(c) Self-initiated activity in which a member would normally notify the Cooperative Communications Center
(d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

425.5.1 SURREPTITIOUS USE OF THE AUDIO/VIDEO 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 Office may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation.

Members shall not surreptitiously record another office member without a court order unless lawfully authorized by the Sheriff or the authorized designee.
Portable Audio/Video Recorders

425.5.2 CESSATION OF RECORDING
Once activated, the portable recorder should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

425.5.3 EXPLOSIVE DEVICE
Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

425.6 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 and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment or ridicule.

Any member who may have questions regarding the application of this policy is encouraged to seek clarification from supervisory personnel.

425.7 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.
Portable Audio/Video Recorders

425.7.1 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.

425.8 IT MANAGER RESPONSIBILITIES
The Clay County Sheriff's Office Information Technology Manager shall be responsible for the following:

- 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.

425.9 RELEASE OF AUDIO/VIDEO 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.

425.10 REVIEW OF RECORDED MEDIA FILES
When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or 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 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.
Portable Audio/Video Recorders

(d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy. All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person’s privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

425.11 COORDINATOR
The Sheriff or the authorized designee should designate a coordinator responsible for:

(a) Establishing procedures for the security, storage and maintenance of data and recordings.
(b) Establishing procedures for accessing data and recordings.
(c) Establishing procedures for logging or auditing access.
(d) Establishing procedures for transferring, downloading, tagging or marking events.
Foot Pursuits

426.1 PURPOSE AND SCOPE
This policy provides guidelines to assist deputies in making the decision to initiate or continue the pursuit of suspects on foot.

426.1.1 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, non-sworn personnel should not engage in a foot pursuit).

426.2 DECISION TO PURSUE
The safety of office members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Deputies must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and office members.

Deputies may be justified in initiating a foot pursuit of any individual that the deputy reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity alone shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual’s involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that a deputy must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place office members and the public at significant risk. Therefore, no deputy or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, a deputy should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

(a) Containment of the area.
(b) Saturation of the area with law enforcement personnel, including assistance from other agencies.
(c) A canine search.
(d) Thermal imaging or other sensing technology.
(e) Air support.
(f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

426.3 GENERAL GUIDELINES
When reasonably practicable, deputies should consider alternatives to engaging in or continuing a foot pursuit when:

(a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory.

(b) The deputy is acting alone.

(c) Two or more deputies become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single deputy keep the suspect in sight from a safe distance and coordinate the containment effort.

(d) The deputy is unsure of his/her location and direction of travel.

(e) The deputy is pursuing multiple suspects and it is not reasonable to believe that the deputy would be able to control the suspect should a confrontation occur.

(f) The physical condition of the deputy renders him/her incapable of controlling the suspect if apprehended.

(g) The deputy loses radio contact with the Cooperative Communications Center or with assisting or backup deputies.

(h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient deputies to provide backup and containment. The primary deputy should consider discontinuing the pursuit and coordinating containment pending the arrival of sufficient resources.

(i) The deputy becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to deputies or the public.

(j) The deputy reasonably believes that the danger to the pursuing deputies or public outweighs the objective of immediate apprehension.

(k) The deputy loses possession of his/her firearm or other essential equipment.

(l) The deputy or a third party is injured during the pursuit, requiring immediate assistance and there are no other emergency personnel available to render assistance.

(m) The suspect's location is no longer known.
Foot Pursuits

(n) The identity of the suspect is established or other information exists that will allow for
the suspect’s apprehension at a later time, and it reasonably appears that there is
no immediate threat to office members or the public if the suspect is not immediately
apprehended.

(o) The deputy’s ability to safely continue the pursuit is impaired by inclement weather,
darkness or other environmental conditions.

426.4 RESPONSIBILITIES IN FOOT PURSUITS

426.4.1 INITIATING DEPUTY RESPONSIBILITIES
Unless relieved by another deputy or a supervisor, the initiating deputy shall be responsible
for coordinating the progress of the pursuit and containment. When acting alone and when
practicable, the initiating deputy should not attempt to overtake and confront the suspect but
should attempt to keep the suspect in sight until sufficient deputies are present to safely apprehend
the suspect.

Early communication of available information from the involved deputies is essential so that
adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion.
Deputies initiating a foot pursuit should, at a minimum, broadcast the following information as soon
as it becomes practicable and available:

(a) Location and direction of travel
(b) Call sign identifier
(c) Reason for the foot pursuit, such as the crime classification
(d) Number of suspects and description, to include name if known
(e) Whether the suspect is known or believed to be armed with a dangerous weapon

Deputies should be mindful that radio transmissions made while running may be difficult to
understand and may need to be repeated.

Absent extenuating circumstances, any deputy unable to promptly and effectively broadcast
this information should terminate the 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, the deputy will notify the Cooperative Communications Center of
his/her location and the status of the foot pursuit termination (e.g., suspect in custody, lost sight
of suspect), and will direct further actions as reasonably appear necessary, to include requesting
medical aid as needed for deputies, suspects or members of the public.
Foot Pursuits

426.4.2 ASSISTING DEPUTY RESPONSIBILITIES
Whenever any deputy announces that he/she is engaged in a foot pursuit, all other deputies should minimize non-essential radio traffic to permit the involved deputies maximum access to the radio frequency.

426.4.3 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 possible; the supervisor does not, however, need to be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established office guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing deputies or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

426.4.4 THE COOPERATIVE COMMUNICATIONS CENTER RESPONSIBILITIES
Upon notification or becoming aware that a foot pursuit is in progress, the Cooperative Communications Center personnel are responsible for:

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

426.5 REPORTING REQUIREMENTS
The initiating deputy shall complete appropriate crime/arrest reports documenting, at a minimum:

(a) Date and time of the foot pursuit.
(b) Initial reason and circumstances surrounding the foot pursuit.
(c) Course and approximate distance of the pursuit.
(d) Alleged offenses.
(e) Involved vehicles and deputies.
(f) Whether a suspect was apprehended as well as the means and methods used.
Foot Pursuits

1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.
   
   (g) Arrestee information, if applicable.
   
   (h) Any injuries and/or medical treatment.
   
   (i) Any property or equipment damage.
   
   (j) Name of the supervisor at the scene or who handled the incident.

Assisting deputies taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

In any case in which a suspect is not apprehended and there is insufficient information to warrant further investigation, a supervisor may authorize that the initiating deputy need not complete a formal report.

426.6 POLICY
It is the policy of this office that deputies, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to office members, the public or the suspect.

Deputies are expected to act reasonably, based on the totality of the circumstances.
Automated License Plate Readers (ALPR)

427.1  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.

427.2  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.

427.3  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.

427.4  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
Automated License Plate Readers (ALPR)

ALPR information gathered and retained by this office may be used and shared with prosecutors or others only as permitted by law.

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.

427.5 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.
Homeless Persons

428.1 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.

428.1.1 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.

428.2 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.
428.3 FIELD CONTACTS
Deputies are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade a deputy from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, deputies are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals, 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.

428.3.1 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 Adult Abuse Policy.
(f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.
(g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.

428.4 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, it will be the responsibility of the homeless liaison deputy to address the matter in a timely fashion.

428.5 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.

428.6 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.
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.
Traffic Function and Responsibility

500.3.1 WARNINGS
Warnings are a non-punitive option that may be considered by the member when circumstances warrant, such as when a minor violation was inadvertent.

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 Records Maintenance and Release 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 increase the visibility of office members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601).
Traffic Function and Responsibility

Although intended primarily for use while performing traffic-related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

500.6.1 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 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. 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.

Each Division Commander will be responsible for providing their assigned personnel new/replacement high-visibility vests. Any extra or unassigned high visibility vests will be stored within each division.
Traffic Accident Response And Reporting

501.1 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.

501.2 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.

501.2.1 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

501.3 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
501.4 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).

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.

501.5 TRAFFIC ACCIDENT REPORTING

501.5.1 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 Shift/Unit Supervisor for approval and data entry into the records management system.

501.5.2 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).

501.5.3 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.

501.6 REPORTING SITUATIONS
Traffic Accident Response And Reporting

501.6.1 TRAFFIC ACCIDENTS INVOLVING COUNTY VEHICLES
Traffic accident investigation reports shall be taken when a County-owned 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.

501.6.2 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.

501.6.3 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.

501.6.4 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).

501.6.5 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.

501.7 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 to relate the circumstances of the traffic accident and seek assistance from the Shift/Unit Supervisor. In the absence of a Division Commander - Field Operations, the Shift/Unit Supervisor or any supervisor may assign an investigator or motor deputy to investigate the traffic accident.
Vehicle Towing and Release

502.1 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).

502.2 RESPONSIBILITIES
The responsibilities of those employees storing or impounding a vehicle are as follows.

502.2.1 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.

502.2.2 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).

502.2.3 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.

502.2.4 DRIVING A NON-CITY 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.
502.2.5 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.

502.2.6 RECORDS UNIT 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 an 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.

502.2.7 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.

502.3 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.

502.4 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
Vehicle Towing and Release

discipline 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:

- 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.

502.5 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.

502.6 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.

502.7 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.

502.8 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.
Vehicle Impound Hearings

503.1 PURPOSE AND SCOPE
This policy establishes a procedure for the requirement to provide vehicle impound or storage hearings.

503.2 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.

503.2.1 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.
Vehicle Impound Hearings

(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.
Impaired Driving and Evidence Collection

504.1 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).

504.2 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.

504.3 INVESTIGATIONS
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.

504.4 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.

504.4.1 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.
Impaired Driving and Evidence Collection

(c) Witness statements, including witnesses who may have reported a suspected impaired driver to the Cooperative Communications Center.

(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.

504.4.2 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.

504.5 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).
Impaired Driving and Evidence Collection

504.5.1 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.

504.5.2 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.

504.5.3 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.

504.5.4 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.

504.6 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.

504.6.1 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).

504.6.2 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.

504.6.3 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.

504.7 ARREST AND INVESTIGATION

504.7.1 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).

504.7.2 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.
Impaired Driving and Evidence Collection

504.7.3 URINE SAMPLES
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).

504.7.4 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).

504.7.5 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).

504.7.6 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.

504.8 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.

504.9 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.

504.10 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.
Breath Alcohol Testing Van

505.1 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.

505.2 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) The 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
Breath Alcohol Testing Van

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 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:

(a) Only members trained in the use of the BAT Van and it's equipment will operate the van for enforcement purposes.

(b) There shall be no smoking in or near the BAT Van.

(c) During extended use in warm weather, the member should monitor the van for proper operating temperature.

(d) 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.

(e) 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.

(f) Unless otherwise approved by a commander, persons under arrest shall not be transported in the testing or holding area of the BAT Van.

(g) The BAT Van shall not be used to pursue another vehicle.

505.3 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 its 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.
Traffic Citations

506.1 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.

506.2 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.

506.3 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.

506.4 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.

506.5 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.
Traffic Citations

506.6 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.

506.7 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.

506.8 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).
Disabled Vehicles

507.1 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.

507.2 DEPUTY 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.

507.3 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.

507.3.1 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.

507.3.2 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.

507.4 PUBLIC ACCESS TO THIS POLICY
This written policy is available upon request.
Abandoned Motor Vehicles

508.1 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).

508.1.1 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.

508.1.2 MODOT URBAN MAP

508.2 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.

508.3 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 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.

508.3.1 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 Statute 304.158.1.
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.
   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 non-sworn 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. 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.
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(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.

(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.
Sex Crime Victim's Rights

601.1 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).

601.2 INVESTIGATION CONSIDERATIONS

601.2.1 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.

601.2.2 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:
Sex Crime Victim's Rights

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.

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.

601.3 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).

601.4 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).

601.5 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).
Asset Forfeiture

602.1 PURPOSE AND SCOPE
This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with specified designated offenses.

602.2 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.

602.3 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 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.

602.4 ASSET SEIZURE
Property may be seized for forfeiture as provided in this policy.
602.4.1 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):

(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.

602.4.2 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.

602.5 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.
602.6 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.
(d) Property received for forfeiture is not used unless the forfeiture action has been completed.

602.7 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.

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.
Asset Forfeiture

(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.

602.8 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.

602.9 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).

602.10 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).
Confidential Informants

603.1 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.

603.1.1 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.

603.2 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.

603.2.1 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
Confidential Informants

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 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.

603.3 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.

603.3.1 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

603.4 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.
603.4.1 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.

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.

603.5 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.

603.5.1 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
Confidential Informants

- 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.

603.5.2 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.

603.5.3 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.

603.5.4 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 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.

603.5.5 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.
Computer Voice Stress Analyzer

604.1 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.

604.2 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.

604.3 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.*

- 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.

### 604.4 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.

### 604.5 PROFESSIONAL STANDARDS INVESTIGATIONS

CVSA examinations may be administered during criminal or administrative investigations focusing on a commissioned deputy, CCIS member or non-sworn 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
order 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.

604.6 APPLICATIONS FOR EMPLOYMENT
CVSA examinations may be administered to law enforcement, non-sworn, 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.

604.7 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.
Computer Voice Stress Analyzer

- Requests will not exploit political and/or financial gain.
Eyewitness Identification

605.1 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.

605.1.1 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.

605.2 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.

605.3 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.

605.4 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.
Eyewitness Identification

(c) The name of the person administering the identification procedure.

(d) If applicable, the names of all of the individuals present during the identification procedure.

(e) An 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.

605.5 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.

605.5.1 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.
Eyewitness Identification

The employee presenting the lineup to a witness should do so sequentially and not simultaneously (i.e., show the witness one person at a time). The witness should view all persons in the lineup. The order of the suspect or the photos and the fillers should be randomized before being presented to each witness.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating deputy should contact the appropriate prosecuting attorney before proceeding.

605.5.2 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.
Eyewitness Identification

(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.

605.6 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.
Brady Material Disclosure

606.1 PURPOSE AND SCOPE
This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “Brady information”) to a prosecuting attorney.

606.1.1 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.

606.2 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.

606.3 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.
606.4 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:

(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.

606.5 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.

606.6 TRAINING

Office personnel should receive periodic training on the requirements of this policy.
Unmanned Aerial System (UAS) Operations

607.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

607.1.1 DEFINITIONS
Definitions related to this policy include:

**Unmanned Aerial System (UAS)** - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

607.2 POLICY
Unmanned aerial systems may be utilized to enhance the office’s mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

607.3 PRIVACY
The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

607.4 PROGRAM COORDINATOR
The Sheriff will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
- Ensuring that all authorized operators and required observers have completed all required FAA and office-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require written authorization of the Sheriff or the authorized designee, depending on the type of mission.
Unmanned Aerial System (UAS) Operations

- Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing an operational protocol governing the deployment and operation of a UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Sheriff.

607.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted during daylight hours and a UAS should not be flown over populated areas without FAA approval.

607.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.
**Unmanned Aerial System (UAS) Operations**

- To harass, intimidate or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

**607.7 RETENTION OF UAS DATA**

Data collected by the UAS shall be retained as provided in the established records retention schedule.
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.

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.
Sheriff's Office-Owned and Personal Property

(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.

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.
Personal Communication Devices

701.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Office or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

701.2 POLICY
The Clay County Sheriff's Office allows members to utilize office-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Office, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

701.3 PRIVACY EXPECTATION
Members shall have no expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Office and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

701.4 OFFICE-ISSUED PCD
Depending on a member's assignment and the needs of the position, the Office may, at its discretion, issue or fund a PCD for the member's use. Office-issued or funded CDs may not be used for personal business either on-or off-duty unless authorized by the Sheriff or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Office and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.
Unless a member is expressly authorized by the Sheriff or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

**701.5 PERSONALLY OWNED PCD**

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

(a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.

(b) The Office accepts no responsibility for loss of or damage to a personally owned PCD.

(c) The PCD and any associated services shall be purchased, used and maintained solely at the member’s expense.

(d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any office business-related communication.

1. Members may use personally owned PCDs on-duty for routine administrative work as authorized by the Sheriff.

(e) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Office, without the express authorization of the Sheriff or the authorized designee.

(f) Use of a personally owned PCD while at work or for work-related business constitutes consent for the Office to access the PCD to inspect and copy data to meet the needs of the Office, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, members will provide the Office with the telephone access numbers of the device.

(g) All work-related documents, emails, photographs, recordings or other public records created or received on a member’s personally owned PCD should be transferred to the Clay County Sheriff’s Office and deleted from the member’s PCD as soon as reasonably practicable but no later than the end of the member’s shift.

Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the member has prior express authorization from his/her supervisor, the member may engage in office business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document
the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty office-related business activities in any manner shall promptly provide the Office with a copy of such records to ensure accurate record keeping.

701.6 USE OF PCD
The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct office business:

(a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.

(b) All PCDs in the workplace shall be set to silent or vibrate mode.

(c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.

(d) Members may use a PCD to communicate with other personnel in situations where the use of the radio is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid or in lieu of regular radio communications.

(e) Deputies are prohibited from taking pictures, making audio or video recordings or making copies of any such picture or recording media unless it is directly related to official office business. Disclosure of any such information to any third party through any means, without the express authorization of the Sheriff or the authorized designee, may result in discipline.

(f) Members will not access social networking sites for any purpose that is not official office business.

(g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

701.7 SUPERVISOR RESPONSIBILITIES
The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.

(b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.

1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
2. Before conducting any administrative search of a member’s personally owned device, supervisors should consult with the Sheriff or the authorized designee.

701.8 USE WHILE DRIVING
The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Deputies operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD. Except in an emergency, members who are operating vehicles that are not equipped with lights and siren 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.

701.9 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
Vehicle Maintenance

702.1 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.

702.2 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.

702.2.1 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.

702.2.2 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.

702.2.3 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.

702.3 VEHICLE EQUIPMENT
Certain items shall be maintained in all sheriff's office vehicles for emergency purposes and to perform routine duties.

702.3.1 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
Vehicle Maintenance

Plus any equipment as directed by the appropriate Division Commander and the Fleet Manager.

702.3.2 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.

702.4 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.

702.5 WASHING OF VEHICLES
All units shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to enhance their appearance.

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.

702.6 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. Non-sworn employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.
Vehicle Use

703.1 PURPOSE AND SCOPE
The 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.

703.1.1 PATROL VEHICLES
The Clay County Sheriff's Office may assign a patrol 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 benefits to the County. Vehicles get better care during operational 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.

703.2 POLICY
The Clay County Sheriff's Office provides vehicles for office-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Office, requirements for tactical deployments and other considerations.

The Clay County Sheriff's Office recognizes that the placement of all patrol vehicles in one location or a select few locations renders and 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 adn vandalism, domestic destruction and /or terrorism. These conditions could render the entire fleet unavailable for deployment.

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.

703.2.1 SHIFT ASSIGNED VEHICLES
Personnel assigned to 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.

703.2.2 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.

703.2.3 UNDERCOVER VEHICLES
Unmarked units, if not assigned to an individual employee, shall not be used without first obtaining approval from the respective unit supervisor.

703.2.4 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 non-sworns. This authority shall apply to personnel who are also subject to call 24/7.

703.2.5 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 after the person is removed. This is to ensure that unauthorized items have not been left in the vehicle.

703.2.6 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.

703.2.7 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
Vehicle Use

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 non-sworn 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.

703.3 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 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.

703.3.1 SHIFT ASSIGNED VEHICLES
The Shift/Unit Supervisor shall ensure a copy of the shift assignment roster, indicating member assignments and vehicle numbers, is completed for each shift and retained in accordance with the established records retention schedule. If a member exchanges vehicles during his/her shift, the new vehicle number shall be documented on the roster.

703.3.2 INSPECTIONS
Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this office should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All office vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.
703.3.3 SECURITY AND UNATTENDED VEHICLES
Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Deputies who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

703.3.4 KEYS
Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member’s chain of command.

703.3.5 ALCOHOL
Members who have consumed alcohol are prohibited from operating any office vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

703.3.6 PARKING
Except when responding to an emergency or when urgent office-related business requires otherwise, members driving office vehicles should obey all parking regulations at all times.

Office vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to office vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

703.3.7 ACCESSORIES AND/OR MODIFICATIONS
There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle fleet manager.

703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES
Office vehicles may be assigned to individual members at the discretion of the Sheriff. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

703.4.1 MAINTENANCE
Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Office. Failure
to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

(a) Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.

(b) It is the member’s responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

(c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the office supervisor in charge of vehicle maintenance.

(d) The Office shall be notified of problems with the vehicle and approve any major repairs before they are performed.

(e) When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.

(f) All weapons shall be removed from any vehicle left for maintenance.

(g) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

703.4.2 ASSIGNMENT GUIDELINES AND CRITERIA
Assignment guidelines and criteria for patrol use vehicles include the following. The Sheriff or the authorized designee may make exceptions to these provisions:

(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 20 mile driving distance from the county line will not be allowed to home garage an assigned vehicle.

(b) 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.

(c) 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.

(d) 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.

(e) 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.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.
**Vehicle Use**

**703.5 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.

**703.6 DAMAGE, ABUSE AND MISUSE**
When any office vehicle is involved in a traffic accident or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any 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 an 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.

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.

Damage to any office 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 should be initiated to determine if there has been any vehicle abuse or misuse. If it is determined that misuse or abuse was the result of negligent conduct or operation, appropriate disciplinary action may result.

**703.7 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 thirty days 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.

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.
Cash Handling, Security and Financial Management and Accountability

704.1 PURPOSE AND SCOPE
This policy provides guidelines to ensure office members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

704.2 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.

704.3 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

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 commingled 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.

704.4 PETTY CASH AUDITS
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 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.

704.4.1 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.

704.4.2 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.

704.5 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.
704.6 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.

704.7 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.

704.8 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 damage the work relationship with other members or public confidence and trust or results in loss of county assets.

704.9 STATE AND FEDERAL REIMBURSEMENT REPORTING (WHERE APPLICABLE)
All quarterly reports, including Federal Financial reports and Section 1512 reports (for Recovery Act grants), and any State of Missouri grants shall be accurately prepared by the Sheriff’s Office member tasked with preparing said reports. Once prepared for submission, said reports shall be reviewed prior to final submission by at least one level of management and approved/reviewed with signature(s). All supporting documentation will be maintained as required for future auditing purposes as required by law and standard accounting procedures.

Clay County Sheriff’s Office Command Staff personnel shall review all Federal and State and other grant terms and conditions prior to acceptance/approval of any grants. After acceptance of the grant, Command Staff personnel will ensure that the grants are routinely monitored, and will review/approve with signatures on all expenditures. Additionally, Sheriff’s Office Command Staff personnel will ensure that the grant expenditures and requests for reimbursement are adequately supported as proper, and all supporting documentation is maintained for future auditing purposes as required by law and standard accounting procedures.

Appropriate Clay County Sheriff’s Office Command Staff personnel shall oversee and approve the submission and review of both subrecipient financial and program/progress reports; periodic
on-site subrecipient monitoring, to include reviews of programmatic and financial operations and proper monitoring and reviewing of subrecipient audit reports when necessary, along with working to timely correct any issues or deficiencies identified; documentation of the results of each subrecipient monitoring visit, along with the maintenance of documentation in appropriate subrecipient files.
Personal Protective Equipment

706.1 PURPOSE AND SCOPE
This policy identifies the different types of personal protective equipment (PPE) provided by the Office as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

706.1.1 DEFINITIONS
Definitions related to this policy include:

**Personal protective equipment (PPE)** - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

**Respiratory PPE** - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

706.2 POLICY
The Clay County Sheriff's Office endeavors to protect members by supplying certain PPE to members as provided in this policy.

706.3 DEPUTIES
Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

706.4 HEARING PROTECTION
Approved hearing protection shall be used by members during firearms training.

Hearing protection should meet or exceed industry standards for use at firing ranges (29 CFR 1910.95).

706.5 EYE PROTECTION
Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the
prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

The Lead Firearms Instructor or his designee should ensure eye protection meets or exceeds consensus standards set by the American National Standards Institute (29 CFR 1910.133).

706.6 HEAD AND BODY PROTECTION
Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg and groin protection should be provided as required by any employment agreement.

706.7 RESPIRATORY PROTECTION
The Administration Division Commander is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan should include procedures for (29 CFR 1910.134):

(a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
(b) Fit testing, including identification of members or contractors qualified to conduct fit testing.
(c) Medical evaluations.
(d) PPE inventory control.
(e) PPE issuance and replacement.
(f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.
(g) Regularly reviewing the PPE plan.
(h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

706.7.1 RESPIRATORY PROTECTION USE
Designated members may be issued respiratory PPE based on the member’s assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member’s degree of exposure or stress may affect respirator effectiveness, the scene commander should
reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (29 CFR 1910.134):

(a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.

(b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.

(c) The member needs to replace the respirator, filter, cartridge or canister.

706.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (29 CFR 1910.134):

(a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.

(b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.

(c) Perform a user seal check per office-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.

(d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

706.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances (29 CFR 1910.134).

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

(a) They smell, taste or are irritated by a contaminant.

(b) They experience difficulty breathing due to filter loading.
Personel Protective Equipment

(c) The cartridges or filters become wet.
(d) The expiration date on the cartridges or canisters has been reached.

706.7.4 SELF-CONTAINED BREATHING APPARATUS
Scene commanders may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual’s ability to escape from a dangerous atmosphere. These situations may include, but are not limited to:
(a) Entering the hot zone of a hazardous materials incident.
(b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.
(c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

706.7.5 RESPIRATOR FIT TESTING
No member should be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (29 CFR 1910.134).

After initial testing, fit testing for respiratory PPE should be repeated (29 CFR 1910.134):
(a) At least once every 12 months.
(b) Whenever there are changes in the type of SCBA or facepiece used.
(c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

706.7.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE
No member shall be issued respiratory protection that forms a complete seal around the face until (29 CFR 1910.134):
(a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.
(b) A physician or other licensed health care professional has reviewed the questionnaire.
(c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

706.8 RECORDS
The Training Coordinator is responsible for maintaining records of all:
(a) PPE training.
(b) Initial fit testing for respiratory protection equipment.
(c) Annual fit testing.
(d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

1. These records shall be maintained in a separate confidential medical file.

The records should be maintained in accordance with the established records retention schedule and 29 CFR 1910.1020.

706.9 TRAINING
Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members should be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (29 CFR 1910.132).

Members issued respiratory PPE should attend annual training on the proper use of respiratory protection devices (29 CFR 1910.134).
Chapter 8 - Support Services
Communication Operations

800.1 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.

800.1.1 FEDERAL COMMUNICATIONS COMMISSION (FCC) COMPLIANCE
Clay County Sheriff's Office radio operations shall be conducted in accordance with FCC procedures and guidelines.

800.2 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.

800.2.1 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.
800.2.2 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 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

800.3 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.

800.3.1 DEPUTY 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.
Property and Evidence

801.1 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.

801.1.1 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.

801.2 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
801.3 PROPERTY HANDLING
Any employee who first comes into possession of any property shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room, along with the property form. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property 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.

801.3.1 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.

801.3.2 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.
801.3.3 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.

801.3.4 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.
801.4 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

801.4.1 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.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

801.4.2 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.
Property and Evidence

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.

801.4.3 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.

801.5 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.

801.6 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.

801.6.1 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.

801.6.2 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.

801.6.3 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.

801.6.4 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:

(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.

801.6.5 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.

801.6.6 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.

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.

801.6.7 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.

**801.6.8 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).

**801.7 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.

**801.7.1 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
- Narcotics
- Unclaimed, stolen or embezzled property
801.7.2 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).

801.7.3 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.

801.8 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).

801.9 INSPECTIONS OF THE EVIDENCE ROOM
(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.
Property and Evidence

(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 the Evidence Room or function to ensure that records are correct and all evidence property is accounted for.
Reports Unit

802.1 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.

802.1.1 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.

802.1.2 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.

802.2 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.
802.2.1 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 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.

802.3 RECORDS 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.
Records Maintenance and Release

803.1 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.

803.1.1 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.

803.2 PUBLIC REQUESTS FOR RECORDS
The Records Custodian or authorized designee 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.

(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 or authorized designee 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.

803.2.1 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 or authorized designee 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 or authorized designee 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 or authorized designee 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 or authorized designee 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.

(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 or authorized designee 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.

803.3 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,
Records Maintenance and Release

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 or authorized designee 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 or authorized designee 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.

(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.

803.4 **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).

803.5 **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).
803.6 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.

803.7 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).

803.8 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).
Criminal History Record Information (CHRI)

804.1 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).

804.2 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.

804.3 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.

804.4 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)).

804.5 AUTHORIZED RECIPIENTS OF INFORMATION
CHRI may be accessed or released as follows.

804.5.1 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.

804.5.2 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 Center
(d) Personnel specifically designated in writing by Division Commanders with the concurrence of the Mules Terminal Agency Coordinator.

804.5.3 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))

804.6 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 Center 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.

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)).

804.6.1 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.

804.6.2 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.

804.7 REVIEW OF AND CHALLENGE TO RECORDS

804.7.1 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.
804.7.2 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):

(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.

804.8 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.

804.9 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.
Disposal of Media Policy and Procedures

805.1 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.

805.2 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.

805.3 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
Disposal of Media Policy and Procedures

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 degaussers. Note that common magnets (e.g., those used to hang a picture on a wall) are fairly weak and cannot effectively degauss magnetic media.

- 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 usable data can be retrieved.

805.4 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.
Computers and Digital Evidence

806.1 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.

806.2 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
Computers and Digital Evidence

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 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).

806.2.1 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.

806.2.2 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.

806.3 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.
Computers and Digital Evidence

(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.

806.4 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.

(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.

806.5 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.

806.6 DIGITAL EVIDENCE RECORDED BY DEPUTIES
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.

806.6.1 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.
Computers and Digital Evidence

806.6.2 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.
Animal Control

807.1 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.

807.2 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.

807.2.1 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.
807.2.2 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.

807.2.3 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.

807.3 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.

807.4 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.
807.5 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.

807.6 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.

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.
Chapter 9 - Custody
Custody Searches

**900.1 PURPOSE AND SCOPE**
This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Clay County Sheriff's Office facility. Such items can pose a serious risk to the safety and security of office members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

**900.1.1 DEFINITIONS**
Definitions related to this policy include:

**Custody search** - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

**Physical body cavity search** - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

**Strip search** - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

**900.2 POLICY**
All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

**900.3 FIELD AND TRANSPORTATION SEARCHES**
A deputy should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any office vehicle.

Whenever practicable, a custody search should be conducted by a deputy of the same sex as the person being searched. If a deputy of the same sex is not reasonably available, a witnessing deputy should be present during the search.

**900.3.1 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
Custody Searches

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.

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.

900.4 SEARCHES AT SHERIFF'S FACILITIES
Custody searches shall be conducted on all individuals in custody, upon entry to the Clay County Sheriff's Office facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

900.4.1 PROPERTY
Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this office, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another office member. The inventory should include the case number, date, time, member's Clay County Sheriff's Office identification number and information regarding how and when the property may be released.

900.4.2 VERIFICATION OF MONEY
All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency
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should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The office member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

900.4.3 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 Turnkey banking system as per Detention Center Standard Operating Procedure.

900.5 STRIP SEARCHES
No individual in temporary custody at any Clay County Sheriff's Office facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

(a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

(b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
   1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

(c) Custody history (e.g., past possession of contraband while in custody, assaults on office members, escape attempts).

(d) The individual’s actions or demeanor.

(e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual’s genital status. If the individual’s genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

900.5.1 STRIP SEARCH PROCEDURES
Strip searches at Clay County Sheriff's Office facilities shall be conducted as follows (28 CFR 115.115):

(a) Written authorization from the Shift/Unit Supervisor shall be obtained prior to the strip search.
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(b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner (§ 544.193(3), RSMo).

(c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search (§ 544.193(3), RSMo). The search shall not be reproduced through a visual or sound recording.

(d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.

(e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.

(f) The primary member conducting the search shall prepare a written report to include:
   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 individual who was searched.
   5. The name and sex of the members who conducted the search.
   6. The name, sex and role of any person present during the search.
   7. The time and date of the search.
   8. The place at which the search was conducted.
   9. A list of the items, if any, that were recovered.
   10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.

(g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.

900.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES
A strip search may be conducted in the field only with Shift/Unit Supervisor authorization and only in exceptional circumstances, such as when:
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(a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.

(b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Shift/Unit Supervisor authorization does not need to be in writing.

900.6 PHYSICAL BODY CAVITY SEARCH
Physical body cavity searches shall be subject to the following:

(a) No individual shall be subjected to a physical body cavity search without written approval of the Shift/Unit Supervisor and only upon a search warrant or approval of legal counsel (§ 544.193(4), RSMo). A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

(b) Only a physician, registered nurse or practical nurse licensed to practice in Missouri may conduct a physical body cavity search.

(c) The person conducting the search and all persons present must be of the same sex as the individual being searched. Only the necessary office members needed to maintain the safety and security of the medical personnel shall be present.

(d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.

(e) All such searches shall be documented, including:

1. The facts that led to the decision to perform a physical body cavity search of the individual.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The Shift/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 names, sex and roles of any office members present.
8. Any contraband or weapons discovered by the search.
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(f) A copy of the written authorization shall be retained and shall be provided to the individual who was searched or other authorized representative (§ 544.193(5), RSMo).

900.7 TRAINING
The Training Coordinator shall ensure members have training that includes (28 CFR 115.115):

(a) Conducting searches of cross-gender individuals.
(b) Conducting searches of transgender and intersex individuals.
(c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.
Prison Rape Elimination

901.1 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).

901.1.1 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
Prison Rape Elimination

- 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)

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).

901.2 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).

901.3 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.

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 115.405 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).

901.4 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
- 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).

901.4.1 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:
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(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.

901.4.2 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).

901.5 INVESTIGATIONS
The Office shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received office-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

901.5.1 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).

901.5.2 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.

901.5.3 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).
901.5.4 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).

901.5.5 CONCLUSIONS AND FINDINGS
All completed investigations shall be forwarded to the Sheriff, or if the allegations may reasonably involve the Sheriff, to the County Administrator. The Sheriff or County Administrator 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.

901.6 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.

901.7 REVIEWS AND AUDITS

901.7.1 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).

901.7.2 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.
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(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.

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).

901.8 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).

901.9 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):
Prison Rape Elimination

- 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.

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.
Chapter 10 - Personnel
Recruitment and Selection

1000.1 PURPOSE AND SCOPE
The employment policy of the Clay shall provide equal opportunities for applicants and its employees, regardless of race, sexual orientation, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, marital status, veteran status or sex and shall not show partiality or grant any special favors to any applicant, employee or group of employees in conformance with Title VII of the Civil Rights Act of 1964, the guidelines issued by the Equal Employment Opportunity Commission and Missouri law. The rules governing employment practices for this office are maintained by the Clay Department of Human Resources.

1000.1.1 POLICY
The Mission Statement of the Clay County Sheriff's Office recognizes that its employees are its most valuable resource in achieving its mission. With that recognition in mind, the Clay County Sheriff's Office is committed to fair, clearly stated and supportive relationships between the organization and its staff. The personnel policies of the Clay County Sheriff's Office have been established in order to provide a guide to its personnel practices and to ensure consistency of personnel decisions.

It is the intention of the Clay County Sheriff's Office to administer its personnel programs in a manner which complies with the letter and spirit of all applicable federal, state and local regulations. Its personnel policies are designed to provide guidance to staff. It is not a part of any contract between the Clay County Sheriff's Office and its employees. It is only a set of informal guidelines for personnel practices. Notwithstanding the provisions of the personnel policies, all employees are "at will employees" which means that they may be terminated at any time in accordance with Clay County Sheriff's Office Policy #1021 Progressive Discipline and Termination without subjecting the Clay County Sheriff's Office to a claim for breach of an employment contract.

1000.1.2 GENERAL PROVISIONS
All personnel are classified as either full-time or part-time. A full-time employee is any employee occupying a position included in the county's adopted annual budget that is neither specified as part-time nor temporary, nor limited for a period of less than the budget year. Positions established within the budget year that are not listed in the adopted annual budget shall be designated by the Sheriff as either full-time or part-time when the position is created. The hours of work for a full-time position are approximately 2080 per year.

The definition of a part-time employee and a listing of benefits for part-time employees shall be in accordance with Clay County Missouri Commission policy covering county employees.

Some employees may be hired to fill a temporary or seasonal position. These terms may be used interchangeably to describe a position comprising duties which occur, terminate, and recur seasonally, intermittently or according to the needs of the office. Such a position shall not require more than 1499 hours of pay in any continuous twelve (12) month period. The Sheriff or his designee shall assign a projected date of termination to these positions of less than one (1) year.
Recruitment and Selection

from date of hire and shall have such date made a part of the employee's personnel file. Further employment while possible is not guaranteed.

1000.1.3 AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT OPPORTUNITY

The Clay County Sheriff's Office is committed to the concept of equal employment opportunity in the day-to-day operation of the Sheriff's Office. Full implementation of equal employment is in the best interest of the public it serves as it will assure that the best people are being hired based on merit, ability, experience, ambition and availability. It is with this thought in mind that the following guidelines are promulgated:

- A continuous effort will be made to achieve genuine equal employment opportunity to all qualified person regardless of race, color, religion or creed, sex, age, national origin, handicapped status, political affiliations or beliefs.

- Voluntary action to assure equal employment opportunity is appropriate at any stage of the employment process including but not limited to, recruitment, testing, ranking, certification, interview, recommendations for selection, hiring, promotion, reduction in force, organizational change, etc.

- Equal employment opportunity does not require the selection of the unqualified or the unneeded or on the basis of race, color, sex, religion, national origin, etc. rather selection should be based upon the ability of the applicant or employee to do the work needed by the Clay County Sheriff's Office.

In enacting and fulfilling this commitment to equal employment opportunity, the Clay County Sheriff's Office accepts its legal and moral responsibility to uphold the Constitution of the United States of America and the statutes enacted in accordance therewith, including, but not limited to Title VI and Title VII of the Civil Rights Act of 1964; Title VIII of the civil rights Act of 1968; Executive Order 11063; Executive order 11246, as amended by Executive Order 11375; the Revenue sharing Act; The Age Discrimination Act of 1967; the Equal Pay Act of 1963; and the Statutes enacted by the State of Missouri, including but not limited to the Fair Employment Practices Act, the Public Accommodations law and the Fair Housing Law.

All personnel actions will adhere to the guiding principle equal employment opportunity as a basic element of human resources management. Discrimination in a personnel action on a basis unrelated to the job is prohibited. Employment and promotion decisions shall be made in accordance with the principles of equal employment opportunity. Personnel actions will conform to all applicable state and federal laws prohibiting discrimination on the basis of race, color, sex, age, religion, national origin, marital status, physical or mental disability, family relationship and other protected-class statuses.

1000.2 APPLICANT QUALIFICATIONS

Candidates for job openings will be selected based on merit, ability, competence and experience.
1000.2.1 MINIMUM QUALIFICATIONS FOR SWORN PERSONNEL
In order to maintain a professional and Qualified Sheriff's Office, certain minimum hiring standards must be maintained. The minimum qualifications are:

- A United States Citizen.
- At least 21 years of age by the date of employment.
- Ability to acquire Missouri residency by the time of employment.
- Ability to acquire a valid Missouri driver's license by the time of employment.
- Tattoos or brands are permissible as long as they are not visible while on duty. In addition, no body piercing shall be visible on duty, except for the ears.
- Pass all required exams, including: written examination, oral board interview, truth verification examination, psychological examination, drug screen (urinalysis), medical examination, vision and hearing examination, final review and a follow-up investigation (if needed).

1000.2.2 DISQUALIFIERS
The disqualifiers listed are basic guidelines and are not all-inclusive.

An applicant is disqualified and ineligible for employment under any of the following conditions:

- The applicant has pled guilty or nolo contendere to, or has been found guilty of, or has a pending indictment of any felony or serious misdemeanor charge (this includes ALL Missouri class A, B, C, and D felonies or their equivalents).
- The applicant has a record of disgraceful conduct or moral turpitude, or has otherwise established a pattern of conduct that would tend to disrupt, or diminish, or otherwise jeopardize public trust in the public safety profession.
- The applicant does not meet or has falsified any one of the requirements, or has made a false statement of material fact established concerning the examination for the position being filled, or has otherwise been untruthful at any time during the hiring process.
- The applicant has used or attempted to use political pressure or bribery to secure an advantage in an examination or other determining factor in securing a position.
- The applicant has sold, transported, traded or dispensed drugs illegally, or has sold or traded in any contraband. The applicant has illegally possessed or used any controlled substance within the previous seven years, excluding marijuana which cannot have been used or possessed within the previous two years, or engaged in a pattern of controlled substance abuse at any time during their life.
- The applicant has established an unsatisfactory employment or personnel record, evidenced by a reference, of such nature as to demonstrate unsuitability for employment.
Recruitment and Selection

- The applicant fails to return a complete, accurate and truthful Personal History Statement by the deadline specified, the Personal History Statement is returned incomplete, or verification of required information cannot be made.

- The applicant fails to provide documents requested for the purpose of conducting a background investigation, e.g. school transcripts, Authorization for Release of Personal Information, etc. (Must be notarized)

- The applicant is late to arrive and/or fails to attend scheduled pre-offer or post-offer examinations without prior notification to the Clay County Sheriff's Office Human Resources unit.

- The applicant does not pass or complete all required examinations.

An applicant may be disqualified and ineligible for employment under any of the following conditions:

- The applicant has pled guilty or nolo contendere to, or has been found guilty of, or has a pending indictment of any misdemeanor charge, ordinance violation or infraction (including all Missouri Class A, B and C misdemeanors, or their equivalents).

- The applicant is in arrears on taxes, or has demonstrated an unwillingness to honor fiscal contracts or just debts.

- The applicant has been cited for an excessive number of traffic violations, or one or more serious traffic violations. **Note:** A traffic violation history that includes a driving while under the influence/intoxicated two or more times or once within the previous five years will make an applicant ineligible for employment. A current revocation or suspension of driving privileges in any state will also make an applicant ineligible for employment.

- The applicant has a history of any incident or pattern of behavior indicating a tendency towards violent acts in domestic relationships. **Note:** An active order of protection will make an applicant ineligible for employment.

- The applicant has served in the Armed Forces and was released or discharged under less than honorable conditions.

**1000.3 STANDARDS**

Employment standards shall be established for each job classification and shall include minimally, the special training, abilities, knowledge and skills required to perform the duties of the job in a satisfactory manner. The Clay County Sheriff's Office Department of Human Resources maintains standards for all positions.

The challenge facing the Sheriff's Office is one of developing a job-valid and non-discriminatory set of policies that will allow it to lawfully exclude persons who do not meet the Clay County Sheriff's Office or State of Missouri hiring standards. The Missouri Peace Officer Standards and Training
Commission (POST) statutorily prescribes minimum standards for licensed employees and a pre-employment investigation of a candidate's background (§ 590.030.1, RSMo; 11 CSR 75-13.020).

The following standards have been adopted for public safety applicants.

1000.3.1 OPERATION OF A MOTOR VEHICLE

(a) The ability to possess a valid Missouri driver license.

(b) The ability to drive safely.

(c) The ability to control a motor vehicle at high speeds.

(d) The ability to operate a motor vehicle in all types of weather conditions.

(e) The following may be disqualifying:

1. Receipt of three or more moving violations within three years or a reckless driving conviction within five years prior to application. Moving violations for which there is a factual finding of innocence shall not be included.

2. Involvement as a driver in two or more chargeable (at fault) collisions within three years prior to the date of application.

3. A conviction for driving under the influence of alcohol (DUI/DWI) and/or controlled substances within 10 years preceding the date of application or during the hiring process.

1000.3.2 INTEGRITY

(a) Refusing to yield to the temptation of bribes, gratuities and payoffs.

(b) Refusing to tolerate unethical or illegal conduct on the part of other law enforcement personnel.

(c) Showing strong moral character and integrity in dealing with the public.

(d) Being honest in dealing with the public.

(e) The following shall be disqualifying:

1. Any material misstatement of fact or significant admission during the application or background process shall be disqualifying, including inconsistent statements made during the initial background interview, documents submitted or discrepancies between this background investigation and other investigations conducted by other law enforcement agencies.

2. Any forgery, alteration or intentional omission of material facts on an official employment application document or sustained episodes of academic cheating.
1000.3.3 CREDIBILITY AS A WITNESS IN A COURT OF LAW

(a) The ability to give testimony in a court of law without being subject to impeachment due to honesty or veracity (or their opposites) or due to a conviction for a felony or crime involving dishonesty or making a false statement.

(b) The following shall be disqualifying:

1. Conviction of any criminal offense classified as a misdemeanor under Missouri law within three years prior to application.

2. Conviction for two or more misdemeanor offenses under Missouri law as an adult.

3. Conviction of any offense classified as a misdemeanor under Missouri law while employed as a peace officer (including military police officers).

4. Admission, conviction or adjudication of having committed any act defined as a felony under Missouri law, federal law, the law of another state or the Uniform Code of Military Justice.

5. Violations of the public trust, including admissions or administrative findings of any act while employed as a peace officer (including military police officers) involving lying, falsification of any official report or document or theft.

6. Admission or conviction of any act of family violence as defined by law, committed as an adult.

7. Admissions of any criminal or delinquent act, whether misdemeanor or felony, committed against children including, but not limited to, molesting or annoying children, child abduction, child abuse, criminal sexual conduct or indecent exposure.

8. Any history of work-related actions resulting in civil lawsuits that found against the applicant or his/her employer may be disqualifying.

1000.3.4 DEPENDABILITY

(a) Having a record of submitting reports on time and not malingering on calls.

(b) A record of being motivated to perform well.

(c) A record of dependability and follow through on assignments.

(d) A history of taking the extra effort required for complete accuracy in all details of work.

(e) A willingness to work the hours needed to complete a job.

(f) Applicants may be disqualified for:

1. Missing any scheduled appointment during the hiring process without prior permission.
Recruitment and Selection

2. Arriving late for any scheduled appointment during the hiring process without making telephone notification as to the reason for the delay.

3. Having been disciplined by any employer, including military, as an adult for abuse of leave, gross insubordination, dereliction of duty or persistent failure to follow established policies and regulations.

4. Having been involuntarily dismissed, for any reason other than layoff, from two or more employers as an adult.

5. Having held more than seven paid positions with different employers within the past four years, or more than 15 paid positions with different employers in the past 10 years (excluding military). Students who attend school away from their permanent legal residence may be excused from this requirement, as well as other persons with a reasonable explanation for an extensive job history.

6. Having undergone personal bankruptcy more than once.

7. Having current financial obligations for which legal judgments have not been satisfied.

8. Having wages currently garnished.

9. Any other history of financial instability.

10. Resigning from any paid position without notice may be disqualifying, except where the presence of a hostile work environment is alleged or other reasonable cause existed.

11. Having any outstanding warrant of arrest at time of application.

12. Pending criminal matters.

1000.3.5 LEARNING ABILITY

(a) The ability to comprehend and retain information.

(b) The ability to recall information pertaining to procedures, rules or regulations.

(c) The ability to recall information pertaining to laws, statutes and codes.

(d) The ability to learn and to apply what is learned.

(e) The ability to learn and apply the material, tactics and procedures that are required of the position.

(f) Applicants shall be disqualified for:

1. Being under current academic dismissal from any college or university where such dismissal is still in effect and was initiated within the past two years prior to the date of application.
2. Having been academically dismissed from any POST-certified basic law enforcement academy wherein no demonstrated effort has been made to improve in the deficient areas. Subsequent successful completion of another POST basic law enforcement academy shall rescind this prohibition.

1000.3.6 PERSONAL SENSITIVITY
   (a) The ability to resolve problems in a way that shows sensitivity for the feelings of others.
   (b) Empathy.
   (c) Discretion in applying authority.
   (d) Effectiveness in dealing with people without arousing irrational antagonism.
   (e) The ability to understand the motives of people and how they will react and interact.
   (f) Applicants may be disqualified for:
      1. Having been disciplined by any employer, including the military and/or any law enforcement training facility, for acts constituting racial, ethnic or sexual harassment or discrimination.
      2. Uttering any epithet derogatory of another person's race, religion, sex, national origin or sexual orientation.
      3. Having been disciplined by any employer as an adult for fighting in the workplace.

1000.3.7 JUDGMENT UNDER PRESSURE
   (a) The ability to apply appropriate problem-solving and decision-making skills under stressful conditions.
   (b) The ability to make sound decisions on the spot.
   (c) The ability to use good judgment in dealing with potentially explosive situations.
   (d) The ability to make effective, logical decisions under pressure.
   (e) Applicants shall be disqualified for:
      1. Admissions of administrative findings or criminal convictions for any act amounting to assault under color of authority, use of excessive force or any violation of federal or state civil rights laws.
      2. Admission of administrative findings or criminal conviction for failure to properly report witnessed criminal conduct committed by another peace officer.
1000.3.8 ILLEGAL USE OR POSSESSION OF CONTROLLED SUBSTANCES

(a) Illegal controlled substance use or possession will be considered automatic disqualifiers, with no exceptions. Examples include:

1. Any adult use or possession of a drug classified as a hallucinogenic within seven years prior to application for employment.
2. Any adult use or possession of marijuana within two years prior to application for employment.
3. Any other illegal adult use or possession of a controlled substance not mentioned above, including cocaine, within seven years prior to application for employment.
4. Without regard to date, any illegal adult use or possession of a controlled substance while employed in any law enforcement capacity, military police or as a student enrolled in college accredited courses related to the criminal justice field.
5. Any adult sale, manufacture or cultivation of a controlled substance.
6. Failure to honestly divulge to the Sheriff's Office any information about personal illegal use or possession of a controlled substance.
7. Any drug test of the applicant, during the course of the hiring process, where illegal controlled substances are detected.

(b) Illegal controlled substance use or possession will be considered in relationship to the overall background of that individual and may result in disqualification. Examples include:

1. Any illegal use or possession of a controlled substance as a juvenile.
2. Any illegal adult use or possession of a controlled substance that does not meet the criteria of the automatic disqualifiers specified above (e.g., marijuana use longer than two years ago or cocaine use longer than seven years ago).
3. Any illegal or unauthorized use of prescription medications.

1000.4 DEPUTY SELECTION PROCESS
Personnel employed by the Clay County Sheriff's Office will be processed through the employment system by various persons within and without the Sheriff's Office; however, the final decision will remain with the Sheriff. In general, when a vacant position is to be filled Human Resources should follow the following guidelines:

• Transfer requests will be reviewed to determine the eligibility of present personnel
• The transfer process will continue until the various positions are filled.
• If no transfers can be made or the transfer process is completed, the open position will be filled from outside the Clay County Sheriff's Office.
Recruitment and Selection

- Posting may include eligibility for internal and external applicants simultaneously

Any employee may give applications to individuals for entry level positions however they must be returned to the Department of Human Resources for processing and will be maintained on file for at least one year. When an opening occurs, the Department of Human Resources and the Administrative Division Commander or his/her designee will review the applications. Upon approval, Human Resources will contact the individuals to determine if they still desire employment, gather further information if needed, and start the employment process.

The employment may be stopped at any time for any reason without notification of the applicant. The employment process will consist of at least the following steps:

- Initial interview with Human Resources specialist.
- Computer check - MULES, N.C.I.C. and DOR.
- Written Assessments.
- Records check with local courts, police or Sheriff's Departments.
- Physical ability testing for Detention Officer and Deputy Sheriff applicants.
- Oral Board interview
- Background investigation of individual with primary and secondary references.
- Truth Verification & Psychological examination for certain positions.
- Physical examination.
- F.B.I Finger Print Check.

Following completion of the Background investigation qualified applicants who appear to be the best match for the needs of the Clay County Sheriff's Office will be given a conditional offer of employment prior to continuing in the employment process. The conditional Offer of Employment will be made based upon the needs of the Clay County Sheriff's Office and include at a minimum the following information:

- Starting wages & benefits including uniform allowances (if any).
- Notice of the Clay County Sheriff's Office's 1 year Introductory Period.
- Notice that any law enforcement commissions from another agency must be surrendered.
- Notice of the Drug Free Workplace policy.
- Notice of the Clay County Sheriff's Office’s Professional Standards polygraph/truth verification policy for internal investigations.
- Notice of the requirement for certain personnel to qualify with a weapon.
- Requirement for the applicant to respond within 5 days
Upon successful completion of the entire process a successful applicant will be contacted by the Human Resources specialist to establish an orientation and start date. The new employee will report to the Department of Human Resources on the established day to complete all required forms and paperwork. Human Resources will complete the paperwork, conduct a new employee orientation and escort the individual to their place of work.

Regular employee status may be granted upon:

- Successful completion of field or appropriate training.
- Successful completion of the one year Introductory Period.

1000.4.1 LATERAL TRANSFER DEPUTY SELECTION PROCESS
Licensed deputy applicants (laterals) currently employed full time with other agencies with a minimum two years full-time law enforcement experience may be deemed to have met various entry requirements and specific steps may be waived at the discretion of the Sheriff or the authorized designee provided the applicant meets POST licensing requirements for the position.

1000.5 REHIRING
Personnel who have resigned with proper notice are eligible for rehire if a vacant position exists. Where the break in service is one year or less, the individual may be required to resubmit a new application for employment. A service break over one year will require a new application for employment. If rehired the individual may retain some of their former benefits. The benefits affected are salary and vacation accumulation. Those individuals, who had rank when they left, either commissioned or non-commissioned, will return with rank commensurate with the position they are hired to fill. For salary determination the following guidelines shall be used:

- Rehire date up to three years after resignation date $\$ full salary for the position.
- Rehire date from three years and one day to five years after resignation date $\$ salary equal to individual with six months service in the position.
- Rehire date over five years and one day after resignation date $\$ starting salary for the position.

For vacation determination the individual will start with 0 days. The rate of accumulation will be based on the total time the individual is with the Clay County Sheriff's Office. The break(s) in service will not be counted, just total Clay County Sheriff's Office time. Sick Leave will start with 0 days and accumulate at the prevailing rate. Any modified benefit levels will be articulated in the conditional offer of employment. Note: The rehiring portion of the policy will affect only those rehired after January 1, 1984.
Recruitment and Selection

1000.6 STAFF AND SPECIALIST POSITIONS
It is the policy of the Clay County Sheriff's Office to provide any employee or applicant for employment a means to file a written complaint alleging discrimination or unlawful employment practice or violation of equal employment opportunity with the Clay County Sheriff's Office Professional Standards Unit who will investigate the charge. Resolution of a complaint may include discipline for any employee who fails to comply with this policy.

1000.7 TECHNIQUES, TOOLS AND RECORDS

1000.7.1 DECEPTION DETECTION DEVICE
If a deception detection device is used in the selection process, the operator will be licensed and/or certified in the use of the device.

1000.7.2 BACKGROUND INVESTIGATIONS
Background investigations are conducted on all employees prior to the final hiring decision. Relevant information regarding the candidate's qualifications, integrity, lawful and unlawful past behavior, previous work performance and driving record, if applicable to the position, is included, along with interviews of individuals who are familiar with the candidate. This information is used to make an informed decision on the candidate's suitability for employment.

Background investigations shall be conducted by members of the Sheriff's Office who have been trained in conducting background investigations or in accordance with the background investigation protocol adopted by the Sheriff's Office.

1000.7.3 RECORDS
All selection materials for those individuals hired, including the background investigation, will be placed in an envelope and filed in the employee's personnel file. Employee selection materials will be maintained for the length of the time required for personnel files under the organization's records retention schedule.

All selection materials for those individuals not hired will be maintained for a minimum period established by the organization's records retention schedule.
Job Descriptions

1001.1 PURPOSE AND SCOPE
Job descriptions are written statements that describe the duties, responsibilities, required qualifications, and reporting relationships of a particular job. They are based on objective information obtained through job analysis, an understanding of the competencies and skills required to accomplish needed tasks, and the needs of the Clay County Sheriff's Office fulfill its mission.

Therefore, it shall be the policy of the Clay County Sheriff's Office to develop, implement and update a series of flexible job descriptions for all positions that will assist in the advancement of its mission. The job descriptions should encourage employee growth within their positions and encourage them to make larger contributions to the mission of the organization.

1001.2 GENERAL GUIDELINES
The Clay County Sheriff's Office recognizes that effectively developed, job descriptions are communication tools that help employees and supervisors know what is expected of personnel assigned to a specific job position. Job descriptions help to clarify the expectations for a job and seek to articulate an employee's responsibilities. They serve as a basis for outlining job training and objective performance evaluations. And, they include information about working conditions, tools, equipment used, knowledge and skills needed, and relationships with other positions. They are the foundational tool used by the office in the evaluation of positions. They also provide a basis of support for these and other Clay County Sheriff's Office needs;

- the establishment of only those functions and positions which are vital to the administrative effectiveness of the Clay County Sheriff's Office in the context of a particular organizational division or unit;
- the monitoring of established positions for actual or necessary change; control of changes in position content which produce additional budgetary considerations;
- the systematic and objective definition of position requirements and responsibilities with reasonable precision; recruitment and selection of applicants and candidates for positions;
- allocation and control of work assignments;
- performance assessment and personal development;
- inter and intra organizational pay comparisons and individual salary determination;
- assessment of collective training needs for particular occupational groupings;
- the identification of a ladder of progression or direction for future development for those employees interested in improving their career and income opportunities;
Job Descriptions

- or, affirmative action and objective demonstration of compliance with EEOC and other employment law.

1001.3 LOCATION, MAINTENANCE AND DEVELOPMENT

Specific job descriptions for all non-elected positions within the Clay County Sheriff's Office will be maintained in the Sheriff's Office Human Resources Office. The Administrative Division Commander or his/her designee shall be responsible for researching, writing and updating these descriptions. The Commander should ensure that an annual review of these descriptions is conducted and appropriate updates and modifications are made.

In general, when researching, developing and reviewing a job description it should be viewed as a "snapshot" of a job. It should communicate clearly and concisely what responsibilities and tasks the job entails and indicate, as well, the key qualifications of the job - the basic requirements (specific credentials, skills and/or physical abilities) - and, if possible, the attributes that underlie superior performance.

Within the Clay County Sheriff's Office there are three distinct classification of job categories; Commissioned Law Enforcement, Non-sworn Detention Officers and Non-sworn Support personnel. Each job category has specific positions where the general skills, training and abilities to satisfactorily master the position are similar. However the specific responsibilities among those positions differ. Clay County Sheriff's Office job descriptions may describe in one job description general task, abilities, education, etc. that are common to all jobs in that category and include them by reference in job descriptions for specific positions.

It is the intent of the Office of the Sheriff that all personnel activities, including the formation of job descriptions, be conducted in a manner that will assure equal employment opportunity for all persons, without regard to political affiliation, race, color, religion, national origin, sex, age, or disability. Therefore, all job descriptions shall comply with the requirements of EEOC both in the letter and spirit of the law. Any job description found to be not in compliance with EEOC guidelines and/or other labor laws will be immediately revoked or revised.

1001.4 FINAL AUTHORITY

The Administrative Division Commander is tasked with the implementation and oversight of this policy. However, the sheriff is the final authority in all personnel matters including job position formation and descriptions.

Any member who believes their job description does not match the job they are being asked to perform or is not in compliance with EEOC guidelines may ask the sheriff for a review. The request must be made in writing detailing the facts upon which it is made. After careful review the sheriff will prepare a written response and forward it to the member that asked for the review. The response will normally be made within 30 days.
Evaluation of Employees

1002.1 PURPOSE AND SCOPE
The Sheriff's Office employee performance evaluation system is designed to record work performance for both the Sheriff's Office and the employee, providing recognition for good work and developing a guide for improvement.

1002.2 POLICY
The Clay County Sheriff's Office utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Sheriff's Office evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to sex, race, color, national origin, religion, age, disability or other protected classes.

1002.3 EVALUATION PROCESS
Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for his/her input.

All sworn and non-sworn supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-introductory employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the annual evaluation period.

Employees who disagree with their evaluation and who desire to make a formal response or a rebuttal may do so in writing in the prescribed format and time period.
Evaluation of Employees

1002.3.1   RESERVE DEPUTY EVALUATIONS
Reserve deputy evaluations are covered in the Reserve Deputies Policy.

1002.3.2   VOLUNTEER EVALUATIONS
Volunteer evaluations are covered in the Volunteers Policy.

1002.4   FULL-TIME INTRODUCTORY PERSONNEL
Personnel must successfully complete the introductory period before being eligible for certification as regular employees. An evaluation will be completed monthly for all full-time non-sworn personnel during the introductory period. Introductory licensed or commissioned personnel and certain other personnel as necessary are evaluated daily, weekly and monthly during the introductory period.

1002.5   FULL-TIME REGULAR STATUS PERSONNEL
Regular employees are subject to three types of performance evaluations:

**Regular** - An employee performance evaluation shall be completed once each year by the employee’s immediate supervisor on or near the anniversary of the employee's date of hire, except for employees who have been promoted, in which case an employee performance evaluation shall be completed on the anniversary of the employee’s date of last promotion.

**Transfer** - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, an evaluation shall be completed by the current supervisor with contributions from the previous supervisor.

**Special** - A special evaluation may be completed any time the rater or the rater’s supervisor determine one is necessary for other reasons, including an assessment of employee performance that appears to have become substandard. Generally, when used to demonstrate those areas of performance that appear to be substandard the evaluation would include follow-up action (e.g., action plan, remedial training, retraining). The evaluation form and any documentation shall be submitted as one package.

1002.5.1   RATINGS
The definition of each rating category is as follows:

**Outstanding** - Actual performance that is well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

**Exceeds standards** - Represents performance that is better than expected of a fully competent employee. It is superior to what is expected but is not of such rare nature to warrant outstanding.

**Meets standards** - Performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

**Needs improvement** - A level of performance less than that expected of a fully competent employee and less than the standards required of the position. A needs-improvement rating must be thoroughly discussed with the employee.
Evaluation of Employees

Unsatisfactory - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated.

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses and suggestions for improvement. Any rating under any job dimension marked unsatisfactory or outstanding shall be substantiated in the rater comments section.

1002.6 EVALUATION INTERVIEW
When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the recently completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Employees may also write comments in the employee comments section of the performance evaluation report.

1002.7 EVALUATION REVIEW
After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded, through the appropriate chain of command, to the rater's Division Commander. The Division Commander shall review the evaluation for fairness, impartiality, uniformity and consistency. The Division Commander shall evaluate the supervisor on the quality of the ratings given.

1002.8 EVALUATION DISTRIBUTION
The original performance evaluation shall be maintained in the employee's evaluation file in the assigned Division Commanders office. A copy will be given to the employee. A copy of the Policy Review/Final Score page shall be forwarded to the Sheriff's Office Human Resources Coordinator for placement in the employee's personnel file.
Notice of Separation/Retirement Information

1003.1 PURPOSE AND SCOPE
To provide information as to the county supported retirement plans and to provide information as to the proper method of submitting notice of separation

1003.1.1 PROCEDURE FOR NOTICE OF SEPARATION
An employee resigning from employment should present a letter of intent to resign to his/her division commander.

Exempt employees are required to resign with four (4) weeks notice and non-exempt employees are required to resign with two (2) weeks notice. Absent exigent circumstance, annual leave (vacation) cannot be taken in lieu of the required notice.

Unused vacation and/or compensatory time along with 25% of unused sick time will be paid with the final pay check provided a proper notice of separation is given and the employee has had at least one year of continuous employment with the Clay County Sheriff's Office. All benefits are paid within the accrual limits for leave.

1003.1.2 RETIREMENT BENEFIT INFORMATION
Any office employee who has questions regarding their retirement benefits through either the LAGERS (Local Government Employees Retirement System) or CERF (County Employee Retirement Fund) systems should contact the Sheriff's Office Human Resources Specialist. The Human Resource Specialist maintains the most current information regarding benefits compilation formulas and requirements for receiving eligible benefits.
Promotions and Transfers

1004.1 PURPOSE AND SCOPE
The Clay County Sheriff's Office provides employees an opportunity to indicate their interest in open positions and advance within the agency according to their knowledge, skills, abilities and experience. In general, notices of all regular, full-time job openings are posted, although the agency reserves its discretionary right to not post a particular opening.

Note: This policy does not apply in the case of an administrative transfer. The policy and procedures for all positions may be waived for temporary assignments, critical positions, emergency situations or for training.

Any eligible member of the Clay County Sheriff's Office may request a transfer to another position and/or division. Employment decisions regarding transfers for all positions will be made without regard to race, color, religion, creed, gender, national origin, age, disability, marital or veteran status, sexual orientation, or any other legally protected status. This shall apply to all aspects of employment including:

- Hiring and firing;
- Compensation, assignment, or classification of employees;
- Transfer, promotion, layoff, or recall;
- Job advertisement, or recruitment;
- Use of agency facilities;
- Training and apprenticeship programs;
- Fringe benefits;
- Pay, retirement plans, and disability leave;
- or Other terms and conditions of employment.

1004.2 JOB POSTING
Job posting is a way to inform employees of openings and to identify qualified and interested applicants who might not otherwise be known to the Sheriff. Other recruiting sources may also be used to fill open positions in the best interest of the agency.

Job openings will be posted on the employee bulletin board(s) and in the email system, and normally remain open for 10 days. Each job posting notice will include the dates of the posting period, job title, division, location, grade level, job summary, essential duties, and qualifications (required knowledge, skills, abilities and experience).

A non-exclusive listing of some of the conditions used in evaluating employees for promotion and transfer are:

- Presents a professional and neat appearance.
Promotions and Transfers

- Maintains a physical condition that aids in his/her performance.

Demonstrates the following traits:

- Emotional stability and maturity
- Stress tolerance
- Sound judgment and decision-making
- Personal integrity and ethical conduct
- Leadership Initiative
- Ability to confront and/or deal with issues both positive and negative
- Ability to conform to organizational goals and objectives

Transfers within a pay grade are considered lateral transfers and are not considered promotions.

Generally vacant positions will be posted in the following locations:

- Outside of the Human Resources office
- Field Operations Roll Call
- Detention Roll Call

The Administrative Division Commander will coordinate all aspects of the job posting process.

1004.2.1 ELIGIBILITY AND DESIRABLE QUALIFICATIONS

To be eligible to apply for a posted job, employees must have performed competently in their current position. Employees who have received a 1st Reminder, 2nd Reminder, Decision Day or a Letter of Reprimand within the previous 365 days, or are on introductory status, disciplinary probation or suspension are not eligible to apply for posted jobs unless they have received an approved waiver. Eligible employees can only apply for those posted jobs for which they possess the required skills, competencies, and qualifications.

The following are considered desirable qualifications for consideration for transfer:

(a) Three years experience
(b) Regular employee status
(c) Has shown an express interest in the position.
(d) Education, training and demonstrated abilities in related areas, such as enforcement activities, investigative techniques, report writing and public relations
(e) Completed any training required by the Peace Officers Standards and Training Commission (POST), federal or state law.
(f) Physical fitness sufficient to perform all the job tasks for a position.
1004.3 APPLICATION AND EVALUATION
To apply for an open position, employees should submit a letter of application to the Human Resources Coordinator listing job-related skills and accomplishments. It should also describe how their current experience with the Clay County Sheriff's Office and prior work experience and/or education qualifies them for the position.

For certain positions eligible applicants may be invited to participate in a written testing process and, for certain positions, a physical fitness assessment process, if they have not recently completed one with the Sheriff's Office. Applicants who successfully pass the written testing and, when necessary, have participated in a fitness assessment will then be placed on an eligibility list for future openings.

Once an opening is identified applicants from the eligibility list will again be evaluated in several areas including, but not limited to, panel interviews, work performance, education, training, disciplinary actions and length of service.

• Each area will be given a weighted percentage.
• No area may count for more than 50 percent of the total score.

A five-member board will conduct panel interviews. The board will generally consist of two (2) Commanders, one (1) Shift/Unit Supervisor, one (1) Deputy Sheriff and one non-supervisory member of the department or one (1) person from the community. The Sheriff will appoint all members to each panel.

Applicants will also have a one-on-one interview with the Division Commander where the opening exists.

1004.4 ASSIGNMENT
After all evaluations are complete the Administrative Division Commander will forward the results to the Sheriff along with any recommendations. The Sheriff is the final authority in all job offers and has complete discretion in all employment decisions.

Each job posting will state a minimum time in position an employee must work before they will be eligible for future job postings.

1004.5 SUPERVISOR CERTIFICATE
Specifications for promotional opportunities are on file with the Clay County Sheriff's Office Department of Human Resources.

1004.6 SUPERVISOR CERTIFICATE
Within one year of the effective date of assignment, all full-time first-line supervisors should complete a supervisor training course.
Grievance

1005.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for the filing and processing of employee grievances.

1005.1.1 POLICY
It is the policy of the Clay County Sheriff's Office to resolve all employee grievances promptly and in a fair and consistent manner without discrimination or retaliation. The Sheriff's Office encourages effective communication between employees and supervisors. Employee’s must be aware though that this is an administrative procedure designed to promote fairness and teamwork within the organization. It should NOT be considered an employment contract and does NOT alter the at will employment status of sheriff's office employees.

1005.1.2 GRIEVANCE DEFINED
A grievance is any difference of opinion concerning terms or conditions of employment or a dispute involving the interpretation or application of any of the following documents by the persons affected:

- This Policy Manual
- County rules and regulations covering personnel practices or working conditions

Grievances may be brought by an individual employee or by any group of employees.

Complaints that are specifically excluded from the category of grievances include:

(a) Complaints related to alleged acts of sexual, racial, ethnic or other forms of unlawful harassment.

(b) Complaints related to allegations of discrimination on the basis of sex, race, religion, ethnic background and other lawfully protected status or activity that are subject to the complaint procedures set forth in the Discriminatory Harassment Policy.

(c) Complaints related to state workers' compensation.

(d) Personnel complaints consisting of any allegation of misconduct or improper job performance by any sheriff's office employee that, if true, would constitute a violation of sheriff's office policy, federal, state or local law set forth in the Personnel Complaints Policy.

1005.2 PROCEDURE
Except as otherwise required under County policy, if an employee believes that he/she has a grievance as defined above, then that employee shall observe the following procedure:
Grievance

- Attempt to resolve the issue through informal discussion with the immediate supervisor.
- Oral presentation. Employees should present the complaint to the immediate supervisor within three (3) working days of the action or incident resulting in the complaint. If the complaint involves the immediate supervisor, the employee may choose to make the initial presentation to the next level of supervision.
- Written complaint. In the event the oral step of the process fails to satisfactorily address the employee's complaint, the employee may present his/her complaint in writing within (5) working days following the oral presentation and meeting. Within three (3) working days of receipt of a written complaint the supervisor involved in the initial meeting must provide a written response to the employee's complaint.
- Appeal. When the written response from the supervisor does not resolve the complaint, the employee may appeal to the appropriate division commander within five (5) working days after receipt of the supervisor's written response. The division commander and the employee will meet to discuss the issues, provide documentation, etc. and within five (5) working days of this meeting, the division commander will send written notification of his/her decision to the employee.
- Appeal to the Sheriff. If the appeal to the division commander fails to resolve the complaint, the employee may, within five (5) working days of receipt of the decision, submit an appeal in writing to the Sheriff. The Sheriff will notify the Undersheriff who will conduct an investigation into the grievance. The Undersheriff will have 10 working days from receipt of the grievance to complete the investigation and provide the Sheriff with the finished report. The Sheriff will review the report and render his decision in writing to the employee. The decision of the Sheriff is final and no further right of appeal is provided.

EXCEPTION: COMPLAINTS ARISING FROM INVOLUNTARY SEPARATIONS MUST BE PRESENTED TO THE SHERIFF IN WRITING WITHIN THREE (3) WORKING DAYS FOLLOWING THE EFFECTIVE DATE OF TERMINATION OF EMPLOYMENT.

1005.3 EMPLOYEE REPRESENTATION
If an employee wishes to ask for the presence of an immediately available co-worker at the initial presentation of a complaint this may be accomplished at the employee's initiation.

1005.4 PUNITIVE ACTION
At no time will punitive or retaliatory action be taken against an employee for exercising his/her rights during, after or in relation to the grievance procedure.
1005.5 GRIEVANCE RECORDS
At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to the Professional Standards Unit for inclusion into a secure file for all written grievances. Records shall be maintained in accordance with the organization's applicable records retention schedule.

1005.6 GRIEVANCE AUDITS
The Training Coordinator shall perform an annual audit of all grievances filed the previous calendar year to evaluate whether any policy/procedure changes or training may be appropriate to avoid future grievances. The Training Coordinator shall report the findings in a confidential and generic memorandum to the Sheriff without including any identifying information from any individual grievance. If the audit identifies recommended changes or content that warrants a revision to this Policy Manual, the Training Coordinator should promptly notify the Sheriff or the authorized designee.
Labor Actions

1006.1 PURPOSE AND SCOPE
To establish Sheriff's Office policy regarding labor organizations, bargaining activities and strikes

1006.1.1 POLICY
The alternative to law and its enforcement is anarchy. The commitment to public service and professionalism preclude the engaging in strikes or similar activities. Section 105.510 R.S.Mo.1978 states that it is unlawful to form or join labor organizations or to present proposals relative to salaries or other conditions of employment to any public body.

It is the policy of the Clay County Sheriff's Office to seek the removal of any member or employee who plans or engages in any strike, work stoppage or slow-down.
Reporting of Employee Convictions

1007.1  PURPOSE AND SCOPE
Convictions of certain offenses may restrict or prohibit an employee’s ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Sheriff's Office of any past and current criminal convictions.

1007.2  DOMESTIC VIOLENCE CONVICTIONS AND PROTECTION ORDERS
Missouri and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1007.3  CRIMINAL CONDUCT
Any person convicted of a felony is prohibited from being a peace officer in the State of Missouri (§ 571.070, RSMo).

If a deputy has committed any criminal offense, whether or not a criminal charge has been filed, the deputy may have their POST certification suspended or revoked (§ 590.080, RSMo; § 590.090, RSMo).

While legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of the Clay County Sheriff's Office may be inherently in conflict with law enforcement duties and the public trust.

1007.3.1  COURT ORDERS
All employees shall promptly notify the Sheriff's Office if they are part of any criminal or civil court order, including foreign court orders. Court orders may prevent peace officers from possessing a firearm or require suspension or revocation of their peace officer POST certificate.

1007.4  REPORTING PROCEDURE
All members of the Clay County Sheriff's Office/CCIS and all retired deputies with an identification card issued by the Clay County Sheriff's Office shall promptly notify their immediate supervisor (or the Sheriff in the case of retired deputies) in writing of any past or current criminal arrest or conviction, regardless of whether the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired deputies with an identification card issued by the Clay County Sheriff's Office shall further promptly notify their immediate supervisor (or the Sheriff in the case of retired
Reporting of Employee Convictions

deputies) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

1007.5 PROCEDURE FOR RELIEF
A peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such judicial relief and the granting of a state court petition will not relieve one of the restrictions imposed by federal law.

Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Each employee shall seek relief from firearm restrictions on his/her own time and through his/her own resources.

Pending satisfactory proof of relief from any legal restriction imposed on an employee’s duties, the employee may be placed on administrative leave, reassigned or disciplined. The Sheriff's Office may, but is not required to return an employee to any assignment, reinstate any employee or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.
Contacts With Offenders and Ex-Offenders

1008.1 PURPOSE AND SCOPE
To establish guidelines for professional staff/offender relationships, communications and associations

1008.2 POLICY
It shall be the policy of the Clay County Sheriff's Office to recognize the inherent dangers of compromising relationships, communications and associations and ensure that all employee contacts with offenders and exoffenders are conducted in a professional manner.

1008.3 DEFINITIONS
Offender - Persons under investigation for a criminal offense, persons under indictment for a criminal offense or civil contempt, or persons booked into any detention or correctional facility. Traffic offenses and municipal ordinance violations shall be excluded from this definition.

Association - Fraternizing or otherwise engaging in relationships of a financial, personal or social nature.

Adversary - An inmate who’s past actions could negatively impact an employee’s professional responsibility and judgment. (e.g., offender is accused of shooting an employee’s cousin or robbing an employee’s mother)

Sexual Contact - Any form of kissing, intentional touching, either directly or indirectly or through clothing, of the genitalia, anus, groin, breasts, inner thighs or buttocks. This does not include searches or examinations conducted as authorized by departmental policy.

Harassment - Any form of behavior that is perceived or intended to abuse, humiliate, degrade another person. This shall include, but not be limited to, sexual advances, request for sexual favors, phone harassment; or any verbal or physical conduct, which is demeaning.

1008.4 GUIDELINES
The following guidelines are applicable to all offenders but most especially to those currently housed in the Clay County Detention Center:

(a) Personnel will interact with offenders in a respectful and personable manner, treating them humanely and protecting against violation of their rights. No profane, demeaning, indecent, ethnic, or other discriminatory language or references will be directed toward any offender.

(b) Personnel will maintain a professional relationship with offenders at all times. They will never use their official position to compromise the professional standards of law enforcement conduct, ethics, honesty and integrity.
Contacts With Offenders and Ex-Offenders

(c) Except as required in the performance of their duties, personnel shall not knowingly develop an association with an offender, ex-offender or their family members and close associates.

1. Ongoing contacts with offenders and ex-offenders or their families and close associates will be limited to those persons with whom the employee was acquainted or associated before becoming an offender. In such cases, personnel shall advise their supervisor in writing of the nature, extent, and history of the relationship.

2. Personnel shall not harass offenders or ex-offenders.

3. Personnel shall not engage in any sexual contact with offenders or ex-offenders.

4. Personnel shall not engage in any of the following activities related to offenders, ex-offenders or their family members and close associates:
   (a) Display favoritism or preferential treatment toward one offender or group of offenders over another.
   (b) Give gifts, favors, or services beyond those required in the performance of their duties.
   (c) Communicate via U.S. Mail, telephone, e-mail or other electronic means.
   (d) Date or cohabitate. Visit at any detention or correctional institution.
   (e) Accept for themselves or any family member any personal reward - tangible or intangible - or any other consideration from an offender, ex-offender or their family members and close associates.
   (f) Engage in any non-incidental contact outside of that required in the performance of their duties.

(d) Personnel shall immediately notify their supervisor when they learn that a friend, family member or adversary is an offender.

   (a) Notification shall be made in writing to the employee's immediate supervisor and if the individual is currently housed in the Clay County Detention Center forwarded to the Detention Division Commander.

   (b) The Detention Division Commander will ensure that the Classification Unit is notified and arrangements made to house the offender so that the employee will not directly supervise the offender.

   (c) Personnel will not extend nor promise to confined relative, friend or adversary any personal favors, services or privileges not available to all other similarly classified offenders.
Contacts With Offenders and Ex-Offenders

(d) Visiting relatives or friends confined in the Clay County Detention Center is prohibited. Visiting of relatives or friends confined in other facilities is permitted, but must be approved by the appropriate Division Commander.

(e) All information will be kept confidential, except as required to ensure the safety of other personnel and security of the facility.

(e) Personnel are expected to immediately report in writing to their supervisor any violation of this policy.
Alcohol and Drug Use

1009.1 PURPOSE AND SCOPE
The intent of this policy is to deter the misuse or abuse of legal or illegal substances that create a threat to the safety and health of any employee or member of the public. The Clay County Sheriff's Office discourages alcohol and drug abuse and strives to achieve a workforce free from the influence of drugs and alcohol.

1009.2 GENERAL GUIDELINES
The consumption of alcohol or other intoxicants is generally prohibited except as necessary in the performance of an official special assignment and only after approval by a supervisor. Personnel who consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance. Personnel who consume alcohol as part of a special assignment shall not operate a vehicle after the consumption of any alcohol.

Employees who have consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect their senses or judgment shall not report for duty. The affected employee shall notify the Shift/Unit Supervisor or appropriate supervisor as soon as the employee is aware that he/she will not be able to report to work. If the employee is unable to make the notification, every effort should be made to have a representative contact the supervisor.

1009.2.1 PURCHASE OR POSSESSION OF DRUGS OR ALCOHOL ON-DUTY
Sheriff's Office employees/CCIS members shall not purchase or possess alcohol or other controlled substances on County property, at work or while on-duty except in the performance of a special assignment as described in this policy.

Sheriff's Office employees/CCIS members shall not illegally manufacture any alcohol or drugs while on-duty, on County property or at any other time.

1009.2.2 USE OF PRESCRIBED MEDICATIONS
Sheriff's Office employees/CCIS members who are medically required to take prescription medication during work hours shall not allow such medication to impair their ability to perform their work. Any employee/member who is required to take any medication with side effects which might impair his/her ability to fully and safely perform all requirements of the position shall report the need for such medication to his/her immediate supervisor.

No employee/member shall be permitted to work on or drive a vehicle owned or leased by Clay County or the Sheriff's Office while taking such potentially impairing medication without a written release from his/her physician.

1009.3 EMPLOYEE ASSISTANCE PROGRAM
There is a voluntary Employee Assistance Program to assist employees who wish to seek help for alcohol and drug problems. There may also be available a variety of insurance coverages which provide treatment for drug and alcohol abuse. Employees may contact the Department of
Human Resources, their insurance provider or the Employee Assistance Program for additional information.

Employees who experience drug or alcohol problems are encouraged to seek referral for rehabilitation through an Employee Assistance Program or their insurance provider. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

Employees may use leave for confidential visits consistent with the Sick Leave Policy.

1009.3.1 CONFIDENTIALITY
The Sheriff's Office recognizes the confidentiality and privacy due employees. Disclosure of any information relating to chemical abuse treatment, except on a need to know basis, shall only be with the express written consent of the employee involved or pursuant to lawful process.

1009.4 WORK RESTRICTIONS
If an employee/member informs a supervisor that he/she has consumed any alcohol, drug or medication which could interfere with the safe and efficient performance of his/her duties, the employee may be required to obtain clearance from his/her physician before he/she continues to work.

If a supervisor reasonably believes, based upon objective facts, that an employee/member's ability to perform his/her duties safely and efficiently:

(a) May be impaired by the consumption of alcohol or other drugs, they may ask the employee/member whether he/she has consumed any alcohol or other drugs and, if so:

1. The amount and types of alcohol or other drugs consumed and the time of consumption.
2. If a controlled substance was consumed, the name of the person who prescribed its use.

(b) Is impaired by the consumption of alcohol or other drugs, the Sheriff's Office shall prevent the employee/member from continuing work and shall transport him/her or cause him/her to be transported safely away from the Sheriff's Office/CCIS Office.

1009.5 REQUESTING SCREENING TESTS
The Sheriff's Office may request an employee/member to submit to a screening test if the Sheriff's Office:

(a) Reasonably believes, based upon objective facts, that the employee/member is under the influence of alcohol or drugs which are impairing his/her ability to perform duties safely and efficiently.
(b) Informs the employee of the specific facts supporting its belief and prepares a written record of those facts, and
   1. Informs the employee in writing whether the test will be for alcohol or drugs, or both.
   2. That the result of the test is not admissible in any criminal proceeding against him/her.
   3. That he/she may refuse the test, but that his/her refusal may result in dismissal or other disciplinary action.

1009.5.1 ADDITIONAL SCREENING TESTS FOR DEPUTIES
The Sheriff's Office may request an employee/member to submit to a screening test if the employee:
   (a) Is a peace officer and, during the performance of his/her duties, discharges a firearm.
   (b) During the performance of his/her duties, drives a motor vehicle in such a manner as to cause bodily injury to him/herself or another person or substantial damage to property.

1009.5.2 SCREENING TEST REFUSAL
An employee/member is subject to disciplinary action if he/she:
   (a) Fails or refuses to submit to a screening test as requested.
   (b) After taking a screening test which indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested by his/her appointing authority, that he/she had taken the controlled substance as directed pursuant to a current and lawful prescription issued in his/her name.

1009.6 CONFIDENTIALITY
The Sheriff's Office recognizes the confidentiality and privacy due employees/members. Disclosure of any information relating to chemical abuse treatment, except on a need to know basis, shall only be with the express written consent of the employee/member involved or pursuant to lawful process. The written results of any screening test may be provided to the employee/member but will remain confidential and separate from the employee/member's other personnel files.
Absenteeism and Patterns Thereof

1010.1 PURPOSE AND SCOPE
Public work requires team effort, and each member plays an important part as a member of the team. A basic tenant of the employer-employee relationship is that members will come to work regularly and predictably and attend to work while on duty. Unless members are regularly available for duty, work cannot go on effectively or efficiently. Excessive absenteeism causes unnecessary increases in operating expenses. Members who are excessively unavailable for work (regardless of cause) require others to carry an extra load as well as tie up job opportunities and positions for more available and qualified personnel. It shall be the policy of the Clay County Sheriff's Office to reasonably require that personnel make themselves available to work at their assigned times. They shall remain at their duty assignment until properly relieved.

1010.1.1 STANDARD REGARDING ABSENTEEISM
Members shall not be unnecessarily or excessively absent or unavailable for work. Excessive absenteeism regardless of cause, whether approved or not approved, is substantial evidence that the member is not qualified for the job. Excessive is defined as that point beyond the work unit's average, plus 20 percent of that average.

1010.1.2 NONEXCLUSIVE LISTING OF NON-VIOLATIONS
The following is a nonexclusive list of behavior that would be considered a non-violation of this standard - Maintaining Acceptable Attendance and Availability for Work. As nonviolations they would not count towards a finding of unnecessarily or excessively.

(a) Approved bereavement leave.
(b) Approved time in training, special work, or educational assignments.
(c) Approved time for meals and breaks. Earned vacation time. Minimal required military commitment time as permitted by law.
(d) Sick days when used according to standard.
(e) Time off for jury duty.
(f) Time off on approved disability leave (e.g., serious injuries in the line of duty, pregnancy).
(g) Approved leave provided for in the Family Medical Leave Act.
(h) Reasonable accommodations made for recognized disabilities under law, such as the Americans With Disabilities Act.

1010.1.3 NONEXCLUSIVE LISTING OF VIOLATIONS
The following is a nonexclusive list of behavior that would be considered a violation of this standard "Maintaining Acceptable Attendance and Availability for Work. As violations they would count towards a finding of unnecessarily or excessively.
(a) All unauthorized or non-approved absences.
(b) Consistently scheduled personal appointments that coincide with scheduled duty time.
(c) Failing to attend a scheduled training course or being absent for any period of time from a scheduled training course without direct approval from appropriate authority.
(d) Tardiness.
(e) Unavailable more so than the typical member for the assignment of overtime.
(f) Time lost because of reporting to duty unfit or not ready for duty. This includes physical, psychological, and medical fitness, and the failure to bring necessary equipment or wear necessary or appropriate uniforms or dress.
(g) Time lost doing re-work because such work was not completed properly the first time.
(h) Time lost sleeping, loafing or watching television during restricted times on the job.
(i) Time spent conducting personal business on work time.
(j) Time spent correcting deficient work after receiving notice to improve.
(k) Time spent on an unassigned task without an immediate supervisor's permission.
(l) Time spent on extended lunch or work break after receiving notice to correct.
(m) Time spent by supervisors having to correct improperly completed subordinates' work after having given them notice to correct.

1010.1.4 ENFORCEMENT GUIDELINES
Personnel who are unnecessarily or excessively absent or unavailable for work are subject to progressive discipline up to and including termination if member culpability is shown.

Personnel may be subject to an evaluation for fitness for duty if culpability is not an element. Based upon findings of the evaluation they may be reassigned if the member is qualified. Being qualified means that another job is available and economically feasible, the member is capable of performing the essential functions of the job, and has an otherwise acceptable service record (for example, good productivity, attendance, and no other serious disciplinary problems).

Any member or employee who fails to appear for duty at the date, time and place specified without the consent of his supervisor, is “absent without leave”. Such absences within the period of one shift shall be reported in writing to the Division Commander. Absence without leave in excess of one shift shall be reported in writing to the Sheriff.

Absence without leave that exceeds three days is considered to be a voluntary resignation

1010.2 PATTERNS OF ABSENTEEISM
All absenteeism affects the effective, efficient, and safe operations of an organization. The nature of public work requires a cadre of workers capable and ready to handle any established or expected service demanded by the public. Public employees have specialized training and cannot
Absenteeism and Patterns Thereof

be easily replaced by other persons. It shall be the policy of the Clay County Sheriff’s Office to prohibit personnel from establishing any pattern of absenteeism that adversely affects its effective, efficient, and safe operations.

1010.2.1 STANDARD REGARDING PATTERNS OF ABSENTEEISM
Members shall not establish patterns of absenteeism. Establishing a pattern of absenteeism is a violation regardless of whether any part of the absenteeism within the pattern has been approved or disapproved or scheduled by management.

A certain amount of absenteeism will occur in any organization, and in many cases the causes are justified by the nature of the individual and specific circumstances existing at the time. However, when personnel establish patterns of absenteeism, management interprets this as substantial evidence of abuse and violation of this standard.

1010.2.2 NONEXCLUSIVE LISTING OF NON-VIOLATIONS
The following is a nonexclusive list of behavior that would be considered a non-violation of this standard - Establishing Patterns of Absenteeism:

(a) Absenteeism due to restricted or light duty work because of job-related injuries provided the associated time off does not establish an attachment pattern with regularly scheduled time off.

(b) Annual pre-planned vacation time.

(c) Attendance at periodic training or special details that are prearranged, recognized, and approved by management.

(d) Observedance of scheduled days off.

(e) Sick time used by members who have a serious (life-threatening) illness or injury to self or immediate member of the family shall not be calculated into any pattern as long as such illness or injury is properly documented, the nature of the injury or illness is certified by an approved licensed physician and such use is approved by management. (NOTE: All such approvals are subject to audit.)

1010.2.3 NONEXCLUSIVE LISTING OF VIOLATIONS
The following is a nonexclusive list of behavior that would be considered a violation of this standard - Establishing Patterns of Absenteeism:

(a) Absences of short duration (less than three days) that are attached to scheduled days off or other scheduled absenteeism.

(b) Consistently using sick leave or personal days within the short period of time in which they are earned.

(c) Establishing a pattern of scheduling doctor’s appointments and the like during busy or critical work times without displaying substantial written evidence that other times could not have been more appropriately arranged.
Absenteism and Patterns Thereof

(d) Use of sick leave at a rate that consistently leaves the member's balance at or near zero (e.g., less than 16 hours).

1010.2.4 ENFORCEMENT GUIDELINES
Personnel who behave in a manner that violates this standard of conduct are subject to progressive discipline up to and including termination.
Sick Leave and Family Medical Leave Act

1011.1 PURPOSE AND SCOPE
Employees of the Clay County Sheriff's Office are provided with a sick leave benefit that gives them continued compensation during times of absence due to personal or family illness. Full-time employees accrue 3.69 hours accrued per pay period to a County wide maximum of 1000 hours, regardless of their length of service. Employees may also be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (29 CFR 825.100).

1011.2 EMPLOYEE RESPONSIBILITIES
Sick leave can be used for the following reasons:

- Personal illness or injury
- Medical, optical, and dental appointments
- Care of an immediate family member who is ill or for his/her doctor's appointments
- Birth or adoption of a child in accordance with Clay County Sheriff's Office Policy #1015 Leave From Duty
- In accordance with the requirements of the county’s workers compensation policy
- Temporary disability, including pregnancy and maternity
- or for medical, dental or vision exams or medical treatment of the employee or the employee's immediate family when it is not reasonably possible to schedule such appointments during non-working hours

Sick leave is not considered vacation. Abuse of sick leave may result in discipline (up to and including termination) and/or denial of sick leave benefits. Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational or other activity that may impede recovery from the injury or illness.

When using sick leave personnel shall remain at home except for the following reasons:

- Medical appointments
- Fill or pick up a prescription or other medicine
- To stay with a family member if help is needed
- To obtain food or other essential living items

When personnel are on Sick Leave for three or more consecutive days they may be placed on leave according to the provisions of Clay County Sheriff's Office Policy regarding the Family Medical Leave Act. Employees may opt to donate sick time to individuals on approved Family Medical Leave. The donating employee must maintain a balance of 80 sick leave hours in his/her accrual. For more information please visit the Clay County Intranet. [http://
**Sick Leave and Family Medical Leave Act**

Employees are encouraged to notify an immediate supervisor, the Shift/Unit Supervisor or other appropriate supervisor as soon as they are aware that they will not be able to report to work. At a minimum, employees shall make such notification no less than four hours before the start of their scheduled shift (Administrative and clerical personnel should give at least 30 minutes notice). The request will be made personally by telephone unless for medical reasons they are unable to do so. If an employee is unable to contact the supervisor in the case of an emergency, every reasonable effort should be made to have a representative contact the supervisor. After notifying the supervisor the employee or representative should request to be transferred to the Sheriff's Office Human Resources Coordinator and leave a message or notify the Coordinator of the absence.

When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever reasonably possible, provide notice to the Sheriff's Office as soon as reasonably possible and with no less than 30-days notice of the intent to take leave.

**1011.3 EXTENDED ILLNESS**

Employees on extended absences shall, if possible, contact their unit supervisor at three-day intervals to provide an update on their absence and expected date of return. Employees absent from duty due to personal illness in excess of three consecutive days shall be required to furnish a statement from their health care provider supporting the use of sick leave and/or the inability to return to work.

Nothing in this section precludes a supervisor, based upon reasonable cause, from requiring a physician's statement if three or fewer sick leave days are taken.

**1011.4 SUPERVISOR RESPONSIBILITIES**

Supervisors should monitor sick leave usage and regularly review the attendance of employees under their command to ensure that the use of sick leave is consistent with this policy. Supervisors should address the use of sick leave (Non FMLA Sick Leave) in the employee's performance evaluation when it has negatively affected the employee's performance or ability to complete assigned duties and when unusual amounts of sick leave or patterns of sick leave usage by the employee have a negative effect on sheriff's office operations. When appropriate, supervisors should counsel employees regarding the excessive use of sick leave or patterns of sick leave usage and should consider referring the employee to the Employee Assistance Program.

**1011.5 FAMILY MEDICAL LEAVE ACT**

The purpose of the Family Medical Leave Act (FMLA) is to preserve the integrity of the family and to protect the business interest of the employer. The law establishes guidelines for employees and employers relating to time off for specific family needs. It is the intent of the FMLA to help
employees balance work and family, as well as to ensure the integrity of the workforce. Therefore it shall be the policy of the Clay County Sheriff's Office to reasonably facilitate the use of the FMLA by its personnel.

1011.5.1 GENERAL GUIDELINES
Eligible personnel are entitled to unpaid leave under this policy in accordance with the current provisions of the Family Medical Leave Act. The Administrative Division Commander shall be responsible for providing oversight and coordination of the FMLA with the sheriff's office human resources coordinator. He/she will establish procedures to ensure employees who fall under the provisions of the FMLA receive the necessary forms to complete. All personnel will complete and return the forms to the sheriff's office human resources coordinator in a timely manner. FMLA is tracked on a calendar year basis. Recertification and/or re-application for FMLA may be required at the beginning of each new calendar year.

1011.5.2 PAID LEAVE SUBSTITUTION
Paid Annual Leave (vacation time), generally available to employees, will be used to offset all, or a portion of the leave provided by the FMLA. Accrued compensatory time cannot be considered as a leave substituted for FMLA purposes.

In cases of the employee's own personal illness or the illness of an immediate family member, paid leave will be substituted from the employee's accrued sick leave balance. When accrued Sick Leave is exhausted Annual Leave will be substituted with any remaining time allowed under FMLA returning to the unpaid provisions until more paid leave is accrued. The Sheriff, at his/her sole discretion, may grant a request for paid Sick Leave (this is a Non FMLA benefit and is not intended to restart an FMLA timeline or create a new timeline) that lasts beyond the limits of the FMLA if sufficient leave has been accrued, however, the employee's return to duty is not guaranteed and will depend upon an available position vacancy.

1011.5.3 FITNESS FOR DUTY REPORT
Personnel who use seven consecutive days of FMLA leave for their own illness will be required to provide a fitness-for-duty certification upon return to duty. Employee's who may need a reasonable accommodation to return to work should contact the Sheriff's Office Human Resources Coordinator as soon as possible.
Leave From Duty (Non Sick Leave)

1012.1 PURPOSE AND SCOPE
Without trained, competent and loyal personnel, the Clay County Sheriff's Office could not effectively accomplish its mission. In order to help its personnel balance the competing demands between work commitments and personal responsibilities, the Clay County Sheriff's Office offers a generous leave program. It shall be the policy of the Clay County Sheriff's Office to closely follow the provisions for leave found in the County Commission Personnel Policy Manual. However, due to the unique nature of public safety work the Clay County Sheriff's Office recognizes that it may be in the best interest of the community, the agency and the employees to institute its own policies in certain circumstances. In all cases, it shall be the policy of the Clay County Sheriff's Office to administer its leave program in a fair, equitable and legal manner that benefits the community, the employee and the agency.

1012.1.1 GENERAL PROVISIONS
Unless specifically stated otherwise in Clay County Sheriff's Office written policy, the provisions of the Clay County Commission Personnel Policy Manual shall govern all administration of leave. In general, leave shall begin to accrue with the beginning of employment with the Clay County Sheriff's Office. The Department of Human Resources shall maintain a record of all leave for Clay County Sheriff's Office personnel.

1012.2 ANNUAL LEAVE
Annual Leave is an authorized absence with pay from a regularly scheduled workday. Annual leave is granted to personnel for the purpose of rest from their job tasks or to attend to a personal or emergency matter. Personnel may not work for the county in any position while on annual leave for the purpose of receiving additional compensation.

**Personnel may not accrue more than twice their annual leave. Personnel who have reached their maximum accrual will not accrue additional hours until they fall below the maximum. They are responsible for monitoring their accrued annual leave and working with their supervisors to stay below the limit.** After completion of one year full-time employment, accrued but unused annual leave is payable upon separation within the limits of Clay County Sheriff's Office Standard of unused vacation and/or compensatory time along with 25% of unused sick time will be paid with the final pay check provided a proper notice of separation is given. All benefits are paid within the accrual limits for leave.

Based upon the unique tasks and staffing needs of their division, Division Commanders may establish written procedures for requesting the use of annual leave. Commanders should attempt to make reasonable accommodations to grant requests made at least 30 days in advance. Reasonable accommodations shall take into consideration personnel requests as well as division/unit considerations as to minimize disruption and overtime costs.
Employees with financial record keeping responsibilities are required to take a Annual Leave or use compensatory time at least once annually in the amount equivalent to one continuous work week.

For Full Time employee's Annual Leave is accrued at the following rates:

**1012.3 PAID HOLIDAYS**

Full-time employees are eligible for eight (8) hours of paid holiday leave for holidays recognized by the State of Missouri. Holidays that fall on Saturday are recognized the preceding Friday. Holidays that fall on Sunday are recognized the following Monday.

Full-time employees scheduled to work on a holiday will be compensated for hours actually worked plus eight (8) holiday hours. (For clarification purposes, an employee who works a twelve (12) hour shift on a holiday will be compensated for twelve (12) worked hours and 8 holiday hours for a total of twenty (20) hours.) Worked holiday hours are considered towards the computation of overtime. Sick time used in the same work-period will not result in additional hours of compensation.

**Unscheduled absences immediately prior to, immediately following or on a holiday will result in forfeiture of holiday pay.**

**1012.4 PARENTAL LEAVE**

The Clay County Sheriff's Office recognizes that the physical, emotional and spiritual well-being of its employees is very important to the overall effectiveness by which it accomplishes its mission. It also recognizes that the addition of a child to an employee's family is a life-changing event that adds significant stress in the employee's life - stress that can impact on their ability to perform their job. The opportunity to spend time caring for and bonding with a new child helps employees adjust to the changes in his/her family without the added demands and stress of the job tasks. Therefore, it shall be the policy of the Clay County Sheriff's Office to allow personnel up to 14 days of unpaid parental leave for the birth or adoption of the employee's child. This leave program is only available to those employees who are not eligible for leave under the Family Medical Leave Act. If the employee is eligible for Family Medical Leave (FML) they **MUST** use FML.

**1012.4.1 GENERAL PROVISIONS**

Parental leave is available to all eligible personnel (male or female) of the Clay County Sheriff's Office regardless of their length of service. It can be taken in minimum blocks of 1 day or up to 14 consecutive days leave any time within the first 90 days after birth or adoption. Personnel will be given the choice of using accumulated annual leave or sick leave for this period of time. If they do not have accumulated leave then they may request unpaid leave.

To qualify for parental leave personnel must have, or expect to have, ongoing responsibility for the upbringing of the child, and;

- be the biological parent of the child, or
- be married to the child's mother, or
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- be the child's adoptive parent, or
- reside in the home of the biological or adoptive parent.

The provisions for parental leave under this policy are for one period of parental leave per birth or adoption even if there is more than one child born or adopted. Parental leave granted under this policy will count towards the time allowed under the provisions of the Family Medical Leave Act.

1012.4.2 NOTIFICATION AND CERTIFICATION
Personnel should give as much notice as possible of their intent to take parental leave upon the birth or adoption of their child. At least 30 days before the expected birth or adoptive placement personnel shall give their division commander a written request of dates and times of leave. The employee's division commander may grant unscheduled changes to the request if it does not create an undue hardship on the operations of the division. Personnel may be asked to provide a copy of the child's birth certificate as proof of entitlement. In the case of adoption, copies of certification of placement from the adoption agency may be required.

1012.4.3 ADDITIONAL LEAVE
All personnel may request additional leave in accordance with the unpaid provisions of Family Medical Leave Act. If the employee has additional accrued vacation leave it will be substituted for "unpaid" FMLA leave. All accrued paid leave time runs concurrent with any FML time taken and counts against that calendar year FML available time. Paid sick leave in addition to what is provided above may not be used for parental leave. The employee's division commander, based upon staffing needs, may also approve the use of accumulated compensatory leave.

1012.5 MILITARY LEAVE
The Clay County Sheriff's Office recognizes the important contribution our members of the armed services provide for the safety and security of our communities. Therefore it shall be the policy of the Clay County Sheriff's Office to assist its personnel in meeting their active military and/or reserve obligations.

1012.5.1 ELIGIBILITY
Personnel who have been in County service for at least one (1) year immediately preceding leaving the service of the County directly to enter the active uniform service of the United States during a national emergency, drafted into such service, or employees subject to compulsory service who voluntarily enlist, shall be granted military leave of absence without pay to extend to three (3) months beyond the date of termination of active uniform service. The term "uniform service" as used herein shall include the Army, Navy, Air Force, Marine Corps, Coast Guard, and Public Health Service, as well as all auxiliary branches of said services in which either men or women shall be called on to serve, but shall not include services as non-sworn employees of any of the services. The term "national emergency" as used herein shall exist during such period as determined by the federal government.
1012.5.2 RESTORATION
Personnel returning from military leave shall be entitled to restoration of the former position held prior to the leave provided they make application within three (3) months after release from duty, have been honorably discharged or remain a member of the Reserves or National Guard and is physically and mentally capable of performing the essential duties of the position involved, with or without an accommodation. In the event that the position vacated is not vacant or no longer exists at the time personnel qualify for return to work, they shall be entitled to be re-employed in another vacant position.

1012.5.3 SALARY
Personnel returning from military leave may be re-employed at the same salary range attained when granted a military leave. The employee may be eligible for a pay adjustment upon return to county service based on the length of leave.

Personnel who leave the County service directly for such military leave may elect to be paid for any accrued Annual and/or Sick Leave as the employee may be entitled to if actually separating from the County service. The decision shall be noted on the personnel action form affecting the leave. If personnel elect not to be paid for Annual/Sick Leave, such leave shall be reinstated upon return to work.

1012.5.4 MILITARY TRAINING
Personnel who are or may become active members of the National Guard, the Officer’s Reserve Corps, or the Enlisted Reserve Corps of the United States Government shall be entitled to leave of absence with pay from their respective duties on all days during which they are required for military duty or training for a period not to exceed fifteen (15) calendar days in any one year. They shall receive five paid leave days for each seven days of such leave, not to exceed 10 paid leave days. Personnel who require additional leave may have such leave charged to Annual Leave or Leave without Pay.

1012.6 OTHER LEAVE
Personnel may also take advantage of Time off for Voting, Bereavement Leave, and other leave under the provisions of Clay County Commission Personnel Policy Chapter 13.

13 - 3 Bereavement Leave - Regular full time employees are allowed up to five days off (Maximum 40 hours) with pay in the event of the death of a member of the employee's immediate family. (See definition for "Immediate Family" member) Regular full time employees are allowed up to one day off (Maximum 8 hours) with pay in the event of the death of a member of the employee's extended family. (See definition of “Extended Family” member) Additional time required in the event of a death will be charged to vacation time, if available.

13 - 4 Other leave - Military leave, jury duty and time off for voting are allowed within federal or statutory requirements. Department managers may dictate when an employee may take his/her three hour time allotment for voting purposes. In most cases, voting will be required at the end of a shift or before shift start to decrease work flow interruption. Jury duty is allowed as paid time
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for full time employees however, employees are required to return any and all jury duty stipend/allowances to the County Treasurer.

1012.7 MONETARY VALUE OF LEAVE
All leave granted under this policy shall have no monetary value except according to any buy-back provisions granted by Clay County Sheriff’s Office policy.
Communicable Diseases

1013.1 PURPOSE AND SCOPE
This policy is intended to provide guidelines for sheriff's office personnel to assist in minimizing the risk of contracting and/or spreading communicable diseases and to minimize the incidence of illness and injury as required by state and federal guidelines.

The policy will offer direction in managing the issues related to communicable disease, which include:

- Identifying, informing and training all sheriff's office employees regarding the communicable disease risks to which they may be exposed while performing their specific job assignments.
- Managing the risks associated with bloodborne pathogens, aerosol transmissible diseases and other potentially infectious substances.
- Assisting sheriff's office personnel in making decisions concerning the selection, use, maintenance, limitations, storage and disposal of personal protective equipment (PPE).
- Protecting the privacy rights of all sheriff's office personnel who may be exposed to or contract a communicable disease during the course of their duties.
- Providing appropriate treatment and counseling should an employee be exposed to a communicable disease.

1013.1.1 DEFINITIONS
Definitions related to this policy include:

**Biohazard or bloodborne pathogen** - Pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

**Communicable disease** - An illness caused by an agent or its toxic products that arises through the transmission of that agent or its products to a susceptible host, either directly or indirectly.

**Decontamination** - The use of physical or chemical means to remove, inactivate or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use or disposal.

**Exposure incident** - A specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious materials that result from the performance of a sheriff's office member's duties.

**Other potentially infectious materials** - Includes human bodily fluids such as semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid,
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amniotic fluid, saliva in dental procedures, any bodily fluid that is visibly contaminated with blood, and all bodily fluids in situations where it is difficult or impossible to differentiate between bodily fluids, any unfixed tissue or organ (other than intact skin) from a human (living or dead) and HIV-containing cell or tissue cultures, organ cultures and HIV- or HBV-containing culture medium or other solutions, and blood, organs or other tissues from experimental animals infected with HIV or HBV.

Personal protective equipment (PPE) - Specialized clothing or equipment worn by an employee for protection against a hazard. General work clothes (e.g., uniforms, pants, shirts or blouses) that are not intended to function as protection against a hazard are not considered to be personal protective equipment.

Universal precautions - An approach to infection control. According to the concept of universal precautions, all human blood and certain human bodily fluids are treated as if known to be infectious for HIV, HBV and other bloodborne pathogens.

1013.2 PROCEDURES FOR CONTACT WITH BLOOD OR BODILY FLUIDS

All sheriff's office personnel who may be involved in providing emergency medical care or who come in contact with another person's blood or bodily fluids (e.g., during an altercation or while attending to any injured person) shall follow these procedures and guidelines.

Exposure to blood or other potentially infectious materials includes, but is not limited to, the contact of such substances with the eye, mouth, other mucous membranes, non-intact skin, needle sticks, human bites, cuts or abrasions or any similar exposure.

Exposure to an aerosol transmissible disease is any event in which all of the following have occurred:

(a) An employee has been exposed to an individual who is a case or a suspected case of a reportable aerosol transmissible disease, or to a work area or to equipment that is reasonably expected to contain aerosol transmissible pathogens associated with a reportable aerosol transmissible disease.

(b) The exposure occurred without the benefit of applicable exposure controls required by this policy.

(c) It reasonably appears from the circumstances of the exposure that transmission of disease is sufficiently likely to require medical evaluation.

1013.2.1 EXPOSURE CONTROL OFFICER

The Sheriff will assign a person as the sheriff's office Exposure Control Officer (ECO). The ECO's responsibilities, working with the Clay County Risk Management Coordinator, shall include:

(a) The overall management of the bloodborne Exposure Control Plan (ECP).

(b) Establishing written procedures and a training program related to aerosol transmissible diseases.
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(c) The development, maintenance and update of an exposure determination list.

(d) The ECO will work with management to develop and administer any additional related policies and practices necessary to support the effective implementation of this plan and remain current on all legal requirements concerning bloodborne pathogens and other communicable diseases.

(e) The ECO shall solicit input from non-managerial employees, who are potentially exposed to injuries from contaminated sharps, in the identification, evaluation and selection of effective engineering and work practice controls and shall document the solicitation in the ECP.

(f) The ECO will act as a liaison during Occupational Safety and Health Administration (OSHA) inspections and shall conduct program audits to maintain an up-to-date ECP.

(g) The ECO in conjunction with the Training Coordinator will maintain an up-to-date list of sheriff's office personnel requiring training; will develop and implement a training program; maintain class rosters and quizzes; and periodically review the training program.

(h) The ECO will review and update the ECP annually, on or before January 1 of each year.

(i) The ECO shall ensure that a copy of the ECP is accessible to employees.

Sheriff's Office supervisors are responsible for exposure control in their respective areas. They shall work directly with the ECO and the affected employees to ensure that the proper exposure control procedures are followed.

1013.2.2 UNIVERSAL PRECAUTIONS
All human blood and bodily fluids, such as saliva, urine, semen and vaginal secretions, are to be treated as if they are known to be infectious. Where it is not possible to distinguish between bodily fluid types, all bodily fluids are to be assumed potentially infectious.

1013.2.3 PERSONAL PROTECTIVE EQUIPMENT
PPE is the last line of defense against communicable disease. Therefore, the following equipment is provided for all personnel to assist in the protection against such exposures:

- Not less than two pair of disposable latex/nitrile gloves (keeping a box in the car is recommended)
- Safety glasses or goggles
- NIOSH N95 particulate respirator with a one-way valve
- Alcohol, or similar substance, to flush skin at emergency site
- Antiseptic hand cleanser and clean towels or antiseptic towelettes
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The PPE provided by the Clay County Sheriff's Office shall be kept in each sheriff's vehicle, inspected at the start of each shift and replaced immediately upon returning to the station if it has been used or damaged during the shift, or as otherwise needed.

1013.2.4 IMMUNIZATIONS
All sheriff's office personnel who, in the line of duty, respond to emergency medical calls or may be exposed to or have contact with a communicable disease shall be offered appropriate immunization treatment.

1013.2.5 WORK PRACTICES
All personnel shall use the appropriate barrier precautions to prevent skin and mucous membrane exposure whenever contact with blood or bodily fluid is anticipated.

Disposable gloves shall be worn on all medical emergency responses. Disposable gloves should be worn before making physical contact with any patient and/or when handling items (e.g., evidence, transportation vehicle) soiled with blood or other bodily fluids. Should one's disposable gloves become contaminated with blood or other bodily fluids, the gloves shall be disposed of as contaminated waste. Care should be taken to avoid touching other items (e.g., pens, books and personal items in general) while wearing the disposable gloves in a potentially contaminated environment.

All procedures involving blood or other potentially infectious materials shall be done in a way to minimize splashing, spraying or otherwise generating droplets of those materials.

Eating, drinking, smoking, applying lip balm and handling contact lenses shall be prohibited in areas where a potential for an exposure exists.

1013.2.6 INFORMATION AND TRAINING
All employees shall participate in occupational exposure training commensurate with the requirements of his/her position. The training shall be provided:

(a) At the time of initial assignment to tasks where an occupational exposure may take place.
(b) At least annually after the initial training.
(c) Whenever the employee is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.

The occupational exposure training should meet the minimum standards set by state and federal regulations.

Training records should be kept for at least three years.

1013.3 DISPOSAL AND DECONTAMINATION
The following procedures will apply to the disposal or decontamination of equipment or personnel after responding to an event that involved contact with a person's blood or bodily fluids.
1013.3.1 USE OF WASTE CONTAINERS
Deputies shall dispose of biohazards with the on-scene fire response vehicle or ambulance at the attending clinic or hospital with its approval or in an appropriately marked biohazard waste container immediately upon arrival.

The biohazard waste container shall be collapsible, leakproof, red and appropriately labeled with a biohazard warning, and routinely emptied.

1013.3.2 DECONTAMINATION OF SKIN AND MUCOUS MEMBRANES
Personnel shall wash their hands immediately on-scene if reasonably possible, or as soon as reasonably possible following the removal of potentially contaminated gloves or after utilizing only antiseptic cleanser or towelettes. Antibacterial soap and warm water or an approved disinfectant shall be used to wash one's hands, paying particular attention to the fingernails.

If an employee's intact skin contacts someone else's blood or bodily fluids or other potentially infectious materials, the employee shall immediately wash the exposed part of his/her body with soap and warm water and/or an approved disinfectant, as soon as possible. If the skin becomes grossly contaminated, body washing shall be followed by an approved hospital strength disinfectant. If large areas of the employee's skin are contaminated, the employee shall shower as soon as reasonably possible, using warm water and soap and/or an approved disinfectant. Medical treatment should be obtained.

Contaminated non-intact skin (e.g., injured skin, open wound) shall be cleaned using an approved disinfectant and then dressed or bandaged as required. Medical treatment is required.

All hand, skin and mucous membrane washing that take place in the station shall be done in the designated cleaning or decontamination area. Cleaning shall not be done in the kitchen, bathrooms or other locations not designated as a cleaning or decontamination area.

1013.3.3 SHARPS AND ITEMS THAT CUT OR PUNCTURE
All personnel shall avoid using or holding sharps (e.g., needles, blades) unless they are needed to assist a paramedic or are being collected for evidence. Unless required for evidentiary reasons related to evidence preservation, employees are not to bend or recap sharps. If recapping is necessary, a one-handed method shall be employed to avoid a finger prick. Disposal, when practicable, shall be into a puncture-proof biohazard container.

All sharps and items that cut or puncture (e.g., broken glass, razors and knives) shall be treated cautiously to avoid cutting, stabbing or puncturing one's self or any other person. If a sharp object contains known or suspected blood or other bodily fluids, that item is to be treated as a contaminated item. If the item is not evidence, touching it with the hands shall be avoided. Use a device, such as tongs or a broom and a dustpan, to clean up debris. If the material must be handheld, protective gloves must be worn.

1013.3.4 DISPOSABLE PROTECTIVE EQUIPMENT
Contaminated disposable supplies (e.g., gloves, dressings, CPR mask) shall be transported with the patient or suspect in the ambulance or sheriff's vehicle. The waste material shall then be...
disposed of in a biohazard waste container at the hospital or sheriff's station. Disposable gloves are to be worn while placing the waste into the waste biohazard container, placing the gloves in with the waste when through.

1013.3.5 DECONTAMINATION OF PERSONAL PROTECTIVE EQUIPMENT
After using any reusable PPE, it shall be washed or disinfected and stored appropriately. If the PPE is not reusable (e.g., disposable gloves), it shall be discarded in a biohazard waste container as described in this policy.

Any PPE that becomes punctured, torn or loses its integrity, shall be removed as soon as feasible. The employee shall wash up and replace the PPE if the task has not been completed. If any failure of PPE results in a contaminated non-intact skin event, decontamination as described in this policy shall be implemented.

Contaminated reusable PPE that must be transported prior to cleaning shall be placed into a biohazard waste bag and transported in the ambulance, paramedic truck or sheriff's vehicle. Gloves shall be worn while handling the biohazard waste bag and during placement into the biohazard waste container, and then included in with the waste.

1013.3.6 DECONTAMINATION OF NON-DISPOSABLE EQUIPMENT
Contaminated non-disposable equipment (e.g., flashlight, gun, baton, clothing, portable radio) shall be decontaminated as soon as reasonably possible. If it is to be transported, it shall be done by first placing it into a biohazard waste bag.

Grossly contaminated non-disposable equipment items shall be transported to a hospital, fire station or sheriff's station for proper cleaning and disinfecting. Porous surfaces such as nylon bags and straps shall be brushed and scrubbed with a detergent and hot water, laundered and allowed to dry. Non-porous surfaces (e.g., plastic or metal) shall be brushed and scrubbed with detergent and hot water, sprayed with a bleach solution, rinsed and allowed to dry. Delicate equipment (e.g., radios) should be brushed and scrubbed very carefully using a minimal amount of a type of germicide that is approved by the Environmental Protection Agency (EPA).

During decontamination, employees should pay close attention to handles, controls, corners, crevices and portable radios. Equipment cleaning shall not be done in the kitchen, bathrooms or areas that are not designated as a cleaning/decontamination area.

Contaminated equipment should be cleaned using an approved EPA germicide or a 1:100 solution of chlorine bleach (one-quarter cup of bleach per one gallon of water) while wearing disposable gloves and goggles. Large particles of contaminants such as vomit, feces and blood clots should first be removed (e.g., using a disposable towel or other means to prevent direct contact) and then properly disposed.

1013.3.7 DECONTAMINATION OF CLOTHING
Contaminated clothing such as uniforms and undergarments shall be removed as soon as feasible and rinsed in cold water to prevent the setting of bloodstains.
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If the clothing may be washed in soap and hot water, do so as soon as possible. If the clothing must be dry cleaned, place it in a biohazard waste bag and give it to the ECO. The ECO will secure a dry cleaner that is capable of cleaning contaminated clothing and will inform them of the potential contamination. This dry cleaning will be done at the sheriff's office expense.

Contaminated leather boots shall be brushed and scrubbed with detergent and hot water. If the contaminant soaked through the boot, the boot shall be discarded.

1013.3.8 DECONTAMINATION OF VEHICLES
Contaminated vehicles and components, such as the seats, radios and doors, shall be washed with soap and warm water and disinfected with an approved germicide as soon as feasible.

1013.3.9 DECONTAMINATION OF STATION AND CLEANING AREA
The ECO shall designate a location at the station that will serve as the area for cleaning/decontamination. This area is to be used to keep equipment clean and sanitary and for the employees to wash any potential contamination from their bodies. This area is to be thoroughly cleaned after each use and maintained in a clean and sanitary order at all times. The application of cosmetics, smoking cigarettes, consuming food and drink are prohibited in this designated area at all times.

1013.4 POST-EXPOSURE REPORTING AND FOLLOW-UP REQUIREMENTS
In actual or suspected exposure incidents, proper documentation and follow-up action must occur to limit potential liabilities and ensure the best protection and care for the employee.

1013.4.1 EMPLOYEE RESPONSIBILITY TO REPORT EXPOSURE
To provide appropriate and timely treatment should exposure occur, all employees shall verbally report the exposure to their immediate supervisor and complete appropriate reports or forms as soon as possible following the exposure or suspected exposure.

The report shall be submitted to the employee's immediate supervisor. Additionally, if the exposure involves contact with the bodily fluids of an individual who has been arrested, the employee should document in the exposure report whether he/she would like the person who was the source of the exposure to be tested for communicable diseases.

1013.4.2 SUPERVISOR REPORTING REQUIREMENTS
The supervisor on-duty shall investigate every exposure that occurs as soon as reasonably possible following the incident, while gathering the following information:

(a) Name and Social Security number of the employee exposed
(b) Date and time of incident
(c) Location of incident
(d) The potentially infectious materials involved
(e) Source of material or person
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(f) Current location of material or person
(g) Work being done during exposure
(h) How the incident occurred or was caused
(i) PPE in use at the time of the incident
(j) Actions taken post-event (e.g., cleanup and notifications)

The supervisor shall ensure that the event is documented and advise the employee of the laws and regulations concerning disclosure of the identity and infectious status of a source.

If the ECO is unavailable to seek testing of the person who was the source of the exposure, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

1013.4.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT
Any employee who was exposed or suspects he/she was exposed to a communicable disease shall be seen by a physician (or qualified health care provider) as soon as reasonably possible.

The doctor or qualified health care provider should be provided with:

- The supervisor's report, which has a description of the exposed employee's duties as they relate to the exposure incident, documentation of the routes of exposure, the circumstances under which exposure occurred, and the results of the source individual's blood test if known.
- The employee's medical records and vaccination status relevant to the visit and examination.

The blood of the exposed employee shall be tested at the expense of the Sheriff's Office after consent is obtained.

The employee shall be made aware of the laws and regulations concerning disclosure of the identity and infectious status of a source. The exposed employee will be informed of the source's test results.

The health care professional shall provide the ECO and/or the County's risk manager with a written opinion/evaluation of the exposed employee's situation within 15 days of completion of the evaluation. This opinion shall only contain the following information:

- Confirmation that the employee received the evaluation results
- Confirmation that the employee was informed of any medical condition resulting from the exposure incident that will require further treatment or evaluation

All other findings or diagnosis shall remain confidential and are not to be included in the written report.
1013.4.4 COUNSELING
The Sheriff's Office shall provide the exposed employee, and his/her family if necessary, the opportunity for counseling and consultation.

1013.4.5 CONFIDENTIALITY OF REPORTS
Most of the information involved in the process must remain confidential. The ECO shall ensure that all records and reports are kept confidential.

The ECO shall be responsible for maintaining confidential records containing the employee's treatment status and the results of examinations, medical testing and follow-up procedures that took place as a result of an exposure.

The risk manager shall be responsible for maintaining the name and Social Security number of the employee and copies of any information provided to the consulting health care professional as a result of an exposure.

This information is confidential and shall not be disclosed to anyone without the employee's written consent, except as required by law. Test results from persons who may have been the source of an exposure are to be kept confidential.

Records should be maintained for the duration of the person's employment, plus 30 years.

1013.5 SOURCE TESTING
Testing for communicable diseases of a person who was the source of an exposure to an employee of the Clay County Sheriff's Office shall be sought when it is desired by the sheriff's office member or is otherwise appropriate. It is the responsibility of the ECO to ensure the proper testing and reporting occur. These methods include:

- Obtaining voluntary consent that covers testing for any communicable disease from any person who may be the source of an exposure.
- Determining if the source person is compelled to submit to testing under any lawful provision.
- Filing a report with the county health officer when an employee is exposed. The county health officer may assist in pursuing testing on the County's behalf.
- Applying for a court order to compel testing of the source person.

1013.5.1 EXPOSURE FROM A NON-ARRESTEE
Upon notification of an employee's exposure to a person who was not arrested, the ECO should attempt to determine if the person who was the source of the exposure will voluntarily consent to testing. If consent is indicated, the following steps should be taken:

(a) A licensed health care provider should notify the person to be tested of the exposure and make a good faith effort to obtain voluntary informed consent from the person or his/her authorized legal representative to perform a test for HIV, hepatitis B, hepatitis C and other communicable diseases the health care provider deems appropriate.
(b) The voluntary informed consent obtained by the health care provider must be in writing and include consent for specimens of blood for testing. The ECO should document the consent as a supplement to the Exposure Control Report.

(c) The result of the tests should be made available to the source and the exposed employee.

(d) If consent is not obtained, the ECO should promptly consult with County counsel and consider requesting that a court order be sought for appropriate testing.

1013.5.2 EXPOSURE FROM AN ARRESTEE
Upon notification of the exposure of an employee by a person who was arrested, the ECO should take the following steps:

(a) Seek consent from the person who was the source of the exposure and seek a court order if consent is not given.

(b) Take reasonable steps to immediately contact the county health officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the county health officer can order testing.

(c) In all cases, comply with the reporting and testing schemes required by law. This includes completing state or county forms, as required, by the end of the employee’s shift. If submission by the end of the shift is not practicable, it must occur as soon as possible but no later than two days after the incident.

(d) Remain in contact with the county health officer to determine whether testing of the arrestee will occur and whether the testing satisfies the medical needs of the employee.

(e) The results of the tests should be made available to the donor and the exposed employee.
Smoking and Tobacco Use

1014.1 PURPOSE AND SCOPE
This policy establishes limitations on the use of tobacco, tobacco products (to include the use of any form of chewing tobacco) and electronic cigarettes by employees and others while on-duty or while in Clay County Sheriff's Office facilities or vehicles.

1014.2 POLICY
The Clay County Sheriff's Office recognizes that tobacco use is a health risk, in certain situations a violation of Missouri state statute and Clay County ordinance, and can be offensive to other employees and to the public. It is the policy of the Clay County Sheriff's Office to prohibit the use of tobacco, tobacco products or electronic cigarettes by employees while on-duty, excluding authorized break time in designated tobacco use areas, or at any time the employee is acting in an official capacity for the Sheriff's Office.

1014.3 EMPLOYEE USE
Tobacco use, the use of tobacco products, or the use of electronic cigarettes by employees is prohibited any time employees are in public view representing the Clay County Sheriff's Office/CCIS.

Smoking and other use of tobacco products is not permitted inside any County facility, office or vehicle except as designated by the Sheriff for smoking (County Ordinance 36.54) (§ 191.767.2, RSMo).

It shall be the responsibility of each employee to ensure that no person under his/her supervision smokes or uses any tobacco product or electronic cigarette inside County facilities and vehicles.

Employee's who choose to use smokeless tobacco, while on their break, shall be required to use a disposable container with a lid to contain their spittle and debris. They are to ensure the lid is on the container properly before disposing of the container as they return to work.

1014.4 POSTING REQUIREMENTS
The Sheriff or designee shall post signs indicating no-smoking or smoking areas, arrange seating and utilize available ventilation systems and physical barriers to isolate designated smoking areas (§ 191.771, RSMo).
Personnel Complaints

1015.1 PURPOSE AND SCOPE
This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Clay County Sheriff's Office. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1015.1.1 ANONYMOUS COMPLAINTS
Anonymous complaints of improper conduct by personnel shall be accepted. All efforts will be made to encourage full cooperation by the complainant. The investigation of anonymous complaints can be troublesome. However, someone who, for any number of reasons, does not want to be identified may provide accurate information about personnel misconduct. Therefore, an anonymous report must be accepted and investigated as fully as possible. The investigator or supervisor accepting the complaint should complete as much of the Professional Standards Unit report form as he/she can with the information he/she has received.

1015.1.2 ALLEGATIONS SIMPLE IN NATURE
In some cases, an allegation is based on a misunderstanding of accepted law enforcement practices or the duties of the employee. Supervisors should be authorized to informally resolve minor allegations, whenever possible, at the time the report is made. If the complainant is not satisfied with such a resolution, the complaint should be forwarded to the Professional Standards Unit for further action as warranted. The process of informally resolving allegations requires the proper exercise of discretion by supervisors.

Even if the citizen is satisfied with the informal resolution, the process should be recorded on a Professional Standards report form. Regardless of the means of resolution, the integrity of the internal affairs process, particularly the receipt of citizen complaints, demands that all citizen allegations and complaints be uniformly documented for future reference. The form should indicate that the matter was resolved to the satisfaction of the citizen and sent to the Professional Standards Unit for review and filing. The Administrative Division Commander should periodically audit those reports indicating that a citizen's complaint was informally resolved to ensure that the agency's supervisors are properly implementing their authority to resolve citizen complaints.

1015.1.3 DOCUMENTING THE COMPLAINT
The Administrative Division Commander shall publish such forms as are needed to properly document misconduct complaints. The commander shall have sole authority to determine form content and design, provided each form has adequate instructions for proper completion. Personnel complaint forms will be maintained in a clearly visible location in the public lobby and on the Clay County Sheriff's Office website. Forms may also be available at other government offices and facilities. Personnel complaint forms in languages other than English may also be provided as determined necessary or practicable.
Personnel Complaints

Each Shift/Unit Supervisor shall be responsible for monitoring public satisfaction or inquiries regarding the personnel complaint process and shall forward to the Division Commander any suggestions for improvement or changes.

Personnel receiving a complaint shall complete the appropriate report form. They will also explain the department's disciplinary procedures to the person making the complaint. The employee should advise the complainant that he or she will be kept informed of the status of the complaint and its ultimate disposition.

1015.1.4 PERSONNEL COMPLAINTS DEFINED AND CLASSIFIED/INVESTIGATION OF COMPLAINTS

Personnel complaints consist of any allegation of misconduct or improper job performance by any sheriff's office employee or CCIS member that, if true, would constitute a violation of sheriff's office policy, federal, state or local law, policy or rule. Allegations or complaints may be generated internally or by the public.

Inquiries about employee conduct or performance that, if true, would not violate a sheriff's office policy, or a federal, state or local law, policy or rule may be handled informally by a sheriff's office/CCIS supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the sheriff's office/CCIS response to specific incidents.

All complaints should be investigated, as long as the complaint contains sufficient factual information to warrant an investigation. In cases where the identity of the employee/member is unknown, the Professional Standards Unit investigator should use all reasonable means to determine proper identification.

Personnel complaints shall be classified in one of the following categories:

Investigation of Serious Complaints - Investigation and Adjudication of Serious Complaints or any personnel action, intentional or otherwise, that results in physical injury or death shall be investigated and adjudicated under the guidelines of Clay County Sheriff's Office policy #1020 Section 5 - Investigation of Serious Complaints. Serious complaints shall include all allegations of criminal activity, excessive force, improper or unjust arrest, improper or excessive entry, improper or unjustified search, differential treatment, serious rule infractions, and repeated minor rule violations.

Investigation of Minor Complaints - Investigation and Adjudication of Minor Complaints will be subject to the guidelines of Clay County Sheriff's Office Policy #1020 Section 6 - Investigation of Minor Complaints. Minor complaints are those complaints that do not fall under the definition of Clay County Sheriff's Office policy #1020 Section.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up. At the discretion of the assigned supervisor or the Professional Standards Unit, such matters need not be documented as personnel complaints, but may be
further investigated depending on the seriousness of the complaint and the availability of sufficient information.

Although there are complaints against employees that are legitimate and based upon facts, there are others that are contrived and maliciously pursued, often with the intent to mitigate or neutralize legal action taken against the complainant by personnel. The Professional Standards Unit will fully and impartially investigate the former, while taking a strong stand to minimize the latter. The Prosecuting Attorney should review any case where a complainant has fabricated or intentionally misrepresented material facts to initiate a complaint of employee misconduct. Personnel will not be discouraged from exercising their civil rights to seek damages when such an incident occurs.

1015.1.5 NOTIFICATION OF A REPORT
Once a complaint has been received, personnel who are the subject of the complaint shall be notified in writing that a report has been made and that an investigation will commence. The notification shall include a statement of the allegations and the employee’s rights and responsibilities to the investigation. This notification is not necessary if it would impede a fair and impartial investigation.

1015.2 PSU RECORD RETENTION
The Clay County Sheriff's Office is often evaluated and judged by the actions of its individual members. It is imperative that the entire organization not be subjected to public censure because of the misconduct of one member. When the public knows that the Sheriff's Office honestly and fairly investigates and adjudicates all allegations against its members, it is more likely to support the Sheriff's Office and tolerate individual incidents of alleged misconduct. Therefore it shall be the policy of the Clay County Sheriff's Office to completely and thoroughly document its efforts to investigate personnel misconduct and provide a public summary of its efforts.

1015.2.1 GENERAL PROVISIONS
At the conclusion of the internal investigation, the investigator shall submit a written report. This report should be an objective report that records the events of the investigation and clearly articulates conclusion of the facts of the case. It should also include a summary of the case. The PSU commander shall establish written guidelines for the form and content of all internal investigation reports to include at least the following:

- A summary of the case.
- A conclusion of fact(s) for each allegation where physical evidence is available to support the conclusion.
- An objective recounting of all the relevant information disclosed during the investigation, including statements, documents, and other evidence. This part of the report is similar in all respects to a standard law enforcement investigation report. It should contain a complete account of the investigation.
Personnel Complaints

- If the investigation reveals evidence of misconduct not based on the original complaint, this too must be reported and, when appropriate, a recommendation for secondary investigation(s) made.

An internal investigation file will be maintained for all internal investigation reports. Given the wide range of misconduct allegations received by law enforcement, these investigation files might consist of only the initial report form and the appropriate disposition document. On the other hand, investigation files might include extensive documentation of an investigation. The internal investigation file should contain the entire work product of the investigation, regardless of the author. This includes investigators' reports, transcripts of statements, and copies of all documents relevant to the investigation. The file should also include all related material from other divisions and agencies as may be applicable.

The PSU commander should maintain an internal investigation index file. The purpose of the index file is to serve as a record control device. It should maintain an inventory of internal case files and summarize the status of each case. All internal investigations shall be recorded in the index file. Entries should record the basic information on each case, including the subject employee, allegations, complainant, date received, investigator assigned, disposition and disposition date for each complaint. A unique sequential case number will be assigned to each investigation and recorded in the index file.

1015.2.2 CONFIDENTIALITY

All records, reports, letters, memorandums, and other documents relating to an internal investigation of alleged personnel conduct shall be confidential law enforcement investigatory records and are the property of the Clay County Sheriff. With the exception of those designated by the Sheriff, access to these records shall be subject to review only by subpoena and with approval of the Sheriff's legal advisor.

Personnel records are separate and distinct from internal investigation records. Internal investigation reports shall never be placed in personnel records. When a complaint has a disposition of exonerated, not sustained, or unfounded, there shall be no indication in the employee's personnel file that a complaint was ever made. In those cases where a complaint is sustained and discipline imposed, the only items to be placed into the personnel records are those required by Clay County Sheriff's Office Policy #1021 Disciplinary Action. No part of the internal investigation file shall be placed in a personnel file.

The Office of Professional Standards will maintain a filing system accessible only to unit personnel and the Sheriff or his designee. The list of those authorized to access these files must be kept to a minimum. Physical security measures should be taken to ensure that no unauthorized access to any portion of a file is made. This should include, at a minimum, locked filing cabinets and/or secured offices. Computerized records must be maintained in a secure system that does not allow for access by any unauthorized person.
1015.2.3 REPORTING
The PSU commander should prepare periodic reports for the Sheriff, Division Commanders and Training Unit Commander that summarizes the nature and disposition of all misconduct complaints received. This report should include the principal officer, the allegation(s), status of the investigation, the complainant, the age, sex, race and other complainant characteristics which might signal systematic misconduct by any member(s) of the sheriff’s office, training deficiencies or policy issues. Concluded complaints should be recorded and the reasons for the termination explained. This report shall be considered a confidential, internal work product. Dissemination of the report should be limited to command personnel.

An annual report summarizing the types of complaints received and the disposition of the complaints shall be made available to the public. The names of complainants and subject personnel shall not be published in this report.

1015.2.4 RECORD RETENTION
All internal investigation files and all related evidence shall be retained in accordance with the requirements found in the Missouri Secretary of State’s County Sheriff’s Record Retention Schedule. The Sheriff may, at his discretion, order a longer retention schedule.

The PSU commander shall periodically submit a list of internal investigation files that can be purged to the Sheriff or his designee for approval. All files that are approved for purging shall be shredded and any corresponding evidence destroyed in a manner similar to evidence in a criminal case.

1015.3 POLICY
The Clay County Sheriff's Office takes seriously all complaints regarding the service provided by the Office and the conduct of its members.

The Office will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any employment agreement.

It is also the policy of this office to ensure that the community can report misconduct without concern for reprisal or retaliation.

1015.4 PERSONNEL COMPLAINTS
Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of office policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate office policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Office.
Personnel Complaints

1015.4.1 COMPLAINT CLASSIFICATIONS
Personnel complaints shall be classified in one of the following categories:

**Informal** - A matter in which the Shift/Unit Supervisor is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

**Formal** - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Professional Standards Unit, depending on the seriousness and complexity of the investigation.

**Incomplete** - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Professional Standards Unit, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1015.4.2 SOURCES OF COMPLAINTS
The following applies to the source of complaints:

(a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.

(b) Any office member becoming aware of alleged misconduct shall immediately notify a supervisor.

(c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.

(d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

(e) Tort claims and lawsuits may generate a personnel complaint.

1015.5 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1015.5.1 COMPLAINT FORMS
Personnel complaint forms will be maintained in a clearly visible location in the public area of the sheriff's facility and be accessible through the office website. Forms may also be available at other County facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1015.5.2 ACCEPTANCE
All complaints will be courteously accepted by any office member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain
contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

1015.6 DOCUMENTATION
Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Office should audit the log and send an audit report to the Sheriff or the authorized designee.

1015.7 ADMINISTRATIVE INVESTIGATIONS
Allegations of misconduct will be administratively investigated as follows.

1015.7.1 SUPERVISOR RESPONSIBILITIES
In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Sheriff or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
   1. The original complaint form will be directed to the Shift/Unit Supervisor of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
   2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Division Commander or the Sheriff, who will initiate appropriate action.

(b) Responding to all complaints in a courteous and professional manner.

(c) Resolving those personnel complaints that can be resolved immediately.
   1. Follow-up contact with the complainant should be made within 24 hours of the Office receiving the complaint.
2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Shift/Unit Supervisor.

(d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Shift/Unit Supervisor and Sheriff are notified via the chain of command as soon as practicable.

(e) Promptly contacting the Department of Human Resources and the Shift/Unit Supervisor for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.

(f) Forwarding unresolved personnel complaints to the Shift/Unit Supervisor, who will determine whether to contact the complainant or assign the complaint for investigation.

(g) Informing the complainant of the investigator’s name and the complaint number within three days after assignment.

(h) Investigating a complaint as follows:
   1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
   2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.

(i) Ensuring that the procedural rights of the accused member are followed.

(j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1015.7.2 ADMINISTRATIVE INVESTIGATION PROCEDURES
Whether conducted by a supervisor or a member of the Professional Standards Unit, the following applies to employees.

(a) Interviews of an accused employee shall be conducted during reasonable hours and preferably when the employee is on-duty. If the employee is off-duty, he/she shall be compensated.

(b) Unless waived by the employee, interviews of an accused employee shall be at the Clay County Sheriff's Office or other reasonable and appropriate place.

(c) No more than two interviewers should ask questions of an accused employee.

(d) Prior to any interview, an employee should be informed of the nature of the investigation.

(e) All interviews should be for a reasonable period and the employee's personal needs should be accommodated.

(f) No employee should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
Personnel Complaints

(g) A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a Garrity advice and after the investigator has consulted with the prosecuting agency.

(h) The interviewer should record all interviews of employees and witnesses.

(i) All employees subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual’s statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(j) All employees shall provide complete and truthful responses to questions posed during interviews.

1015.7.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1015.7.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve office members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.
Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1015.7.5 COMPLETION OF INVESTIGATIONS
Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within three months of the date the Office becomes aware of the allegation. The Sheriff may extend the period to one year if the investigation reasonably requires such an extension.

1015.8 ADMINISTRATIVE SEARCHES
Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

1015.9 ADMINISTRATIVE LEAVE
When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Office, the Sheriff or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

(a) May be required to relinquish any office badge, identification, assigned weapons and any other office equipment.

(b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.

(c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1015.10 CRIMINAL INVESTIGATION
Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Sheriff shall be notified as soon as practicable when a member is accused of criminal conduct. The Sheriff may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.
The Clay County Sheriff's Office may release information concerning the arrest or detention of any member, including a deputy, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

**1015.11 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES**

Upon completion of a formal investigation, an investigation report should be forwarded to the Sheriff through the chain of command. Each level of command should review and include their comments in writing before forwarding the report. The Sheriff may accept or modify any classification or recommendation for disciplinary action.

**1015.11.1 DIVISION COMMANDER RESPONSIBILITIES**

Upon receipt of any completed personnel investigation, the Division Commander of the involved member shall review Report Summary of the investigation.

The Division Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Sheriff, the Division Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Sheriff, the Division Commander shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

**1015.11.2 SHERIFF RESPONSIBILITIES**

Upon receipt of any completed personnel investigation, the Sheriff shall review the entire case file.

Prior to returning the file to the Division Commander for recommending of discipline, the Sheriff may return the entire investigation to the assigned investigator or supervisor for further investigation.

The Sheriff will have the final say regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

**1015.11.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT**

The Sheriff or the authorized designee should ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint.

**1015.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE**

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.
1015.13 POST-DISCIPLINE APPEAL RIGHTS
Unless otherwise specified in an employment agreement or local or state civil service rule, a non-probationary/full time employee has the right to formally appeal the Sheriff’s imposition of a disciplinary suspension, transfer, demotion or termination provided that the Office:
(a) Has published and distributed policies and procedures that include the provisions for dismissal.
(b) Provides a deputy who has been dismissed written notification of the grounds for the dismissal.
(c) Provides the deputy with the written results of the hearing.
All members of the Office who receive formal disciplinary action amounting to a suspension, demotion, termination or transfer where the individual will receive lesser compensation may appeal the disciplinary decision in writing to the Sheriff directly.

1015.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS
At-will and probationary employees and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Sheriff or the authorized designee.
Any probationary period may be extended at the discretion of the Sheriff in cases where the individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate.

1015.15 RETENTION OF PERSONNEL INVESTIGATION FILES
All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Files Policy.
Progressive Discipline and Termination

1016.1 PURPOSE AND SCOPE
The Clay County Sheriff's Office expects its employees to perform their jobs in a professional and courteous manner. It expects its personnel to take personal responsibility for their own work performance. It is essential that public and personnel confidence is maintained in the ability of the Clay County Sheriff's Office to properly address issues of personnel conduct that result in undesirable behavior or unproductive work and to assure that conduct unbecoming an officer or other employee does not occur.

Consequently, the major purpose of a disciplinary action is to correct a problem, prevent it from happening again, and prepare personnel for satisfactory performance in the future. It shall be the policy of the Clay County Sheriff's Office to ensure that reasonable efforts are made to ensure that all employees are treated fairly and that disciplinary actions are prompt, consistent, forceful and impartial. With regard to discipline for failure to abide by the terms of this or any other policy of the Sheriff's Office, it shall be the policy of the Clay County Sheriff's Office to use a non-adversarial progressive series of steps to address personnel work performance when appropriate, but the Sheriff's Office reserves in its sole discretion the right to take any disciplinary steps necessary, including suspension and/or termination with regard to any disciplinary matter.

1016.2 GENERAL GUIDELINES - EMPLOYMENT AT WILL
Although employment is based on the mutual consent of personnel and the sheriff each has the right to terminate employment at will, with or without cause or advance notice or to suspend or take any other disciplinary action against any employee at any time.

We confront and correct performance deficiencies not only to achieve organization objectives but also because we owe it to the great majority of our good employees who are forced to shoulder the burden created by their noncontributing colleagues. The primary objective of performance improvement conversations is to gain personnel agreement to change behavior, close the performance gap, and return to fully acceptable performance. The responsibility for defining the gap rests with the supervisor. The responsibility for closing the gap rests with the individual.

The Clay County Sheriff's Office may use progressive discipline, as defined in this policy, at its discretion. Discipline is a tool used with employees for action or inactions that result in undesirable conduct, behavior or work product. Termination is an action to eliminate a job or remove a member from a job. Except for entry-level probationary personnel, if a member's incompetence or misconduct results in dismissal, they will receive a written notice of termination that includes the following information:

- A written statement citing the reason for dismissal
- The effective date of the dismissal
- A statement of the status of fringe benefits after dismissal
Notwithstanding anything in this policy, the Clay County Sheriff’s Office reserves the right to depart from this policy of progressively addressing work performance issues and immediately discharge any employee. All employees are employed at will, 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 Chapter 57 R.S.Mo.

1016.3 INCOMPETENT PERFORMANCE AND MISCONDUCT
Incompetent performance is defined as performance that fails to satisfy the standards either set by management or required for the job. Consequently, all performance failures are classified as incompetent performance. Incompetent performance occurring as a result of a member’s lack of knowledge, skills, abilities, or fitness to perform is not misconduct. The member tried to comply but failed to perform to expectations.

Misconduct is defined as any action or inaction that includes violations of verbal or written directives as well as customs or practices of the Clay County Sheriff's Office by a member who, as a rational person, could reasonably expect to be sanctioned. The term misconduct implies that incompetent performance occurred, at least in part, because of the member's negligence or intent. The member either intended to do wrong or did not care enough to do the right thing. Substantial evidence suggests that member made a deliberate choice to work against the standards of the Clay County Sheriff's Office/CCIS.

1016.4 CAUSE DEFINED
Cause is defined as any situation when personnel with or without fault fail to comply with or satisfy the legitimate performance expectations of the Clay County Sheriff's Office/CCIS. Expectations may be expressed through written or oral communications, customs, traditions or practices. There are seven principles that provide a functional definition of cause. They are:

- Personnel receive advance notice (expressed verbally or in writing) of what is required or prohibited and the consequences for failure to comply with such expectations.
- A rational relationship exists between what is required and the efficient, effective, and safe operations of the Clay County Sheriff's Office/CCIS. It is to be assumed that all directives of management are reasonable and rational until proven otherwise by the member contesting them.
- Fact-finding efforts were made to determine the member's failure before action is taken against the member.
- A fair and objective investigation was held to determine the facts, and the member was given an opportunity to be heard, present evidence or challenge such facts.
- Substantial evidence exists to prove the member is guilty as charged. (Substantial evidence means evidence that would lead a reasonable person to believe it is true.)
Discipline or removal actions are applied without unlawful discrimination.

The level of discipline or decision to terminate is reasonably related to the seriousness of the proven offense as well as the member's employment and work history.

In relation to the seventh principle above the **Five Factors of Equity** will be taken into consideration in determining what level of disciplinary action will be taken or whether termination will occur. Each decision will be made on a case-by-case basis. The Five Factors of Equity are:

- The seriousness of the offense as it relates to the nature and extent of damage or the potential damage or future liability to the Clay County Sheriff's Office as an employer.
- The deterrent effect - message - that needs to be conveyed to other members to prevent similar infractions or to ensure those similar infractions will not occur or be tolerated.
- The degree of member culpability, if any, and member's cooperation in the investigation and resolution process.
- The member's previous disciplinary and performance records to include, but not limited to time between other offenses, the nature of other offenses, work productivity, attendance rates, cost of supervision, types of performance errors and the like.
- The member's seniority.

**1016.5 NON-DISCIPLINARY STEPS**

There are four non-disciplinary actions that may be used as tools by supervisors and/or management in cases of incompetent performance or misconduct. They are:

- **Counseling** - Not every supervisory interaction or intervention with a member is to be considered as discipline. Except in cases of misconduct, correcting undesirable conduct, behavior or work performance is at times best handled by the immediate supervisor through counseling. This means taking the member aside and discussing the problem candidly and openly. These actions may or may not be formally documented depending upon the supervisor's discretion. Facts to be considered in making these decisions will include, but will not be limited to, the member's intentions to do well, the member's acceptance of the counseling effort, and the member's immediate actions to correct the problem.

- **Administrative Leave** - Administrative leave occurs any time a member must be relieved of normal duties until a proper investigation or other administrative proceeding can be held. Usually the situation involves a case of serious misconduct including but not limited to on the job drinking, fighting, endangering another, or excessive use of force. It can also involve other areas including but not limited to being mentally or physically unfit for duty. In such cases leaving a member in a position would create an unreasonable liability, safety, or credibility issue for the Clay County Sheriff's Office.
Progressive Discipline and Termination

The guidelines for the use of administrative leave are found in **Clay County Sheriff's Office policy #1020 Personnel Complaints.**

- **Administrative Furloughs** - The purpose of an administrative furlough is to help a member adjust and handle personal or emotional needs resulting from traumatic events. Administrative furloughs will be considered on an incident-by-incident basis. All records related directly to the furlough will become part of the member's medical records and kept separate from the personnel file.

- **Demotions** - Demotions occur as the result of the member's inability to perform or the loss of confidence in the member's credibility, decision-making ability, or ability to perform. These are not considered to be disciplinary actions, but can occur in conjunction with other forms of discipline. However, demotions may also occur with or without cause at the discretion of the Sheriff.

1016.6 DISCIPLINARY STEPS

1016.6.1 INFORMAL CONVERSATIONS
Supervisors should frequently have informal conversations with personnel as a means of providing feedback on their work performance. These conversations should fall within one of the following areas:

- **Positive Contacts** - These should be used to recognize good performance. The foundation of fair and effective discipline is found in establishing clear expectations of acceptable performance. Positive contacts give supervisors an informal mechanism to articulate those guidelines and recognize good performance.

- **Performance Improvement** - These should be used to correct performance deficiencies. The critical step in correcting personnel performance problems is to define - clearly, accurately and unarguably - the gap that exists between desired performance and actual performance and gains the employees agreement to fully acceptable performance. While it is often good practice for supervisors to maintain personal notes regarding these informal conversations it is not required that they document each and every contact.

1016.6.2 FORMAL DISCIPLINARY TRANSACTIONS
When positive contacts and performance improvement discussions are unsuccessful in solving a performance or behavioral problem, a formal procedure should be used to remind personnel of performance expectations:

- **Written Reprimand/1st Reminder** - The supervisor discusses the problem, reminds the member of his/her responsibility to meet the organization's standards, and gains the employees agreement to fully acceptable performance. After the meeting, the supervisor formally documents the discussion in written memo to the member and
Division Commander. A copy of the memo will also be forwarded to the Professional Standards Unit for inclusion in the Early Warning File.

- **Written Reprimand/2nd Reminder** - Again the supervisor talks to the member and gains his or agreement to solve the problem. After the meeting, the supervisor formally documents the discussion in a written memo to the member and Division Commander. A copy of the memo will also be forwarded to the Professional Standards Unit for inclusion in the Early Warning File.

- **Written Reprimand/Decision Day** - When the initial steps of formal disciplinary action are unsuccessful in convincing an individual to solve a performance problem, the need for an authoritative, final-step gesture arises. The member is sent home with pay for one day. He or she is told to return the following day with a final decision: either solve the immediate problem and make a total performance commitment to fully acceptable performance in every area of the job, or to resign and seek more satisfying employment elsewhere. The member is paid to demonstrate the Clay County Sheriff's Office good faith desire to see the member change and stay. The member is also advised that if another problem requiring a formal disciplinary transaction arises their employment will be terminated. The choice is entirely theirs; change and stay, or quit and find another job somewhere else. If the employee chooses neither option, employment will be terminated.

The member will either prepare a written Corrective Performance Agreement for improving their total performance or a letter of resignation. The agreement for performance improvement should be submitted to the member's supervisor who will review it with the employee and make appropriate changes to help the member meet performance expectations. Once the supervisor has approved the plan both the member and supervisor will sign it and forward it to the Division Commander for approval. The commander will sign the plan indicating his/her approval. If the Division Commander does not approve of the plan a meeting will be held with the supervisor and employee to see if appropriate modifications can be agreed too. Upon approval of the agreement the Division Commander will forward the original to the member’s personnel file. A copy of the approved plan will be sent back to the member and supervisor. A copy of the memo will also be forwarded to the Professional Standards Unit for inclusion in the Early Warning File. The supervisor will monitor the progress of the member and provide appropriate feedback on progress.

A resignation letter should be given directly to the Division Commander who will forward it to Human Resources.

1016.6.3  COUNSELING REVIEW
In certain circumstances the Clay County Sheriff's Office may elect to utilize a Counseling Review. Counseling Review is an effort to assist the employee in maintaining employment when the Clay County Sheriff's Office believes that the employee possess the abilities and characteristics required to immediately modify performance and/or behavior to organizational expectations. It is an extreme form of probation and will be utilized only if management believes unique
progressive discipline and termination

circumstances exist regarding the employee's capabilities and failure to perform. An employee does not have the right to counseling review.

the counseling review document will, in effect, be an agreement between the employee and the clay county sheriff's office. the agreement may contain any and all reasonable elements that management believe necessary for continued probationary employment. it will utilize a written agreement that outlines the intended use, by management, of various supervisory interventions and outside resources needed to address the particular circumstances contributing to the performance failure. the specific elements of the agreement will be the sole decision of the sheriff with advice and consent of the employee's direct supervisor, commander and at least two other commanders.

if accepted by the employee, the agreement will be signed and dated by the sheriff and the employee. failure to execute the agreement in its entirety will result in the immediate termination of the employee's employment.

note: a counseling review is not an employment contract. the clay county sheriff's office maintains its rights as an "at will" employer.

1016.7 appeal process
personnel may not appeal a reminder, decision day or counseling review action. in the event this process leads to termination of employment by the sheriff's office, personnel may follow the guidelines for appeal as listed here.

should personnel believe that the level of disciplinary action taken against them in accordance with this policy is excessive for the proven offense, they may appeal the findings in writing to the sheriff. the written appeal should state the reason for the appeal as they are directly related to each of the five factors of equity stated above and why, in their opinion, a lesser action is justified. any such appeal must be made within three working days following notice of the disciplinary action to be imposed. the sheriff will review the appeal and respond in writing within ten working days of receipt of the appeal.

personnel who are terminated shall be furnished with a written notice of the reason(s) for the dismissal. upon receipt of the written grounds for the dismissal, they may request a hearing. the request must be made to the sheriff, in writing, within three working days of receipt of the grounds for dismissal. such hearing shall take place before a hearing board to be appointed by the sheriff. the sheriff shall schedule a closed hearing within a reasonable time but within thirty days after the written request was received by the sheriff. a written report of the facts determined during the hearing shall be forwarded to the sheriff. the sheriff will review the findings, and has the final decision-making authority.

1016.8 records
all formal disciplinary actions taken under this policy will be documented in writing with a copy placed in the member's personnel file and a copy forwarded to the professional standards unit for inclusion in the early warning file. personnel will receive a copy of all such documentation.
Seat Belts

1017.1 PURPOSE AND SCOPE
The use of seat belts and other safety restraints significantly reduces the chance of death or injury in case of a traffic accident. This policy establishes guidelines for seat belt and child safety seat use to promote maximum operator and passenger safety, thus reducing the possibility of death or injury as the result of a motor vehicle collision. This policy will apply to all employees/members operating or riding in county owned or leased vehicles.

1017.1.1 DEFINITIONS
Definitions related to this policy include:

Child restraint system - A seating system that is designed to protect, hold or restrain a child in such a way as to prevent or minimize injury to the child in a motor vehicle accident. The system is either permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal attachment system that meets Federal Motor Vehicle Safety Standards and Regulations set forth in 49 CFR 571 (§ 307.179.1, RSMo).

Safety belt system - A system utilizing a lap belt, a shoulder belt or any other belt or combination of belts installed in a motor vehicle to restrain drivers and passengers, and that conforms to Federal Motor Vehicle Safety Standards and Regulations (49 CFR 571).

1017.2 WEARING OF SAFETY RESTRAINTS
All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by the Clay County Sheriff's Office or Clay County, while on-or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained (§ 307.178.2, RSMo).

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to articulate justification for any deviation from this requirement.

1017.2.1 TRANSPORTING CHILDREN
To be properly restrained as required in this policy, child passengers shall be transported using an approved child restraint system for all children younger than 16 years of age (§ 307.179.2, RSMo). Children shall be transported in compliance with Missouri's restraint system requirements based on the age and weight of the child.

Rear seat passengers in a cage-equipped vehicle may have reduced clearance that requires careful seating and positioning of seat belts. If permitted by law, children and any child restraint system may be secured in the front seat of vehicles provided this positioning meets the vehicle and federal safety standards and, if the child is under 13, the seat is pushed back as far as possible and the passenger-side air bag deactivated. If this is not possible members should consider arranging alternative transportation.
**Seat Belts**

1017.3 TRANSPORTING PRISONERS
Safety belts are not required for the rear seats of sheriff's vehicles (§ 307.165.1, RSMo). However, prisoners should be secured in the prisoner restraint system in the rear seat of the patrol vehicle or by seat belts when a prisoner restraint system is not available. The prisoner should be in a seating position for which seat belts have been provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

1017.4 INOPERABLE SEAT BELTS
No county owned or leased vehicle shall be operated if the seat belt in the driver's position is inoperable. No person shall be transported in a seating position in which the seat belt is inoperable.

No person shall modify, remove, deactivate or otherwise tamper with the vehicle safety belt system, except for vehicle maintenance and repair staff, who shall do so only with the express authorization of the Sheriff.

Employees who discover an inoperable restraint system shall promptly report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1017.5 VEHICLES MANUFACTURED WITHOUT SEAT BELTS
Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operating requirements for safe use.
Body Armor

1018.1 PURPOSE AND SCOPE
The purpose of this policy is to provide deputies/detention officers with guidelines for the proper use of body armor.

1018.2 POLICY
It is the policy of the Clay County Sheriff's Office to maximize deputy/detention officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of deputy/detention officer safety procedures.

1018.3 ISSUANCE OF BODY ARMOR
The Administration Division Commander will ensure that soft body armor (SBA) is issued to approved deputies and detention officers and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

Body armor will be issued when a deputy or detention officer begins field assignment duties (to include off duty assignments) or prisoner transport service at the Clay County Sheriff's Office and shall be replaced when the body armor becomes expired, worn or damaged to the point that its effectiveness or functionality has been compromised.

1018.3.1 USE OF SOFT BODY ARMOR
Generally, the use of body armor is required subject to the following:

(a) Deputies/detention officers shall only wear office-approved body armor.

(b) The department issued SBA is considered part of the Class A summer and winter uniforms and **shall** be worn by all uniformed personnel working field assignments. Non-uniformed personnel including, but not limited to, detectives and command staff are not required to wear their SBA unless they are working a uniformed duty outside of the Sheriff's Office complex.

(c) Deputies assigned to the School Resource Unit shall wear their SBA with their approved Class B uniform while working in their capacity as a School Resource Deputy.

(d) Detention Officers trained and approved for transport duties shall wear their SBA while conducting prisoner transfers.

1018.3.2 INSPECTIONS OF BODY ARMOR
Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness and signs of damage, abuse and wear.
Custodian of Records

1019.1 PURPOSE AND SCOPE
Establishing and maintaining mutual trust is the central goal of community partnership. Trust will give law enforcement greater access to valuable information that can lead to the prevention of and solution of crimes. It will also engender support for law enforcement activities and provide a basis for a productive working relationship with the community that will find solutions to local problems. The Clay County Sheriff's Office is committed to forging bonds of understanding and cooperation with community members. Therefore, it shall be the policy of the Clay County Sheriff's Office to open all appropriate records to public inspection and comply with the requirements of Missouri's Sunshine Law.

1019.2 GENERAL GUIDELINES
The courts and Missouri law have established that the Sheriff is a public governmental body for purposes of open records (Sunshine) law. As a public governmental body, records maintained by the Sheriff are subject to certain disclosure laws. Revised Missouri Statutes Section 610.023.1 requires the Sheriff to appoint a custodian of records:

Each public governmental body is to appoint a custodian who is to be responsible for the maintenance of that body's records. The identity and location of a public governmental body's custodian is to be made available upon request.

Unless otherwise stated in writing by the Sheriff, the Administrative Division Commander shall be the Clay County Sheriff's Office Custodian of Records. The commander may designate, in writing to certain personnel, the authority to maintain and release certain records.

Revised Missouri Statutes 610.028 mandates a written policy requiring compliance with the Sunshine Law:

"Each public governmental body shall provide a reasonable written policy in compliance with sections 610.010 to 610.030, open to the public inspection, regarding the release of information on any meeting, record or vote and any member or employee of the public governmental body who complies with the written policy is not guilty of a violation for any act arising out of his adherence to the written policy of the agency."

The Custodian of Records shall develop written procedures to ensure compliance with Revised Missouri Statutes Chapter 610 commonly known as the Sunshine Law. Those procedures shall be reviewed at least once a year and modified to meet changes in the law.

1019.3 REQUEST FOR RECORDS
The Custodian of Records shall respond to all requests for access to or copies of a public record within the time period provided by statute except in those circumstances authorized by statute. Authorized personnel in accordance with the written procedures developed by the Custodian of Records may grant frequent and/or routine request.
**Custodian of Records**

1019.4 **FEES**
The Custodian of Fees shall establish a written schedule of fees to be charged for accessing and/ or furnishing copies of records. Person's requesting access to or copies of public records shall be informed of the fees that may be charged. A copy of the fee schedule will be made available at no charge upon request. No fee may be charged in excess of that allowed by statute.

1019.5 **TRAINING**
The Custodian of Records or other appropriate personnel should attend annual training about open records laws. This requirement may be waived by the Sheriff for budgetary constraints or unavailability of training sessions.
Personnel Files

1020.1 PURPOSE AND SCOPE
This policy governs maintenance, retention and access to personnel files.

1020.2 POLICY
It is the policy of the Clay County Sheriff's Office to maintain consistent employment records and preserve the confidentiality of personnel data contained in personnel files pursuant to state law (§ 105.1110, RSMo; § 610.021 RSMo).

1020.3 PERSONNEL FILES DEFINED
Definitions related to this policy include:

Personnel file - Any file, including a Sheriff's Office, Division, supervisor, training, separately maintained Internal Affairs or medical file, of an employee containing information about the employee and maintained because of the employer-employee relationship, including a file relating to the performance or merit of an employee (§ 610.021(3), RSMo).

1020.4 SECURITY AND MAINTENANCE OF PERSONNEL FILES
Access to personnel files shall be restricted as follows:

(a) Only the Sheriff or the authorized designee may access personnel files
(b) Personnel files shall be maintained in a secured location, locked either in a cabinet or access-controlled room
(c) If personnel files are maintained in an electronic format, adequate password protection shall be employed

1020.4.1 INTERNAL AFFAIRS FILE
The Internal Affairs file shall be maintained under the exclusive control of the Professional Standards Unit in conjunction with the office of the Sheriff. Access to these files may only be approved by the Sheriff or the supervisor of the Professional Standards Unit. These files shall contain the complete investigation of all formal complaints of employee misconduct regardless of disposition.

1020.4.2 TRAINING FILES
An individual training file shall be maintained by the Sheriff's Office Human Resources Coordinator for each employee. Training files will contain records of all training, original or photocopies of available certificates, transcripts, diplomas and other documentation, education and firearms qualifications, including mandated annual proficiency requalification. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).
Personnel Files

(a) It shall be the responsibility of the involved employee to provide the Administrative Assistant - Admin Unit with timely evidence of completed training/education when the records are required by law or the sheriff's office.

(b) The Administrative Assistant - Admin Unit shall ensure that copies of such training records are placed in the employee's training file.

Training records shall be maintained in compliance with the organization's records retention schedule.

1020.4.3 MEDICAL FILE
A confidential medical file shall be maintained separately from all other files and shall contain all documents relating to the employee's medical condition and history. No medical information shall be kept outside the medical file. Medical file contents should include, but are not limited to:

(a) Materials relating to the Family and Medical Leave Act (FMLA) or other medical leaves of absence.

(b) Documents relating to workers' compensation claims or receipt of short- or long-term disability benefits.

(c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.

(d) Medical release forms, doctor's slips and attendance records that reveal an employee's medical condition.

(e) Any other documents or material that reveal the employee's medical history or medical condition, including past, present or anticipated mental, psychological or physical limitations.

1020.5 CONFIDENTIALITY OF ALL PERSONNEL FILES
Personnel files are private and confidential and may be exempt from disclosure. A request to release, inspect or copy a personnel record shall be forwarded to legal counsel for review and a decision regarding the action to be taken.

1020.6 REQUESTS FOR DISCLOSURE
Only written requests for the disclosure of any data contained in any personnel record will be considered. Any employee receiving a request for disclosure of personnel files shall promptly notify the Shift/Unit Supervisor and the custodian of records.

Upon notice of any such request, the Shift/Unit Supervisor shall ensure that the affected employee is notified as soon as practicable that such a request has been made.

The custodian of records shall ensure that an appropriate response to the request is made in a timely manner, in accordance with applicable law. In many cases, this will require assistance of approved and available legal counsel.
All requests for disclosure that result in access to an employee's personnel file shall be logged in the corresponding file and the affected employee shall be notified.

1020.6.1 RELEASE OF CONFIDENTIAL INFORMATION
No employee of the Clay County Sheriff's Office may disclose private or confidential data, to include address and telephone number of any employee or CCIS member, without the written consent of the affected employee or written authorization of the Sheriff or the authorized designee, except as provided by this policy, pursuant to lawful process and pursuant to state law or court order.

1020.7 EMPLOYEE ACCESS TO HIS/HER OWN FILE
Upon request, an employee may review his/her personnel file, except for letters of reference concerning employment, licensing or issuance of permits regarding the employee.

Employees may be restricted from accessing files containing any of the following information:

   (a) Ongoing Internal Affairs investigations to the extent that it could jeopardize or compromise the investigation, pending final disposition or notice to the employee of the intent to discipline.
   (b) Confidential portions of Internal Affairs files that have not been sustained against the employee.
   (c) Criminal investigations involving the employee.
   (d) Letters of reference concerning employment, licensing or issuance of permits regarding the employee.
   (e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.
   (f) Materials used by the employer for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for the employer's planning purposes.
   (g) Information of a personal nature about a person other than the employee if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
   (h) Records relevant to any other pending claim between the employer and the employee which may be discovered in a judicial proceeding.

1020.8 PURGING OF FILES
Data in personnel files not related to pending litigation or other ongoing legal proceedings may be purged from respective sheriff's office files once the required records retention period has been met.
(a) Each supervisor responsible for completing the employee’s performance evaluation shall also determine whether any prior sustained disciplinary file should be retained beyond the statutory period for reasons other than pending litigation or other ongoing legal proceedings.

(b) If a supervisor determines that records of prior discipline should be retained beyond the applicable statutory period, approval for such retention shall be obtained through the chain of command from the Sheriff.

(c) During the preparation of each employee’s performance evaluation, all complaints and discipline should be reviewed to determine the relevancy, if any, to progressive discipline or training and career development. If, in the opinion of the Sheriff or the authorized designee, a complaint or disciplinary action beyond the statutory retention period is no longer relevant, all records of such matter may be destroyed pursuant to the current records retention schedule.
Commendations and Awards

1021.1 PURPOSE AND SCOPE
Special recognition may be in order whenever an employee performs his/her duties in an exemplary manner. County Administrator may at times perform a meritorious act that deserves recognition. This procedure provides general guidelines for commending exceptional employee performance or the meritorious acts of citizens.

In order to officially recognize members, the department shall establish separate and distinct awards. The Sheriff and staff will review the recommendations for these awards and other awards given by outside agencies and community groups to determine the issuance of specific awards by the department.

1021.2 WHO MAY MAKE COMMENDATIONS
Any department member may recommend another member or unit for an award. A written commendation may also be made by a member of the public regarding any sheriff's office employee. Written recommendations for a citizen's meritorious acts may be made by any member of the sheriff's office or any member of the public.

Requests from outside organizations who wish to recognize a specific member or unit will submit the request to the Sheriff's Department. Documentation will be forwarded through the chain of command to the Sheriff.

The awards and commendations referred to in this policy do not restrict or limit awards presented to members by non-sworn organizations or other organizations, e.g. Officer of the Month awards, Red Cross Life Saving Medal, etc.

1021.3 MERITORIOUS OR COMMENDABLE ACTIONS

1021.3.1 MERITORIOUS OR COMMENDABLE ACTS BY EMPLOYEES
A meritorious or commendable act by an employee of the sheriff's office may include, but is not limited to, the following:

(a) Superior handling of a difficult situation
(b) Conspicuous bravery or outstanding performance
(c) Any action or performance that is above and beyond the typical duties of an employee

1021.3.2 PROCEDURES

Member's Responsibility

1. Submit an interdepartmental communication form to the immediate supervisor, when recommending another member or unit for one of the awards.
Commendations and Awards

2. Include the following when recommending the Special Unit Citation Award:
   a. Pertinent facts as to what unit should receive the award.
   b. Names of members who took part in the action being recognized. This may also include members who have since transferred out of the unit but were involved in the action.

Supervisor’s Responsibility
1. All recommendations must be submitted in writing through the chain of command to the Sheriff.

Sheriff’s Responsibility
1. Review the report determining the appropriate award to be presented.
2. Make final determination on all recommendations.
3. Forward a copy of each citation announcing an award to Human Resources for inclusion in the member’s personnel jacket.

Evaluation Committee’s Responsibility (Sheriff & Staff)
1. Evaluate all reports and hear testimony of witness involved.
2. Deliberate the facts in closed session.
3. Provide in writing one of the following:
   a. The circumstances surrounding the exceptional act have met the prerequisites for the Medal of Valor and the member should be awarded the medal.
   b. The circumstances surrounding the exceptional act have met the prerequisites for the Distinguished Service Medal and the member should be awarded the medal.
   c. The circumstances surrounding the exceptional act have met the prerequisites for the Special Unit Citation Award. Each member who took part in the action being recognized for the award.
   d. The circumstances surrounding the exceptional act have met the prerequisites for the Lifesaving Award.
   e. The justification for recognition is present, but such recognition is of a degree that the member or individual members of a unit should be awarded a Certificate of Commendation or the Meritorious Service Award.
   f. The justification for recognition is present, but such recognition is of a degree that the member or individual member of a unit should receive an official letter of commendation.
   g. The facts, as presented, warrant no further action.

1021.3.3 MERITORIOUS ACTS BY CITIZENS DOCUMENTATION
Meritorious acts performed by citizens and documented by members of the sheriff's office should be documented on a interdepartmental communication form under the same process for
employees, with areas for inapplicable information left blank. Adequate information to identify the persons performing the meritorious act should be included on the form.

Any documentation in any form from the public identifying meritorious conduct of a citizen should be accepted by any employee and forwarded to the receiving employee’s Division Commander. Attempts to obtain detailed information regarding the matter and the person performing the meritorious act and the person submitting the document should be attempted by the employee, with additional details documented as appropriate.

1021.4 DESCRIPTIONS OF AWARDS

Awards may be bestowed upon employees and members of the public. These awards include:

A. Medal of Valor

1. This is the highest award the department may bestow upon a member who performed an exceptionally valorous act far above that which is normally expected, with a great personal danger to him/herself.

2. A member who gives his/her life in the line of duty, and the circumstances indicate an act of valor was performed will automatically be considered for a posthumous award of the Medal of Valor.

B. Distinguished Service Medal

1. This is the second highest award the department can bestow upon a member.

2. The Distinguished Service Medal is presented to a member who performs a dangerous and distinguished act that conspicuously exceeds the performance, which is normally expected.

C. Certificate of Commendation

1. The Certificate of Commendation may be awarded upon recommendation to and approval of the Sheriff for an exceptional act of deputy or non-sworn duty, which brings credit to the member and department.

2. A member may be awarded a Certificate of Commendation in lieu of the Medal of Valor or Distinguished Service Medal when it is determined the circumstances surrounding a particular act do not warrant the awarding of a medal, but warrant a lesser award.

D. Meritorious Service Award

1. The Meritorious Service Award may be awarded to a member following recommendation to the Sheriff for successful development or accomplishment of an administrative task or project in which the candidate displayed exceptional initiative, tenacity, and expertise; or

2. When the member’s submission of an idea, device or method has been adopted by the department; or

3. As a means of rewarding continuous, long-term professionalism by a department member.

E. Special Unit Citation Award
Commendations and Awards

1. The Special Unit Citation Award may be awarded to a unit, element, section or group of department members who, as a group, performed in a manner which, if performed by an individual would merit recognition in the form of the Certificate of Commendation or the Meritorious Service Award.

2. The unit recommended must have further exhibited superior or outstanding performance over a period of time which:

   a. Is above and beyond that required by department policies.

   b. Occurred as a result of a coordinated and cumulative effort of all assigned members performing as a team.

3. The Special Unit Citation Award does not preclude awards to individual members for accomplishments during the unit's activities.

4. Only members who took part in the action being recognized shall be awarded and authorized to wear the Special Unit Citation ribbon.

5. The member shall be authorized to wear the ribbon when transferred to another unit.

F. Lifesaving Award

1. The Lifesaving Award may be awarded to a member who performs a commendable action in sustaining life in a life or death situation. Recommendations for this award must be made to and approved by the Sheriff.

2. A member may be awarded the Lifesaving Award when it is determined the circumstances surrounding a particular act do not warrant the awarding of a medal, but do warrant a lesser award.

G. Safe Driving Award

1. The Safe Driving Award may be issued to a law enforcement member who has been assigned a patrol use vehicle, whether marked or unmarked, and has not been involved in a chargeable traffic crash for three consecutive years.

2. This award may be issued again when the member has gone an additional three years without a chargeable traffic crash.

H. Special Incident Team Member Award

1. The Special Incident Team Member Award may be issued to a member who is currently serving on or who has served on a special incident team for three consecutive years. The member shall be authorized to wear the ribbon after leaving the team.

2. The member shall be eligible for the award upon completion of the first three-year period and may be eligible to receive additional awards for each three-year period thereafter.

I. Community and Civic Commitment Award
Commendations and Awards

1. This award may be presented to a member in recognition of conspicuous service as a volunteer to a religious, community, civic organization or as a volunteer leader in an organized youth program or sporting activity.

2. Recommendations for this award should be made to and approved by the Sheriff.

**J. Field Training Officer Award**

1. This award may be issued to a member who is appointed by their Division Commander to serve as a Training Officer. The member shall be authorized to wear the ribbon even after they have finished their service as a Training Officer.

2. Recommendations for this award should be made to and approved by the Sheriff.

**K. Rotational Training Award**

1. This award may be issued to a member upon completion of a Rotational Training assignment.

2. The assignment must be to a position outside the member’s assigned Division and must be for a minimum of three consecutive pay periods.

**L. Cross Training Award**

1. This award may be issued to a member upon successful completion of a Cross Training assignment.

2. The assignment may be anywhere within the department provided it is to a position outside the member’s assigned unit.

3. Generally, the assignment will be for a period of at least six months. However, exceptions may be granted where a member has prior experience in a unit and is returning to update his/her skills or knowledge.

4. The member must demonstrate proficiency within the unit before being eligible to receive this award. Recommendations for this award must be made to and approved by the Sheriff.

**M. Good Conduct Award**

1. Member’s who continuously demonstrate conscientious adherence to all department rules, regulations, guidelines, and policies are eligible to receive this award.

2. The member must have no suspension or disciplinary probation days and no more than two (2) written reprimands within a four-year period.

3. A member shall be eligible for the award upon completion of four years continuous service to the department. A star shall be awarded for every four years of good conduct thereafter.

4. Recommendations for this award must be made to and approved by the Sheriff.

**N. Years of Service Award Ribbon**

1. This award may be issued to a member who has completed five (5) years of service with the Clay County Sheriff’s Office.
Commendations and Awards

2. This award may be issued again when the member has completed an additional five (5) years.

O. Fit For Duty Award Ribbon
1. This award may be issued to a member who has successfully completed a Fit For Duty Assessment and earned a Sheriff's Administrative Leave (SAL) day based on current Fit For Duty standards.

2. Members may only earn the ribbon once per year even though they may test for SAL days twice per year.

P. Color/Honor Guard Ribbon
1. This award may be issued to a member who has served as a team member on a Color Guard or served as an Honor Guard. The member shall be authorized to wear the ribbon after leaving the Color Guard or completion of service as an Honor Guard.

2. Recommendations for this award must be made to and approved by the Sheriff.

1021.5 DISPLAY
In addition to the medals issued for the Medal of Valor and the Distinguished Service Medal, the recipient of any of the above listed awards shall receive an award ribbon, which is worn on the Class A uniform.

To indicate the same award has been achieved more than once, the member will be issued a Silver Star for each subsequent award, i.e. one star the second time a member receives an award. The silver star(s) will be affixed to the ribbon.

When the same award is achieved a sixth time, the member shall be awarded a gold star to be affixed to the ribbon in place of the silver stars.

Up to four stars can be affixed to one ribbon. The star(s) affixed on the ribbon will be adjacent and centered an equal distance from the ribbon's ends.

As each subsequent ribbon for the same award is presented, the previous ribbon is retired from the uniform.

Only ribbons of the current style may be displayed as indicated in this general order. The current ribbons are:

Description and Display of Awards
1. Medal of Valor Ribbon - White tipped with one large blue band in the center.
2. Distinguished Service Medal Ribbon - Gold tipped with one white center band flanked by two red bands.
4. Meritorious Service Award Ribbon - Navy with two white center bands.
5. Special Unit Citation Award - Blue flanked by two red and white bands.
Commendations and Awards

6. Lifesaving Award Ribbon - Blue with red, white, and blue center bands.
7. Safe Driving Award Ribbon - Light yellow with blue and bright yellow center band.
8. Special Incident/STAR Team/DERT Team Ribbon - Solid purple.
10. Field Training Officer Ribbon - Red with center blue band.
12. Cross Training Ribbon - Dark brown with gold tips.
14. Years of Service Award Ribbon - Solid royal blue.
15. Fit for Duty Award Ribbon - Yellow with red, white, and blue center bands, flanked by green bands.

A member with prior service to another law enforcement agency may submit a written request to wear awards received while employed with that agency.

1. The request must include written documentation that the member was given the award during prior service.
2. Only those awards recognized by this policy would be eligible for such request.
3. The Sheriff must approve the request in writing before a member may display awards received during prior service. A copy of the Sheriff's decision, along with the original request, will be placed in the member's personnel file.

1021.6 ORDER OF RIBBONS
The photo below depicts the official order in which ribbons shall be worn. Members should be cognizant of the fact that if a member has not been issued a particular ribbon they simply move the other ribbons down/across a space (with the hierarchy being top to bottom and left to right) so that the ribbons are placed in accordance with the posted hierarchy.
Commendations and Awards
Fitness for Duty

1022.1 PURPOSE AND SCOPE
All employees performing public safety duties are required to be free from any physical, emotional or mental condition that might adversely affect the exercise of their respective duties. The purpose of this policy is to ensure that employees remain fit for duty and able to perform their job functions.

1022.2 POLICY
It is the policy of the Clay County Sheriff's Office to provide a work environment in which all employees performing public safety duties have the physical stamina and psychological stability free from physical, emotional or mental conditions that might adversely affect their ability to perform the essential functions of their positions, with or without reasonable accommodation.

1022.3 EMPLOYEE RESPONSIBILITIES
Members shall report to work and while working remain drug and alcohol (intoxicant) free and medically, psychologically, and physically ready to assume and perform all their assigned or assumed responsibilities, duties, and tasks, and essential functions competently.

(a) It shall be the responsibility of each member of this office to maintain good physical condition sufficient to safely and properly perform essential duties of the position.

(b) Each member of this office shall perform his/her respective duties without physical, emotional and/or mental constraints.

(c) During working hours, all employees are required to be alert, attentive and capable of performing assigned responsibilities.

(d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1022.4 SUPERVISOR RESPONSIBILITIES
Each supervisor is responsible for monitoring those individuals in his/her command for any behavior that would warrant further inquiry. A supervisor observing an employee, or receiving a report of an employee who is perceived to be unable to safely perform his/her duties due to a physical, medical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.

(a) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem.

(b) In all cases, a preliminary evaluation should be made to determine the level of inability of the employee to perform his/her duties.
Fitness for Duty

(c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.

(d) In conjunction with the Shift/Unit Supervisor or the employee's available Division Commander or On-Call Commander, a determination should be made whether the employee should be temporarily relieved from duty.

(e) The Sheriff shall be promptly notified in the event that any employee is relieved from duty.

1022.5 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

(a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Sheriff may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with the Sheriff's Office Human Resources Coordinator to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.

(b) The examining physician or therapist will provide the Sheriff's Office with a report indicating that the employee is either fit for duty or, if not, list any functional limitations that limit the employee's ability to perform job duties. If the employee places his/her condition at issue in any subsequent or related administrative action or grievance, the examining physician or therapist may be required to disclose any and all information that is relevant to such proceeding.

(c) In order to facilitate the examination of any employee, the Sheriff's Office will provide all appropriate documents and available information to assist in the examination, evaluation and/or treatment.

(d) All reports and examinations submitted by the treating physician or therapist shall be part of the employee's medical file.

(e) Any employee ordered to receive a fitness-for-duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and may subject the employee to discipline, up to and including termination.

(f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

1022.6 LIMITATION ON HOURS WORKED

Absent emergency operations, members shall not work more than:

- 18 hours in a one-day period (24 hours)
Fitness for Duty

- 32 hours in any two-day period (48 hours)
- 86 hours in any seven-day period (168 hours)

Except in very limited circumstances members should have a minimum of six hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines. Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments to include any off duty assignments.

1022.7 APPEALS
An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness-for-duty examination shall be entitled to an administrative appeal as outlined in the Personnel Complaints Policy.
Critical Incidents, Post Procedure

1023.1 PURPOSE AND SCOPE
To establish guidelines to assist on-duty members in coping with stress responses inherent in critical incidents.

1023.2 PROCEDURES
1. When a Sheriff’s Office member’s actions while on duty result in death or critical injury to another person:
   • The Administrative Division Commander will contact the Staff Psychologist or Psychological Services provider and request them to respond to the involved member’s location.
     ◦ The Staff Psychologist or Psychological Services provider will contact the involved member(s) for counseling and assessment regarding the psychological impact of the incident. This will occur after any Criminal/PSU investigators have completed an initial interview and walk-through with the involved member(s).
   • The Sheriff, Undersheriff, or any Division Commander shall have the authority to place the involved member(s) on mandatory administrative leave. The involved member(s) shall be referred for a mandatory Stress Management Consultation to the Psychological Services provider as selected by the Sheriff’s Office.
   • The Staff Psychologist or Psychological Services provider may recommend any additional administrative leave deemed necessary for each involved member.
   • The Undersheriff will determine the appropriateness and duration of extended mandatory administrative leave, based upon the findings of the preliminary investigation and recommendation of the Staff Psychologist or Psychological Services provider.
   • The member(s), upon being placed on administrative leave, shall maintain contact with the Administrative Division Commander, as directed, and may participate in follow-up contacts with the psychologist.

Mandatory administrative leave and Stress Management Consultation are intended for the benefit of the member(s) and shall be no indication of fault or responsibility, nor shall it be related to the criminal investigation of the incident. All contact between the employee and psychologist or Psychological Services provider WILL be confidential.

2. When an on-duty member's life has been in critical danger or the member has witnessed an unusually traumatic event:
   • The member's supervisor shall meet with the member immediately following the incident and assess the need for counseling and/or other appropriate action. The supervisor will take one of the following actions:
Critical Incidents, Post Procedure

- Refer the employee to the appropriate Psychological Services provider for further counseling.
- Recommend to the Division Commander that the member be placed on Administrative Leave pending counseling.

3. Sheriff's Office supervisors have the authority and responsibility to notify the Staff Psychologist or Psychological Services provider, via the chain-of-command, regarding any member who exhibits apparent stress-related symptoms that adversely affect job performance.

4. Many incidents that occur may be deemed significant enough to be used as a training resource.

**NOTE:** None of the above restricts the member from contacting their own counselor or from utilizing other county or Sheriff's Office services such as the Chaplain Corps or the Employee Assistance Program.
Meal Periods and Breaks

1024.1 PURPOSE AND SCOPE
This policy regarding meals and breaks, insofar as reasonably possible, shall conform to the policy governing all County employees that has been established by the County Commission.

1024.1.1 MEAL PERIODS
Licensed employees, detention center non-administrative personnel and dispatchers shall remain on-duty subject to call during meal breaks. All other employees are not on-call during meal breaks unless directed otherwise by a supervisor.

Uniformed patrol and traffic deputies shall request clearance from their assigned supervisor prior to taking a meal period. Uniformed deputies shall take their breaks within the County limits and shall monitor their radios unless on assignment outside of the County.

The time spent for the meal period shall not exceed the authorized time allowed.

1024.1.2 15-MINUTE BREAKS
Each employee is entitled to a 15-minute break for each four-hour work period. Only one 15-minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor. Breaks cannot be added together or added to the meal period break unless approved by a supervisor.

Licensed employees, detention center non-administrative personnel and dispatchers shall remain on-duty subject to call during their 15-minute break. All other employees are not on-call during 15-minute breaks unless directed otherwise by a supervisor.

Detention center non-administrative personnel shall maintain radio communication while on their break(both 15-minute and meal period) and in the event of an emergency (Code Green, Code Red, etc) shall respond to the emergency or their assigned location. After the emergency has been resolved, if scheduling permits, provisions will be made to complete their break. Employee's assigned to control centers may NOT leave their post unless properly relieved.

Employees normally assigned to the sheriff's facility shall remain in the sheriff's facility for their breaks. This would not prohibit them from taking a break outside the facility if on official business.

Field deputies will take their breaks in their assigned areas, subject to call, and shall monitor their radios. When field deputies take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of their assigned supervisor.
Lactation Breaks

1025.1 PURPOSE AND SCOPE
The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child.

1025.2 POLICY
It is the policy of the sheriff's office to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing child for up to one year after the child's birth (29 USC § 207).

1025.3 LACTATION BREAK TIME
A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Employees desiring to take a lactation break shall notify the Cooperative Communications Center or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt sheriff's office operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1025.4 PRIVATE LOCATION
The Sheriff's Office will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area (§ 191.918, RSMo).
Lactation Breaks

1025.5 STORAGE OF EXPRESSED MILK
Any employee storing expressed milk in any authorized refrigerated area within the Sheriff's Office shall clearly label it as such and shall remove it when the employee ends her shift.
Payroll Records

1026.1 PURPOSE AND SCOPE
Payroll records are submitted to Administration on a bi-weekly basis for the payment of wages.

1026.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS
Employees are responsible for the accurate and timely submission of payroll records for the payment of wages.

1026.1.2 TIME REQUIREMENTS
All employees are paid on a bi-weekly basis usually on Friday with certain exceptions such as holidays. Payroll records shall be completed and submitted to Administration no later than 8:00 a.m. on the Monday morning after the end of the pay period, unless specified otherwise.
On Call Status

1027.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for the agency's use of on call status.

Public safety agencies often find it necessary to require employees with certain job descriptions or assignments in specialized units to remain on call during off duty hours. The nature of that requirement limits an employee's freedom to some extent and may occasionally interrupt the employee's outside or personal pursuits. However, it shall be the policy of the Clay County Sheriff's Department to limit this intrusion. Members or employees shall be reasonably free to engage in their personal pursuits while on call.

1027.2 PROCEDURES

(a) 1. When members are required to remain on call they will be issued an agency phone or pager. They shall make themselves available by that phone when they are on call. Members/employees, who are placed on call for a very limited time, such as due to staffing issues, will not be issued a phone or pager.

(b) 2. When called, the on call member shall respond to the designated location within a reasonable amount of time. What is considered reasonable will depend upon the nature of the situation requiring the call back. However, a member who is called in shall make every effort to respond within 30 to 45 minutes. Any response time over one hour may be subject to administrative review.

(c) 3. Supervisors should arrange schedules to ensure that no member is called-in more than an average of five (5) times a week. Whenever possible, supervisors shall allow members to trade on call time with other members qualified to perform their duties.

(d) 4. Members will be allowed to take the appropriate clothing, uniforms, tools, and equipment home with them when on call. Any member who is called in shall dress in a proper fashion and possess the appropriate tools or equipment for the duty they are called to perform.

(e) 5. Commanders and detectives, who are more frequently called in, may drive their agency issued vehicle when they are on call. They may also transport members of their family or other citizens in their vehicle during this time. Members shall refrain from consuming alcoholic beverages when on call.

(f) 6. An on-call member or employee's work time shall begin when they receive their call to respond. Provided, however, the time a member reports on his/her time card was used to prepare for the call in duty. Their work time shall conclude when they have completed their call in assignment. A member will be paid for minimum of two hours each time they are called in.
Overtime Payment Requests

1028.1 PURPOSE AND SCOPE
It is the policy of the Clay County Sheriff's Office to compensate non-exempt salaried employees who work authorized overtime either by payment of wages or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a request for overtime payment as soon as practicable after overtime is worked.

1028.1.1 SHERIFF’S OFFICE POLICY
Because of the nature of law enforcement work, and the specific needs of the Sheriff's Office, a degree of flexibility concerning overtime policies must be maintained.

Nonexempt employees are not authorized to volunteer work time to the Sheriff's Office. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practicable during the overtime shift and in no case later than the end of the shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete a request form for such a period, the employee shall comply.

The individual employee may request compensatory time in lieu of receiving overtime payment. However, the employee may not exceed the number of hours of compensatory time identified in the Clay County Human Resources Policy Sections 11-8 and 11-9.

1028.1.2 GENERAL PROVISIONS
Personnel may be required to work overtime out of necessity for the expeditious conduct of department business or for protection of the public health, safety, or welfare. Failure to comply with such requests shall constitute insubordination and provide grounds for disciplinary action.

No task or function should be performed on overtime by Clay County Sheriff's Office personnel that could otherwise be performed during regular work hours. Supervisors shall establish and hold personnel responsible for a level of performance during standard work hours that minimizes the need for overtime and/or the need for additional personnel. Only overtime required to meet vital service demands of the department, court appearance(s) or training shall be authorized. All tasks and functions that require the use of overtime shall be routinely evaluated in terms of their cost-effectiveness. Alternatives to the use of premium pay to accomplish these tasks or program objectives shall be evaluated and implemented where appropriate.

All overtime must receive advance authorization unless unreasonable due to emergency circumstances:
Overtime Payment Requests

- Shift Supervisors and Unit Commanders are the personnel primarily responsible for authorizing and managing overtime.
- Division or Unit Commanders must approve overtime requests designed to fill an on-going personnel vacancy or meet an unusually high yet foreseeable workload. (i.e., personnel vacancies are authorized staff positions left unfilled when vacated permanently or for extended and indefinite periods of time).

The Administrative Division Commander shall develop and distribute procedures and forms for the reporting of and maintaining overtime records.

Supervisors and command staff shall take measures and issue directives where reasonably possible to reduce or limit the demand for overtime. This includes but is not limited to supervisory efforts to perform the following.

- Assign non-emergency service requests received near shift change to on-coming shift personnel.
- Use auxiliary and reserve deputies/employees and volunteers where feasible to offset temporary personnel shortages/vacancies and meet specialized needs.
- Anticipate and manage workload requirements where reasonable to best utilize standard duty hours.
- Manage and coordinate vacation, leave and related requests to minimize manpower deficiencies.
- Ensure that deputies who make arrests late in their shift receive available assistance to process prisoners as quickly as possible.
- Ensure that arresting deputies in misdemeanor incidents conduct tests, take statements or witness any actions/procedures essential to prosecution so that only the arresting deputy will be needed to testify in court. Arrest reports should include only the minimum number of deputies; those who were integral to the arrest and who must be subpoenaed in any subsequent court testimony.
- Ensure that Clay County Sheriff's Office overtime policy, rules are consistently adhered to by its personnel as they relate to overtime for court appearances, standby, travel time, training, holiday leave, vacations and related matters.

1028.2 REQUEST FOR OVERTIME PAYMENT FORMS
Employees shall submit any overtime payment request forms for verification by their immediate supervisor as soon as practicable. Failure to submit a request for overtime payment in a timely manner may result in discipline. Approved overtime payment request forms will then be submitted with the employee's time card.
Overtime Payment Requests

1028.2.1 EMPLOYEE RESPONSIBILITY
Employees shall complete the request immediately after working the overtime and submit it to their immediate supervisor or the Shift/Unit Supervisor. Employees submitting an overtime request form for on-call pay when off-duty shall submit it to the Shift/Unit Supervisor the first day after returning to work.

1028.2.2 SUPERVISOR RESPONSIBILITIES
The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

1028.3 ACCOUNTING FOR OVERTIME WORKED
Employees are to record the actual time worked in an overtime status.

Non-exempt personnel who have left their normal workplace and who are called back to work shall be credited for actual time worked or a minimum of two (2) hours, whichever is greater. All call-back time shall count as hours worked, including minimum guarantee time for purposes of computing overtime.

Personnel shall accumulate time portal to portal (i.e. from the time they begin their commute to the worksite until they return home). Personnel who are required to appear in court in conjunction with their duties shall receive call back payment when required to appear in court outside their normal working hours.

Personnel who are scheduled for or placed on stand-by/on-call status shall receive call back pay but shall not receive additional compensation for being on stand-by/on-call status.

1028.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR
When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

<table>
<thead>
<tr>
<th>TIME WORKED</th>
<th>INDICATE ON CARD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 15 minutes</td>
<td>1/4 hour</td>
</tr>
<tr>
<td>16 to 30 minutes</td>
<td>1/2 hour</td>
</tr>
<tr>
<td>31 to 45 minutes</td>
<td>3/4 hour</td>
</tr>
<tr>
<td>46 to 60 minutes</td>
<td>1 hour</td>
</tr>
</tbody>
</table>

1028.3.2 VARIATION IN TIME REPORTED
Where two or more employees are assigned to the same activity, case or court trial, and the amount of time for which payment is requested varies between the two, the Shift/Unit Supervisor or other approving supervisor may require each employee to include the reason for the variation on the back of the overtime payment request.

1028.4 CALCULATION OF OVERTIME
The Clay County Sheriff's Office shall conform to overtime provisions of the FLSA and applicable state laws. Under the law not all personnel are considered eligible for overtime. For purposes of
Overtime Payment Requests

determining eligibility for overtime Clay County Sheriff's Office personnel shall be classified within the category of exempt or non-exempt as follows:

• **Exempt employee**: An employee who is exempt from the provisions of the Fair Labor Standards Act (FLSA) by the Act or who is not covered by the Act, particularly as it relates to overtime. Exempt employees are not eligible for overtime or additional compensation or time off due to the number of hours worked.

• **Non-Exempt employee**: An employee who is covered by the provisions of the Fair Labor Standards Act (FLSA), particularly as related to overtime. Non-exempt employees are eligible for overtime compensation.

Hours worked in excess of a standard work week by employees covered by the provisions of the Fair Labor Standards Act (FLSA) shall be compensated by overtime payment or by compensatory time off at one and one-half (1½) times their straight hourly rate for every hour of work performed over the standard 40 hours.

Section 207(k) of the Fair Labor Standards Act (FLSA) allows governmental employers to calculate overtime for non-exempt law enforcement staff based on a work period rather than a seven (7) day work week. Non-exempt commissioned personnel in the Clay County Sheriff's office required to work in excess of 80 hours in a 14-day work cycle beginning on Sunday at 12:01 a.m. and ending on Saturday at midnight shall be eligible for overtime compensation. Overtime hours or compensatory time will be calculated as defined for other Non-exempt personnel. Time off, including sick pay, holiday pay, vacation pay, and compensatory time off, is not considered hours worked for the purpose of calculating overtime.

In general paid overtime will be used in lieu of unpaid compensatory time off. However, the Clay County Sheriff's Office reserves the right to determine which method of compensation will be used for each individual incident of overtime. **Acceptance of compensatory time in lieu of overtime pay is a condition of employment**. Upon termination of employment, accumulated but unused compensatory time off will be paid at the current rate of pay.

### 1028.5 TRAVEL TIME

Time spent traveling during normal work hours is considered compensable work time. Time spent in home-to-work travel by an employee in an employer-provided vehicle, or in activities performed by an employee that are incidental to the use of the vehicle for commuting, generally is not hours worked and, therefore, does not have to be paid. This provision applies only if the travel is within the Kansas City metropolitan area.

Travel time away from the home community is work time when it has occurred during the regular scheduled work shift and also during corresponding hours on leave days. The time spent in travel outside of regular working hours as a passenger on an airplane, train, bus or automobile or, time waiting for these modes of transportation, is not considered as work time.
Overtime Payment Requests

1028.6 LECTURES, MEETINGS AND TRAINING TIME
While time spent attending lectures, meeting or training authorized by the Clay County Sheriff's Office is normally considered compensable hours, attendance outside of regular working hours at specialized or follow-up training which is required by law for certification or licensing is not hours worked.

Free time during lectures, meetings and training are not considered compensable work hours if personnel are free to use such time for personal pursuits (e.g. lunch breaks, hospitality sessions, etc.)

1028.7 SUBSTITUTION
If an individual agrees, with the approval of their supervisor and solely at the option of the individual, to substitute during scheduled work hours for another individual, then the hours worked by either employee may be excluded in calculating the total hours for overtime compensation.

1028.8 OFF-DUTY EMPLOYMENT
Commissioned Personnel who engage in work under Clay County Sheriff's Policy 1040 Outside Employment will, depending upon the agreement with the secondary employer, be compensated in one of two methods:

- **Secondary Employer provides Worker's Compensation Coverage** - Personnel will be paid directly from the secondary employer at a predetermined rate of compensation. This provision applies to both exempt and nonexempt employees.

- **Clay County provides Worker's Compensation Coverage** - Personnel will be paid through the regular county payroll system based upon their hourly rate of pay. For non-exempt employees overtime compensation will be determined by their accumulated hours worked (both on and off-duty) in the work period. Exempt employees will be paid a standard rate determined annually by the Sheriff in cooperation with the County Commission.

1028.9 REPORTING, RECORDING AND ANALYSIS
All overtime worked shall be approved for payment by the designated supervisor. The category of overtime work performed shall be coded in accordance with agency personnel procedure and forwarded by Division Commanders to the Administrative Unit Commander for recording, accounting and analysis.

- Paid overtime and unpaid compensatory time will be recorded separately.

- Overtime expenditures shall be tracked separately by function (e.g., briefings and roll calls, training, investigations) and by the division in which the expenditure is incurred. Individual and summary data will be compiled and distributed to Division Commanders on a monthly basis.
Overtime Payment Requests

- Overtime funds expended under federal or state grant programs should be accounted for separately from those in the general budget.

Division Commanders and supervisors shall monitor individual and summary data reports of overtime expenditure. Identification of unusual, unexplained or disproportionate expenditures in overtime may include but are not limited to the following circumstances:

- Disproportionate overtime by individual officer(s) engaged in or assigned to the same task/function;
- Significant and unexplained changes in overtime expenditures when compared to similar periods of time;
- Significantly higher overtime costs for completion of the same or similar activities or tasks previously performed; and
- Expenditure of overtime at a rate that could exceed or negatively affect the agency's budget or that of individual units, programs or functions.

**1028.10 USE OF COMPENSATORY TIME**
Compensatory (comp) time is compensation for overtime earned which is paid in the form of one and one-half (1½) hours off with pay for each one (1) hour of overtime earned to a maximum of 240 hours. Overtime resulting in accumulation of compensatory time in excess of the limits will be compensated with overtime pay.

Employees are encouraged to take accrued compensatory time off as workload allows in order to minimize compensatory time balances. Personnel who request the use of such compensatory time, shall be permitted by their Division Commander to use such time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operations of the Division.

The Clay County Sheriff's Office reserves its right to make payments at any time for accrued compensatory time earned after April 14, 1986. Such payments shall be paid at the regular rate of pay when payments are made. All cash payments for compensatory time will be made in accordance with Title 29 CFR Section 553.
Outside Employment

1029.1 PURPOSE AND SCOPE
To avoid actual or perceived conflicts of interest for office employees engaging in outside employment, all employees shall initially obtain written approval from the Sheriff prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Sheriff in accordance with the provisions of this policy.

It is management's right to prohibit conduct that has the potential to cause disruption in the work force. In exercising this right the Clay County Sheriff's Office requires all full-time personnel treat their employment with the Clay County Sheriff's Office as their primary employment. It also recognizes that personnel may choose to supplement their income through secondary employment. It shall be the policy of the Clay County Sheriff's Office to allow personnel to engage in secondary employment provided such employment would not constitute a conflict of interest or would tend to bring discredit to the agency.

This policy provides the opportunity for commissioned and non-commissioned members of the Sheriff's Office to engage in outside employment. The policy establishes the conditions by which Sheriff's Office members will be held responsible when requesting and engaging in outside employment.

1029.1.1 DEFINITIONS
Definitions related to this policy include:

Outside employment - The employment of any member of the Clay County Sheriff's Office who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with the Clay County Sheriff's Office for services, products or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with the Clay County Sheriff's Office for services, products or benefits rendered.

Outside overtime - Overtime involving any member of the Clay County Sheriff's Office who performs duties or services on behalf of an outside organization, company or individual within this jurisdiction on behalf of the Clay County Sheriff's Office. Such outside overtime shall be requested and scheduled directly through the Clay County Sheriff's Office so that the Clay County Sheriff's Office may be reimbursed for the cost of wages and benefits.

1029.1.2 INTRODUCTION
(a) The objectives of the policy are to avoid any negative effects of outside employment on any member’s performance; disallow any outside employment which may bring discredit to the Sheriff's Office; and offer equal opportunity for all qualified members to obtain outside employment at public and private events.
**Outside Employment**

(b) Members shall not engage in outside work while performing department assigned duties.

(c) Outside Employment that constitutes a conflict of interest is prohibited. Employees may not receive any income or material gain from individuals outside County Government for materials produced or services rendered while performing their jobs for the County.

(d) The term 'commissioned members' refers to both paid full time, part time and unpaid volunteer commissioned deputies.

(e) The term 'non-commissioned members' refers to both paid full time and part time and unpaid volunteer non-sworns.

(f) Commissioned and non-commissioned members of the Sheriff's Office may participate in outside employment.

1. The provisions of this policy apply to reserve deputies and non-sworn volunteers with the exception of their primary profession or employment.

2. Full time deputy trainees may not engage in outside employment while attending the academy or Basic Law Enforcement Class required for obtaining an initial P.O.S.T. certification.

(g) The Sheriff has final approval on all requests for outside employment.

1029.1.3 POLICY

(a) Prior to working any outside employment, including any type of self-employment, the Sheriff's Office member must submit the proper Sheriff's Office form(s) to their supervisor and receive approval through the chain-of-command.

(b) An employee may be asked to terminate or suspend outside employment in order to remain an employee of the Sheriff's Office if the Sheriff or a Division Commander has reason to believe that an employee's outside work is interfering with an employee's performance or ability to meet their requirements of the position. The decision to ask an employee to terminate or suspend outside employment must be approved by the Sheriff.

(c) TYPES OF OUTSIDE EMPLOYMENT JOBS:

1. The types of outside employment jobs worked by non-commissioned members must be non-law enforcement in nature unless the member is a commissioned officer for another law enforcement agency.

2. Members are prohibited from engaging in outside employment at a tavern, cocktail lounge, or similar establishments and the parking lot of such or in any other capacity, which might reflect discredit on the Sheriff's Office. This does not prohibit the acceptance of outside employment at an establishment,
Outside Employment

which derives less than fifty percent (50%) of its gross income from the sale of alcoholic beverages. Commissioned members shall not tend bar or serve alcoholic beverages at any establishment.

(d) SICK LEAVE, INJURY LEAVE, SUSPENSION

1. A full time commissioned member on sick leave associated with the member's health, approved light duty or unpaid leave status may not work an outside employment job.

2. Full time commissioned members on suspension are forbidden from working outside employment which entails the wearing of the deputy uniform or need for police authority. They may work jobs which are not related to law enforcement, e.g., carpenter, truck driver, store manager, sales associate etc.

3. A member will be considered off of sick leave and eligible to work off duty 8 hours AFTER the end of the shift for which they used sick leave.

(e) LEGAL AUTHORITY OF COMMISSIONED MEMBERS AND RESERVE DEPUTIES WHILE EMPLOYED OUTSIDE

1. The law enforcement authority vested in a commissioned member of this Sheriff's Office extends only to the locations within the County of Clay.

2. The law enforcement authority vested in a commissioned member while working outside employment is limited to the enforcement of county ordinances and state and federal statutes.

3. Outside employer policies, procedures or practices shall not include provisions requiring a law enforcement action while working in an outside employment capacity.

4. commissioned member while working outside employment will be considered working for the employer or contracting entity while providing non-law enforcement services consistent with those requested by the employer or contractor.

5. A commissioned member's outside status will be changed to 'on-duty' if the commission member engages in the enforcement of any county ordinance or state or federal law unless the outside employment is for another law enforcement agency.

6. A commissioned member who is assaulted or through the enforcement of any county ordinance or state or federal law detains or arrests a subject shall request an on-duty deputy to respond to the scene for the purposes of taking custody of the offending person and transporting the offender to the detention center. A
A commissioned member who takes an action that requires a report be made or arrests a suspect will file a report as outlined in below.

(a) When a commissioned member working outside employment is required to write an on-duty report, a case number (report number) will be obtained from the Clay County Communications Center for the area in which the outside employment is located.

(b) The commissioned member must deliver the report to the Sheriff's Office within the time constraints dictated by the nature of the detainment or arrest but no later than the end of the outside member's next regular shift unless

(c) The member is on an extended vacation or FMLA, etc. or is a reserve deputy, then within one day following the end of the outside period

(d) Members on an extended vacation will have the option of extending their vacation by the number of on-duty hours or receive overtime pay for the on-duty time used to complete and submit the report

(e) The status of members on FMLA will be changed to "Intermittent leave" and the on-duty time will not be charged against the FMLA benefit. The member's return to duty date will not be affected because of the change in status during the intermittent on-duty period.

(f) Any reports prepared for the benefit of the outside employer concerning incidents not specifically connected with a member's law enforcement actions shall be written by the outside commissioned member if the outside employer requests such a report and the request is made while the outside commissioned member is present subject to the limitations below.

(g) Reports prepared by the commissioned member for an outside employer shall not cover incidents of a nature in which an on-duty commission member of this Sheriff's Office or another law enforcement agency would normally be called to take a report if the outside member was not present, e.g., fraud, embezzlement, property damage, etc unless taking such reports has been determined to be an acceptable practice prior to the start of the outside employment.

(h) Any reports prepared by a commission member where the incident changes the commission member status to on-duty will be written and approved by a supervisor and will only be available to the outside employer through a Sunshine Law request.
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(i) Reports written for the benefit of the outside employer shall not list the Clay County Sheriff's Office as the complainant. The commissioned member may sign as the complainant for the outside employer but not when the commissioned member is the investigating, detaining or arresting officer.

(j) The commissioned member's status will revert back to off-duty status upon the completion of the required on-duty activities by the commissioned member associated with the on-duty enforcement event.

(k) When an action taken by a regular commission member changes the member's status to on-duty, the member will prepare an 'Outside Employer Time Exception Form' indicating the time duration the commissioned member's status had changed to on-duty paid by Clay County. The outside employer will need to sign the form and be provided a copy.

(f) INJURIES DURING OUTSIDE EMPLOYMENT

(a) The member working an outside employment job as an employee of the outside employer becomes the agent of the outside employer rather than the agent of the Clay County Sheriff's Office when not performing under the authority of the Clay County Sheriff's Office.

(a) Any member of this Sheriff's Office who sustains any injury requiring any form of medical attention while working for an outside employer, while in the outside employment status, shall comply with the procedures set forth by that employer for benefit coverage.

(b) Payment of medical expenses, workman's compensation or other expenses arising out of injuries sustained while the member is in an outside employment status shall not be the responsibility of the Clay County Sheriff's Office or the County of Clay.

(c) An injury sustained while working outside employment occurring in conjunction with the exercising of the Sheriff's Office police powers will be reported as an on-duty injury in accordance with the on-duty injury policy.

(b) Time away from Sheriff's Office work resulting from an outside employment injuries will be carried as sick days and may fall under FMLA even if being paid by worker's compensation from another job.

1029.1.4 PROCEDURES

(a) MEMBER'S RESPONSIBILITIES:

1. Outside employment - Commissioned and non-commissioned members:
Outside Employment

(a) Must submit the current SECONDARY EMPLOYMENT REQUEST FORM (Outside Employment Form) to engage in employment during outside periods to their immediate supervisor to be forwarded up the chain of command.

(b) Must also submit the appropriate completed 'Agreement' form designated for outside employment when the outside employer is a police agency, fire department or dispatch unit of a city or county agency. The completed 'Agreement' form must be submitted at the same time the 'Outside Employment Form' is submitted.

(c) Members incurring health related issues associated with their outside employment which may diminish the member's ability to perform their Clay County Sheriff's Office assigned duties shall notify either their immediate supervisors or division commander promptly and indicate the nature of the health related issue that prevents the member from performing his/hers normal duties.

(b) Commissioned Members:

(a) Must include in the 'Outside Employment Form' the outside employment will be in uniform and indicating whether the outside employment includes seasonal or specific types of jobs (special shows, building security, basketball and football games, etc.) (NOT REQUIRED FOR POOL REQUESTS).

(b) Must submit an updated Sheriff's Office 'Outside Employment Form' prior to January 15th of each year for continuation of outside employment.

(c) Unpaid volunteer reserve deputies shall submit requests through their assigned division supervisor for outside employment.

(d) Reserve deputies employed by the Sheriff's Office in a non-commissioned position shall submit requests through their supervisor for outside employment.

(c) SUPERVISOR/COMMANDER'S RESPONSIBILITIES:

(a) Review the member's outside employment application for accuracy, completeness, and to determine that the request is within policy. Supervisors or commanders shall;

(a) Make appropriate recommendation based on such factors as the member's job performance and experience, sick leave taken, and past personal experience.

(b) If appropriate, provide documentation supporting a position that the outside employment job has shown to adversely affect the member's job performance during regular duty hours.
(c) Forward documents addressing these issues through the chain-of-command to the Sheriff.

(d) SHERIFF’S RESPONSIBILITY:

1. Make the final decision regarding the member’s request for outside employment.
2. Forward the approved form(s) to the supervisor and a copy to the member.
3. Return disapproved forms to the supervisor and member with a written statement explaining the reason the request was denied.

(e) MISCELLANEOUS

1. All members shall submit outside employment requests, including first responder agreements, as defined above.

2. Commissioned members coordinating specific outside employment jobs shall determine the number of officers necessary to properly perform the associated duties for adequate security. Factors considered for determining adequate security will include the location of the job, the size of the facility and the traditional temperament, attitude, and size of the anticipated crowd.

3. Outside jobs will normally be posted by e-mail. However, not all outside employment must be posted if the employment is designated for specific members or intended for members with specialized training or skills. Notification by email shall be sent to eligible members of the posting to allow for an equal opportunity for members to sign up for the outside employment. The notification should be sent out as far in advance of the actual posting as possible indicating the type, date, time, location and number of members needed for the outside employment and the time the posting will be available for signup.

4. Each member will ensure that they have a current Sheriff’s Office application form on file covering the posted outside employment request.

1029.2 OBTAINING APPROVAL

No member of the Clay County Sheriff's Office may engage in any outside employment without first obtaining prior written approval of the Sheriff. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy is grounds for disciplinary action.

To obtain approval for outside employment, the employee must complete an application that shall be submitted to the employee’s immediate supervisor. The application will then be forwarded through the appropriate chain of command to the Sheriff for consideration.

If approved, the employee will be provided with a copy of the approved application. Unless otherwise indicated in writing on the approved application, an approved application will be valid
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through the end of the calendar year in which it is approved. Any employee seeking to continue outside employment shall submit a new application in a timely manner.

Any employee seeking approval of outside employment whose application has been denied shall be provided with a written reason for the denial of the application at the time of the denial and within 30 days of the application.

1029.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT
If an employee's application is denied or rescinded by the Sheriff's Office, the employee may file a written notice of appeal to the Sheriff within 10 days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance pursuant to the Grievance Policy.

1029.2.2 REVOCATION/SUSPENSION OF AN APPROVED OUTSIDE EMPLOYMENT APPLICATION
Any approved outside employment application may be revoked or suspended. The employee shall receive written notification of the reasons for revocation or suspension. Additionally, revocation will only be implemented after the employee has exhausted the appeal process.

The outside employment may be revoked:

(a) If an employee's performance declines to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of minimum acceptable competency, and the outside employment may be related to the employee's performance. The Sheriff may, at his/her discretion, notify the employee of the intent to revoke any previously approved outside employment application. After the appeal process has concluded, the revocation will remain in force until the employee's performance directly related to the outside employment has been re-established to the minimum level of acceptable competency.

(b) If, at any time during the term of an approved outside employment application, an employee's conduct or outside employment conflicts with the provisions of sheriff's office policy, or any law.

(c) The outside employment creates an actual or apparent conflict of interest with the Sheriff's Office or the County.

1029.3 PROHIBITED OUTSIDE EMPLOYMENT
The Clay County Sheriff's Office expressly reserves the right to deny any application submitted by an employee seeking to engage in any activity that:

(a) Involves the employee's use of Sheriff's Office time, facilities, equipment or supplies, the use of the Sheriff's Office badge, uniform, prestige or influence for private gain or advantage.
(b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this office for the performance of an act that the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this office.

(c) Involves the performance of an act in other than the employee's capacity as a member of this office that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this office.

(d) Involves time demands that would render performance of the employee's duties for this office below minimum standards or would render the employee unavailable for reasonably anticipated overtime assignments and other job-related demands that occur outside regular working hours.

1029.3.1 OUTSIDE SECURITY EMPLOYMENT
Due to the potential conflict of interest, no member of the Clay County Sheriff's Office may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of the Clay County Sheriff's Office must submit a written request to the Sheriff in advance of the desired service. Such outside overtime will be monitored by the designated commander.

(a) The applicant will be required to enter into a written indemnification agreement prior to approval.

(b) The applicant will be required to provide for the compensation and full benefits of all employees requested for such outside security services.

(c) If such a request is approved, any employee working outside overtime shall be subject to the following conditions:
   1. The deputy shall wear the sheriff's office uniform/identification.
   2. The deputy shall be subject to all the rules and regulations of this office.
   3. No deputy may engage in such outside employment during or at the site of a strike, lockout, picket or other physical demonstration of a labor dispute.
   4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
   5. No deputy may engage in outside employment as a law enforcement officer for any other public agency without prior written authorization of the Sheriff.
   6. The deputy working outside overtime or secondary employment will contact the Clay Communications Center on their Sheriff's Office radio and advise that they are on-duty at said assignment, and specify where the location of the
assignment is. Conversely, when going off-duty from that assignment, they will also notify the Clay County Communications Center when they are going off-duty via radio communication. The Clay County Communications Center will log said information into the CAD system for record-keeping, as well as maintaining an audio recording of the information.

1029.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE
Any employee making an arrest or taking other official law enforcement action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to sheriff's office policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

1029.3.3 SPECIAL RESTRICTIONS
Except for emergency situations or with prior authorization from the Division Commander, undercover deputies or deputies assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity that might reasonably disclose the deputy's law enforcement status.

1029.4 OFFICE RESOURCES
Employees are prohibited from using any office equipment or resources in the course of or for the benefit of any outside employment except such as are authorized. This shall include the prohibition of access to official records or databases of this office or other agencies through the use of the employee's position with the Sheriff's Office except such as are authorized.

1029.4.1 REVIEW OF FINANCIAL RECORDS
Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest. Prior to providing written approval for an outside employment position, the Sheriff's Office may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists.

Failure of the employee to provide the requested personal financial records could result in denial of the outside employment application. If, after approving a request for an outside employment position, the Sheriff's Office becomes concerned that a conflict of interest exists based on a financial reason, the Sheriff's Office may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her outside employment application may be revoked pursuant to this policy.

1029.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS
If an employee terminates his/her outside employment during the period of an approved application, the employee shall promptly submit written notification of such termination to the Sheriff through the appropriate chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.
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Employees shall also promptly submit in writing to the Sheriff any material changes in outside employment including any change in the number of hours, type of duties or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material shall report the change.

1029.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY OR ADMINISTRATIVE LEAVE

Clay County Sheriff's Office employees who are engaged in outside employment who are placed on disability or administrative leave or modified/light-duty shall inform their immediate supervisor. Clay County Sheriff's Office employees who are engaged in outside employment who are placed on disability or administrative leave or modified/light-duty shall be suspended from participating in ANY outside employment until the employee returns to full duty.
On-Duty Injuries

1030.1 PURPOSE AND SCOPE
The purpose of this policy is to provide for the reporting of on-duty injuries, occupational illnesses or deaths, the circumstances of the incident and to ensure proper medical attention is received by the employee.

1030.2 WORKERS’ COMPENSATION FUND REPORTS

1030.2.1 INJURIES REQUIRING MEDICAL CARE
All work-related injuries and work-related illnesses requiring medical care must be documented and also reported to risk management and a claim form shall be provided to the injured employee within 24 hours from the time the injury was discovered, excluding weekends and holidays.

1030.2.2 DEFINITIONS
Definitions related to this policy include:

**Accident** - An unexpected traumatic event identifiable by time and place of occurrence producing objective symptoms of an injury caused by a specific event during a single work shift (§ 287.020.2, RSMo).

**Occupational disease** - An identifiable disease arising with or without human fault out of and in the course of employment (§ 287.067.1, RSMo).

1030.2.3 EMPLOYEE’S RESPONSIBILITIES
Any employee sustaining any work-related injury or illness, as well as any employee who is involved in any accident while on duty shall report such injury, illness or accident to his/her supervisor as soon as practicable but no later than 30 days after gaining knowledge of the injury or illness (§ 287.420, RSMo). An employee must file a Claim for Compensation with the Missouri Division of Workers’ Compensation within two years.

Any employee observing or learning of a potentially hazardous condition shall promptly report the condition to his/her immediate supervisor.

Any employee sustaining a work-related injury or illness that requires relief from duty is required to be examined and treated by a physician.

Any employee sustaining a work-related injury or illness that requires relief from duty is also required to comply with sheriff's office policies and directives relating to the duty to periodically call in during absences, as well as the duty to notify the sheriff's office of any change in condition or anticipated duration of the absence.

When appropriate, an employee being treated for an on-duty injury should inform the attending physician that a modified duty assignment may be available at the Sheriff's Office. Modified duty may be available for employees whose injuries prevent resumption of regular duties.
On-Duty Injuries

An injured employee or an employee who has suffered a work-related illness shall report as soon as practicable to his/her immediate supervisor the medical findings concerning the injury and the extent and duration of any work restrictions, if they are known. In addition, such employees are required to promptly submit all medical releases, whether partial or full releases, to their supervisor.

1030.2.4 SUPERVISOR RESPONSIBILITIES
A supervisor shall promptly prepare all required forms as currently required by the Clay County Risk management Office. The Risk Management Office will be responsible for completing the Missouri Division of Workers’ Compensation First Report of Injury Form within five days of learning of any work-related injury, illness or accident (§ 287.380.1, RSMo). Updated copies of forms with instructions for completion provided by risk management are maintained on the Clay County Website.

All work-related injuries or illnesses are to be reported, regardless of the severity of the injury. The completed form shall be forwarded to the Sheriff's Office Human Resources Coordinator. During normal duty hours the Sheriff's Office Human Resources Coordinator and Division Commander should be notified immediately regarding the illness or injury. At all other times an e-mail should be sent to the Clay County Risk Management Coordinator with a copy going to the Sheriff's Office Human Resources Coordinator and the Division Commander.

Every injured employee must be provided with a Claim for Compensation Form within 24 hours, regardless of the nature of illness or injury.

Copies of any reports documenting the accident or injury should be forwarded to the Division Commander as soon as completed.

1030.2.5 DIVISION COMMANDER RESPONSIBILITIES
The Division Commander receiving a report of a work-related accident or injury should review the report for accuracy and in consultation with the Sheriff's Office Human Resources Coordinator determine what additional action should be taken. The report shall then be forwarded to the Sheriff.

Injuries or illnesses that do not result in time off or medical treatment beyond immediate first aid are not required to be reported to the Division of Workers’ Compensation (§ 287.380.1, RSMo).

1030.2.6 SHERIFF RESPONSIBILITIES
The Sheriff or the authorized designee shall ensure that a sufficient number of printed notices developed by the Missouri Division of Workers’ Compensation informing employees of their responsibility to report a workplace injury are displayed at all times in a prominent place in the workplace (§ 287.127.1, RSMo).

The Sheriff or the authorized designee shall review the report and insure the Human Resources Coordinator has a copy of the report. Any copies of the report and any related documents retained by the Sheriff's Office shall be filed in the employee's medical file and not in the employee's personnel file (see Personnel Files Policy).
On-Duty Injuries

1030.3 INJURY NOT REQUIRING MEDICAL ATTENTION
Injuries and illnesses not requiring medical attention shall still be recorded on the appropriate Clay County Risk Management form. This form shall be completed and signed by a supervisor.

This form shall be signed by the affected employee, indicating that he/she desired no medical attention at the time of the report. By signing this form, the employee will not preclude his/her ability to seek medical attention later.

1030.4 SETTLEMENT OF INJURY CLAIMS
Occasionally, an employee's work-related injury results from the negligent or wrongful acts of another, for which the employee, the County and/or other insurers are entitled to recover civilly. To ensure that the County's interests are protected and that the employee has the benefit of the County's experience in these matters, the following procedure is to be followed.

1030.4.1 EMPLOYEE TO REPORT INITIAL CONTACTS
When an employee sustains work-related injuries caused by another person and is then approached by such person or an agent, insurance company or attorney and offered a settlement of claims, that employee shall take no action other than to make a written report of this contact to his/her supervisor as soon as practicable. That report shall then be forwarded to the Sheriff's Office Human Resources Coordinator.

1030.4.2 NO SETTLEMENT WITHOUT PRIOR APPROVAL
No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an on-duty injury, the employee shall provide the Sheriff with written notice of the proposed terms of such settlement.

In no case shall the employee accept a settlement without first giving such written notice to the Sheriff. The purpose of the notice is to permit the County to determine whether the offered settlement will affect any claim the County may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the accident or injury, and to protect the County's right of subrogation, while ensuring that the employee's rights to receive compensation for injuries are not affected.
Personal Appearance Standards

1031.1 PURPOSE AND SCOPE
To project uniformity and neutrality toward the public and other members of the Sheriff's Office, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for the Clay County Sheriff's Office and for their assignment.

For many businesses, appearance is everything. If employees don't look good, the company doesn't look good. That is especially true for the Clay County Sheriff's Office. A professional image conveys a message of professional competence, trustworthiness and security that is essential to our mission. All personnel are visible representatives of the Office of the Sheriff.

1031.2 GROOMING STANDARDS
Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Sheriff has granted exception.

All personnel shall dress and groom in a manner that reflects a clean and professional image, especially when in front of the public, except as required for assigned duties. The Clay County Sheriff's Office wishes to avoid interfering in personal choice of dress and grooming styles as much a reasonably practicable. To do this, however, requires that personnel exercise good common sense in their dress, appearance, and grooming. This means that their clothing, cosmetics, hairstyles, colognes or perfumes, or jewelry should not attract unnecessary attention to themselves, or interfere with the safe and effective performance of their duties.

It is the responsibility of all personnel to ensure that their body and clothing present an appropriate standard of personal appearance and cleanliness, including but not limited to practicing good hygiene. This includes, but is not limited to, bathing regularly and the use of body or breath deodorant as needed. Supervisors are responsible for enforcing appropriate standards of personal appearance and cleanliness of personnel in their work areas.

Uniformed personnel shall comply with the Clay County Sheriff's Office Policy #1046 Uniform Regulations while assigned to a uniformed duty.

1031.2.1 HAIR
The following is a non-exhaustive list of guidelines to assist personnel in the grooming of their hair:

- Hairstyles of all members shall be neat in appearance.
- Hair will be neatly trimmed, clean and styled.
- All styles must not detract from the employee’s appearance as a professional.
- Extreme haircuts such as tracks, designs, decorations, sculptures cut into the hair, cornrows and Mohawks are prohibited.
Personal Appearance Standards

- Extreme or unnatural hair colors are prohibited.
- The length and/or bulk of an employee’s hair shall not be such that it presents an unprofessional, unkempt, or neglected appearance.
- For male uniformed employees, hair must not extend below the top edge of the uniform collar while assuming a normal stance.
- For female uniformed employees, hair must be no longer than the horizontal level of the bottom of the uniform shoulder patch when the employee is standing erect, and worn up or in a tightly wrapped braid or ponytail.
- If wigs and hairpieces are worn, they must conform to the established grooming standards.
- Hair accessories that may be worn include bobby pins, hair bands, and hair clips.
- Hair bands worn by uniformed officers must be of a solid color of white, black or navy blue.
- Hair clips worn by uniformed officers must be a plain shape and in the color of white, black or forest green, or natural hair color.
- Decorative or fashion hair accessories not mentioned above are prohibited by uniformed personnel.

1031.2.2 MUSTACHES
A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

1031.2.3 SIDEBURNS
Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1031.2.4 FACIAL HAIR
Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Sheriff or the authorized designee.

1031.2.5 FINGERNAILS
Fingernails extending beyond the tip of the finger can pose a safety hazard to deputies or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger. Fingernail color will be in good taste and subdued in appearance.

1031.2.6 JEWELRY AND ACCESSORIES
No jewelry or personal ornaments shall be worn by uniformed personnel on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar. They shall not wear bracelets except for medical bracelets or a wristwatch.
Earrings shall not be worn by uniformed personnel, investigators or special assignment personnel without permission of the Sheriff or the authorized designee. Only one ring may be worn on each hand of the employee while on-duty with no ring having a height of over one half inch from the top of the finger. Other personnel may wear jewelry on their ears and hands that is appropriate for their assigned duties and in keeping with section 1044.2 of this policy.

1031.3 TATTOOS
While on-duty or representing the Sheriff's Office in any official capacity, every reasonable effort should be made to conceal tattoos or other body art. At no time while on-duty or representing the Sheriff's Office in any official capacity, shall any offensive tattoo or body art be visible. Examples of offensive tattoos would include, but not be limited to, those which depict racial, sexual, discriminatory, gang related or obscene language.

The display of any tattoo, scarification or brand considered inappropriate, unprofessional or offensive, regardless of its location by Clay County Sheriff's Office personnel while on duty, or representing the sheriff's office in any official capacity is prohibited. The following is a non-exhaustive list of symbols that are prohibited:

- Depictions of nudity or violence.
- Sexually explicit or vulgar art, words, phrases or profane language.
- Symbols such as swastikas, pentagrams or similar symbols likely to incite a strong reaction in the workplace.
- Initials, acronyms or numbers such as KKK, SS, AB or 666 that represent criminal or historically oppressive organizations.
- Any street gang names, numbers and/or symbols.

Visible tattoos, scarification or branding on the ears, head, and face or neck that are simply a means of self-expression are prohibited. Personnel with tattoos, scarification or branding in other areas may be required to keep them covered if they are simply a means of self-expression.

1031.4 BODY PIERCING OR ALTERATION
Body piercing or alteration to any area of the body that is visible in any authorized uniform or attire, and is a deviation from normal anatomical features and that is not medically required is prohibited. Such body alteration includes, but is not limited to, the following:

(a) Tongue splitting or piercing
(b) The complete or transdermal implantation of any material other than hair replacement or breast augmentation
(c) Abnormal shaping of the ears, eyes, nose or teeth
(d) Branding or scarification
Sheriff's Uniform Regulations

1032.1 PURPOSE AND SCOPE
The uniform policy of the Clay County Sheriff's Office is established to ensure that uniformed deputies, special assignment personnel and non-sworn employees will be readily identifiable to the public through the proper use and wearing of sheriff's office uniforms. Employees should also refer to the following policies:

- Duty Firearms
- Sheriff's Office-Owned and Personal Property
- Body Armor
- Personal Appearance Standards

The uniform and equipment specifications procedure is maintained and periodically updated by the Sheriff or the authorized designee. The procedure should be consulted regarding authorized equipment and uniform specifications.

Uniformed personnel shall receive an allowance to purchase and maintain their uniforms as allowed by state law and budget allocations. The allowance shall be included with the employee's regular pay check. Unless otherwise approved in writing by the sheriff, all personnel assigned to a non-uniform position and who receive a uniform allowance shall wear their uniform for duty a minimum of once every pay period.

1032.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT
Sheriff's employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose, which is to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

(a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean and appear professionally pressed.

(b) All deputies of the Clay County Sheriff's Office shall possess and maintain at all times a serviceable Class A and a Class B uniform and the necessary equipment to perform uniformed field duty.

(c) 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.

(d) Personnel shall wear only the uniform specified for their rank and assignment.
Sheriff's Uniform Regulations

(e) Employees shall not loan any portion of the uniform to others.

(f) Employees shall not permit the uniform to be reproduced or duplicated.

(g) The uniform is to be worn in compliance with the specifications set forth in the sheriff's office uniform specifications, which are maintained separately from this policy.

(h) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

(i) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.

(j) Uniforms are only to be worn while on-duty, while in transit to or from work, for court or at other official sheriff's office functions or events.

(k) Employees are not to purchase or drink alcoholic beverages while wearing any part of the sheriff's office uniform, including the uniform pants.

(l) Mirrored sunglasses will not be worn with any sheriff's office uniform.

(m) Visible jewelry, other than those items listed below, shall not be worn with the uniform, unless specifically authorized by the Sheriff or the authorized designee.
   1. Wrist watch
   2. Wedding rings, class ring or other ring of tasteful design; a maximum of one ring/set may be worn on each hand.
   3. Medical alert bracelet

1032.2.1 OFFICE-ISSUED IDENTIFICATION
The Clay County Sheriff's Office issues each employee an official sheriff's office identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their sheriff's office-issued identification card at all times while on-duty or when carrying a concealed weapon. **NO Sheriff's Office employee or CCIS member is to allow ANYONE else to use their issued identification card for ANY reason.**

   (a) Whenever on-duty or acting in an official capacity representing the Sheriff's Office, employees/CCIS members shall display their office-issued identification in a courteous manner to any person upon request and as soon as practicable.

   (b) Deputies/employees/CCIS members working specialized assignments may be excused from the requirements regarding the possession and display of identification when directed by their Division Commander.

1032.3 UNIFORM CLASSES
The various uniform specification classes are those identified in this policy.
1032.3.1 CLASS A UNIFORM

All commissioned personnel will possess and maintain a serviceable Class A uniform at all times.

The Class A uniform for a deputy sheriff shall vary by season. In warmer weather months the sheriff shall announce the wearing of the Summer Uniform consisting of:

- Silver tan short sleeve uniform shirt with matching epaulets and approved insignia(s) and brass.
- Forest Green trousers
- Approved leather gear which includes Black polished round-toed dress or athletic shoes or boots. Boots with pointed toes are not permitted.
- Solid black socks unless foot gear completely covers the sock. White crew neck t-shirt (optional if wearing soft body armor). Agency approved black jacket with proper insignia(s).

In cooler months the sheriff shall announce the wearing of the Winter Uniform consisting of:

- Silver tan Long sleeve uniform shirt with matching epaulets, approved insignia(s) and brass.
- Forest Green trousers.
- Forest Green clip-on tie worn with a tie tack or tucked in between the top two buttons of the shirt. Tie may be replaced with open collar uniform shirt and black mock turtle neck dickey with gold embroidered CCSO on the employee's right front collar.
- Approved leather gear which includes Black polished round-toed dress or athletic shoes or boots. Boots with pointed toes are not permitted.
- Solid black socks unless foot gear completely covers the sock.
- Sheriff's Office approved black winter jacket with proper insignia(s).
- Approved black Commando style ribbed sweater with proper insignias (optional).
- Black gloves.
- Approved black faux fur trooper cap, stocking cap or ear protectors when temperature or wind chills fall below 35 degrees (optional).

Certain official functions may require deputies to wear the Dress Uniform. Those functions will be announced by memorandum from the sheriff. The Dress Uniform shall consist of:

- The winter uniform worn with the tie displaying an appropriate tie tack (no mock turtle neck shirts).
- Forest Green felt Stetson hat (required for command staff; optional for deputies & supervisors)
Sheriff's Uniform Regulations

• Black Ike jacket with proper insignia and brass (required only of command staff; optional for other commissioned personnel).

The commando-style sweater may not be worn during official functions such as awards ceremonies, public speaking, etc.

1032.3.2 CLASS B UNIFORM

All sheriff's office personnel will possess and maintain a serviceable Class B uniform at all times. Dispatchers, Detention Receptionist, Detention Officers and Control Center Operators are considered uniformed positions and require that personnel in these positions wear an approved Class B uniform.

The Class B uniform for all personnel shall consist of the following:

• Sheriff's Office approved tan short sleeve tactical polo shirt with an embroidered star on the left breast pocket area and the employees rank/position and last name embroidered on the right breast pocket area (i.e. Civ. Jones, C.C.O. Smith or Dep. Wilson). An optional long-sleeve version of the approved tactical polo may be worn. No long sleeve shirt of any kind may be worn under a short sleeve uniform shirt. Supervisors may also wear the approved black short sleeve tactical polo shirt.

• Sheriff's Office approved black BDU style trousers.

• Approved leather gear which includes Black polished round-toed dress or athletic shoes or boots. Boots with pointed toes are not permitted. Employee's other than detention officers and commissioned personnel shall wear the approved polished black Velcro under belt or plain black garrison belt with chrome colored buckle.

• Solid black socks unless foot gear completely covers the sock.

• Black crew neck t-shirt (optional if wearing soft body armor)

• Agency approved black jacket with proper insignia(s).

In order to present a professional appearance, all personnel wearing the Class B uniform need to insure sure their shirts are tucked in and not hanging outside of their pants.

1032.3.3 CLASS C UNIFORM

Approved Sheriff's office personnel will be allowed the option to possess a Class C uniform, and must maintain it and keep it serviceable.

The Class C uniform for approved personnel shall consist of the following:

• "Propper" long sleeve or short sleeve khaki tactical uniform shirt. The shirt will have a standard 4 x 11 inch "SHERIFF" patch on the back, green background with gold trim and letters, cloth badge with rank and fabric name tag (khaki background, black thread on each), and no collar insignia. Same standard for shoulder patches will remain according to Sheriff's Uniform Regulations 1046.4. The sleeves of the long sleeve shirt may be rolled up in a uniform manner between April and October, as directed by
Sheriff's Uniform Regulations

the Sheriff. Deputies may use their discretion regarding sleeves rolled up, during the
months of March and November in order to address fluctuating temperatures.

• 5.11 TacLite Pro "TDU Green" pant. Blousing is not permitted unless specifically
  authorized by the Sheriff.

• Approved leather gear which includes athletic shoes or boots. Boots with pointed toes
  are not permitted.

• Approved web gear which includes Bianchi Nylon Duty Gear and the Safariland Level
  II or Level III holster with the STX finish (light assembly optional).

• Solid black socks unless foot gear completely covers the sock. Solid black crew neck
  T-shirt. Approved black jacket with proper insignia and patches.

Uniform will be clean and present a professional appearance. All brass and leather articles shall
be kept clean and shined. Pockets will be buttoned, or zipped, and will not present a bulging
appearance. Items from the pant side pockets will not be allowed to protrude from them.

No authorized personnel will wear any article of the uniform that is missing required accessories,
badly faded, stained, soiled, frayed, snagged, or patched. Authorized personnel shall not wear
shoes or boots that are cut, pulled loose, not shined, or otherwise unserviceable.

No alterations shall be made to the uniform shirt unless specifically authorized by the Sheriff.

All supervisors will perform periodic inspections of their personnel to insure conformance to these
regulations.

1032.3.4 CASUAL AND ALTERNATE UNIFORMS

The sheriff, by memorandum, may authorize certain deputies to wear civilian clothing or optional
casual uniforms. Civilian clothing shall convey a professional appearance and be clean, neat
and pressed. Any commander may require personnel to change clothing that does not meet this
criterion or the circumstances of the assigned duty. Detectives may, at the discretion of their
commander, be required to wear a sports shirt and tie or similar apparel.

Approved casual uniform for deputies shall consist of:

• The Class B uniform; or,

• Neatly pressed light tan or khaki slacks (women may wear skirts) and,

• Sheriff's Office approved short sleeve polo shirt with embroidered star insignia for
  summer uniform.

• Sheriff's Office approved long sleeve v-neck sweater may also be worn over a sports
  shirt for the winter uniform.

• Sheriff's Office approved long sleeve button-down collar shirt with embroidered star
  insignia over a clean white t-shirt (optional) may be worn with the summer or winter
casual uniform.
Sheriff's Uniform Regulations

- Black or brown belt and matching polished round toed dress or athletic shoes.

Alternate uniforms must be approved in writing by the Administrative Division Commander and Sheriff. The Administrative Division Commander shall maintain and post a list of approved alternate uniforms. Personnel shall be notified in writing of the authorization including the exact articles that may be worn and under what circumstances. Deputies working an assignment in the detention center may wear their seasonal Class A or Class B uniform year round. If their duties require them to leave the detention center for any reason they must wear a uniform appropriate for the alternate duty. The division commander for the alternate duty has the discretion to determine the appropriate uniform within the guidelines of this policy.

1032.3.5 SPECIALIZED UNIT UNIFORMS
The Sheriff may authorize special uniforms to be worn by deputies in specialized units, such as the canine team, SWAT, bicycle patrol, motor deputies and other specialized assignments.

1032.3.6 FOUL WEATHER GEAR
The uniform and equipment procedure lists the authorized uniform jacket and rain gear.

1032.4 INSIGNIA AND PATCHES

(a) The authorized shoulder patch supplied by the Sheriff's Office shall be machine stitched to the sleeves of all uniform shirts and jackets, 3/4 inch below the shoulder seam of the shirt, and should be bisected by the crease in the sleeve.

(b) Service stripes and other indicators for length of service may be worn on long-sleeve shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn 1 1/2 inch above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.

(c) The regulation nameplate, or an authorized sewn-on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee's last name. The nameplate shall be worn and placed above the right pocket, with the pins securing the name plate placed at the top edge of the pocket, located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.

(d) When a jacket is worn the employees rank/position and last name shall be embroidered above the right breast pocket area (i.e. Civ. Jones, C.C.O. Smith or Dep. Wilson).

(e) Assignment insignias, (e.g., SWAT and FTO) may be worn as designated by the Sheriff or the authorized designee.

(f) An American flag pin may be worn on the flap of the right breast pocket.
Sheriff's Uniform Regulations

(g) The sheriff's office-issued badge, or an authorized sewn-on cloth replica, must be worn and be visible at all times while in uniform. Commissioned non-uniformed personnel will wear or carry the badge so it is in reasonable proximity to the firearm and can be displayed whenever appropriate.

(h) The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Sheriff or the authorized designee may authorize exceptions.

1032.4.1 MOURNING BADGE BAND
Uniformed employees may wear a black mourning band across the uniform badge whenever a peace officer is killed in the line of duty. The following mourning periods will be observed:

(a) A deputy of this office - From the time of death until midnight on the 14th day after the death.

(b) A peace officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.

(c) Funeral attendee - While attending the funeral of a fallen peace officer.

(d) National Peace Officers Memorial Day (May 15) - From 0001 hours until 2359 hours.

(e) As directed by the Sheriff or the authorized designee.

1032.5 CIVILIAN ATTIRE
There are assignments within the Clay County Sheriff's Office that do not require wearing a uniform because recognition and authority are not essential to their function. There are also assignments in which wearing non-sworn attire is necessary.

(a) All employees shall wear clothing that fits properly, is clean and free of stains and not damaged or excessively worn.

(b) All male administrative, investigative and support personnel who elect to wear non-sworn clothing to work shall wear button-style shirts with a collar, slacks or suits that are moderate in style.

(c) All female administrative, investigative and support personnel who elect to wear non-sworn clothes to work shall wear dresses, slacks, shirts, blouses or suits that are moderate in style.

(d) The following items shall not be worn on-duty:

1. T-shirt alone
2. Open-toed sandals or thongs
3. Swimsuit, tube tops or halter tops
4. Spandex type pants or see-through clothing
5. Distasteful printed slogans, buttons or pins
6. Denim pants of any color
7. Shorts
8. Sweatshirts, sweatpants or similar exercise clothing

(e) Variations from this order are allowed at the discretion of the Sheriff or the authorized designee when the employee's assignment or current task is not conducive to wearing such clothing.

(f) No item of non-sworn attire may be worn on-duty that would adversely affect the reputation of the Clay County Sheriff's Office or the morale of the employees.

(g) Commissioned employees carrying firearms while wearing non-sworn attire should wear clothing that effectively conceals the firearm when outside a controlled law enforcement facility or work area.

1032.6 POLITICAL ACTIVITIES, ENDORSEMENTS, ADVERTISEMENTS OR OTHER APPEARANCES IN UNIFORM

Unless specifically authorized by the Sheriff, Clay County Sheriff's Office employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a office badge, patch or other official insignia, or cause to be posted, published or displayed, the image of another employee, or identify him/herself as an employee of the Clay County Sheriff's Office to do:

(a) Endorse, support, oppose or contradict any political campaign or initiative
(b) Endorse, support, oppose or contradict any social issue, cause or religion
(c) Endorse, support or oppose, any product, service, company or other commercial entity
(d) Appear in any commercial, social or nonprofit publication, or any motion picture, film, video, public broadcast, or on any website.

1032.7 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT

(a) Any of the items listed in the uniform and equipment specifications manual as optional shall be purchased at the expense of the employee. No part of the purchase cost shall be offset by the Office.

(b) Maintenance of optional items shall be the financial responsibility of the purchasing employee (e.g., repairs due to normal wear and tear).

(c) Replacement of items listed in this order as optional shall be done as follows:

1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.

2. When the item is no longer functional because of damage in the course of the employee's duties, it may be replaced following the procedures for the
replacement of damaged personal property outlined in the Office-Owned and Personal Property Policy.

1032.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES
Clay County Sheriff's Office employees may not wear any uniform item, accessory or attachment unless specifically authorized in the uniform and equipment specifications manual or by the Sheriff or the authorized designee.

Clay County Sheriff's Office employees may not use or carry any tool or other piece of equipment unless specifically authorized in the uniform and equipment specifications manual or by the Sheriff or the authorized designee.
Nepotism and Employment Conflicts

1033.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure effective supervision, safety, security, performance, assignments and discipline while maintaining positive morale by avoiding actual or perceived favoritism, discrimination or other actual or potential conflicts of interest by or between employees of this office. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

1033.1.1 DEFINITIONS
Definitions related to this policy include:

**Business relationship** - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or other transaction where the employee's annual interest, compensation, investment or obligation is greater than $250.

**Conflict of interest** - Any actual, perceived or potential conflict of interest in which it reasonably appears that an employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

**Nepotism** - The practice of showing favoritism to relatives in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

**Personal relationship** - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

**Public official** - A supervisor, officer or employee who is vested with authority by law, rule or regulation, or to whom authority has been delegated.

**Relative** - An employee’s parent, stepparent, spouse, domestic partner, significant other, child/grandchild (natural, adopted or step), sibling, grandparent, great grandparent, niece/nephew, aunt/uncle or first cousin (Missouri Constitution Article VII Section 6).

**Subordinate** - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

**Supervisor** - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

1033.2 RESTRICTED DUTIES AND ASSIGNMENTS
While the Sheriff's Office will not prohibit personal or business relationships between employees, the following restrictions shall apply:
Nepotism and Employment Conflicts

(a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters involving the involved employee to an uninvolved supervisor.

2. When personnel and circumstances permit, the Sheriff's Office will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Sheriff's Office reserves the right to transfer or reassign any employee to another position within the same classification as it may deem necessary in order to avoid conflicts with any provision of this policy.

(b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

(c) Whenever reasonably possible, Field Training Officers (FTOs) and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.

(d) To avoid actual or perceived conflicts of interest, employees of the sheriff's office shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of, or as a direct result of, any official contact.

(e) Except as required in the performance of official duties or in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, or is a convicted felon, parolee, fugitive, registered offender or who engages in intentional violations of state or federal laws.

1033.2.1 EMPLOYEE RESPONSIBILITIES
All employees are required to adhere to state guidelines and to disclose conflicts of interest as required by law (Mo Const. Art. VII § 6).

Prior to entering into any personal or business relationship or other circumstance that the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide other official information or services to any relative or other...
individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved immediate supervisor.

In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify the Cooperative Communications Center to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

1033.2.2 SUPERVISOR RESPONSIBILITIES
Upon being notified of or becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to mitigate or avoid such violations whenever reasonably possible. Supervisors shall also promptly notify the Sheriff or the authorized designee of such actual or potential violations through the chain of command.
Conflicts of Interest

1034.1 PURPOSE AND SCOPE
Public service work requires that members do not compromise the authority, integrity, trust, or confidence inherent in their positions. Personnel have easy and often uncensored and unquestioned access to people, information, resources and positions of trust not easily available to the general citizen. This "freedom of office" must be governed and controlled if the public trust is to be preserved. Failure to do so will severely restrict the agency’s ability to provide services in an effective and efficient manner.

When conflicts of interest occur between the private rights of personnel and the privileged rights attributed to their position it shall be the policy of the Clay County Sheriff's Office to attempt to find a reasonable balance between the two. When this balance cannot be found the agency must initiate action designed to safeguard the public trust.

1034.2 GUIDELINES TO CONFLICTS OF INTEREST
Members shall not create conflicts of interest or potential conflicts of interest with the duties and obligations of their position.

1034.2.1 NONEXCLUSIVE LISTING OF NON-VIOLATIONS
The following is a list of behavior that would be considered a non-violation of Conflicts of Interest:

(a) Authorized off-duty employment that does not have a reasonable potential of interfering with work schedules, performance of job tasks, or our mission, goals and objectives.

(b) Freedom of speech and associated issues provided the exercise of such rights does not substantially interfere with our ability to provide our services to the community in an efficient, effective and safe manner.

(c) Refusal to follow management’s request to discontinue a conflict of interest situation is not a violation of this standard; these incidents are acts of insubordination.

(d) Responding to an unexpected emergency, while on duty, of a personal nature that requires immediate action (e.g., sudden illness or injury to a family member, plumbing leak at home) if the supervisor verifies and approves the necessity and another member’s safety is not an issue.

(e) The right to associate with any person whose reputation, criminal history, moral character, or vested interest is not in conflict with our goals, objectives, ethics, or mission.

(f) The right to join any group or association that does not have as its political doctrine the unlawful overthrow of the United States government or does not advocate unlawful criminal or civil actions against any individual or social group.
Conflicts of Interest

(g) The right to vote in public elections, primaries, referendums, levees and the like.

(h) Making an occasional local area call on business telephones for essential personal business during lunch or "break" periods, provided the member's use does not show a pattern of abuse or interfere with another member's work efforts.

(i) Local emergency calls regarding illness or injury to family members or calls for similar reasons are permitted provided the member's use does not show a pattern of abuse or interfere with work functions.

1034.2.2 NONEXCLUSIVE LISTING OF VIOLATIONS
The following is a nonexclusive list of behavior that would be considered a violation of Conflicts of Interest:

(a) Accepting gratuities from any business or person, especially when the giver has a personal service to gain from providing the gratuities or where there is the potential for gaining a personal service.

(b) Engaging in an illegal work slow-down (e.g., "blue flu"), sit-down, or strike.

(c) Failing to perform a duty because of personal interests (e.g., investigate a case because of its incriminating effect on a friend or relative; performing a personal service for a friend or family member at public expense).

(d) "Fixing" or attempting to have "fixed" or reduced any charge, traffic citation or warrant. (NOTE: A supervisor who uses discretion to void a citation or an arrest that was made contrary to policies or enforcement priorities does not violate this standard, provided the facts are properly documented and the member violating the standard or priority is properly notified and counseled).

(e) Giving out unauthorized information to any person (e.g., leaking to the news media, defense attorneys, bondsmen, parents, patients, and inmates).

(f) Having a substantial interest in a business that conducts business with this organization.

(g) Incurring financial liability or obligations for our organization without job authority or written permission to do so.

(h) Owning a business in whole or part that provides a service or product that conflicts with or jeopardizes our mission, goals or objectives.

(i) Performing a secondary job or private work while on duty such as making business contacts, conducting follow-ups on outside work, delivering correspondence, selling, or using computer equipment for personal use.

(j) Producing substandard performance while holding a secondary job thus giving substantial evidence that the secondary job is a conflict of interest in part or in whole.
Conflicts of Interest

(k) Providing a secondary employer or members of a secondary employer with special governmental services or treatment.

(l) Purchasing from or for an inmate or giving or accepting gifts from or for an inmate.

(m) Recommending the private or professional services of an attorney, bondsman, wrecker driver, hospital, doctor, architect, engineer, contractor, builder, and the like to a citizen, victim or prisoner.

(n) Releasing or providing access to administrative or public information or documents or records without complying with established administrative procedures or laws governing the proper release or controlled release of such information.

(o) Soliciting for any purpose on public premises without proper authorization.

(p) Soliciting or accepting rewards for performance of service.

(q) Incurring financial obligations between a supervisor and a subordinate if the subordinate attempts to use such circumstances to gain special favors.

(r) Using information gained from professional duties for personal gain.

(s) Using membership as a means to gain entrance into places of amusement, for free meals, drinks, or other gratuities.

(t) Working for an individual or establishment that has a reputation for violence, crime, vice, illegal drug trafficking, etc.

(u) Accepting money or favors from prisoners or persons in conflict with the law.

(v) Using e-mail, telephones or other communications devices to send or receive personal messages of a non-emergency or critical nature beyond those authorized in Policy #342 Office Technology Use.

(w) Solicitation for any cause during working time or in working areas (work time does not apply to break or meal times as long as such solicitation is not in a work area; work area does not include a break room or parking lot).

(x) Distributing literature in work areas at any time during working time (work time does not apply to break or meal times as long as such solicitation is not in a work area; work area does not include a break room or parking lot).

(y) Participating in or selling games of chance without managerial approval, including legalized games of chance.

(z) Using equipment or property for personal profit.

(aa) Engaging in behavior that has the effect of creating discord or lack of cooperation between members.

(ab) Supervisors through their actions or inactions encourage members not to fully comply with management’s legitimate and lawful directives.
Conflicts of Interest

(ac) Posting, removing or altering notices on any bulletin board or document distributed to the membership without permission of management.

1034.3 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 conflicts significantly damage the work relationship with other members or public confidence and trust.
Office Badges

1035.1 PURPOSE AND SCOPE
The Clay County Sheriff's Office badge and uniform patch as well as the likeness of these items and the name of the Clay County Sheriff's Office are property of the Sheriff's Office and their use shall be restricted as set forth in this policy.

1035.2 POLICY
The uniform badge shall be issued to sheriff's office members as a symbol of authority. The use and display of sheriff's office badges shall be in strict compliance with this policy. Only authorized badges issued or approved by this office shall be displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

1035.2.1 FLAT BADGE
Licensed deputies, with the written approval of the Sheriff or the authorized designee, may purchase at their own expense a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of sheriff's office policy as the uniform badge.

(a) A deputy may sell, exchange or transfer the flat badge he/she purchased to another deputy within the Clay County Sheriff's Office with the written approval of the Sheriff or the authorized designee.

(b) Should the flat badge become lost, damaged or otherwise removed from the deputy's control, he/she shall make the proper notifications as outlined in the Office-Owned and Personal Property Policy.

(c) An honorably retired deputy may keep his/her flat badge upon retirement.

(d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

1035.2.2 CIVILIAN PERSONNEL
Badges and sheriff's office identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. detention officer, dispatcher)(This does not include the current sewn on badge for the Class B uniform shirt or the approved jacket).

(a) Civilian personnel shall not display any sheriff's office badge except as a part of his/her uniform, while on-duty or otherwise acting in an official and authorized capacity.

(b) Civilian personnel shall not display any sheriff's office badge or represent him/herself, on- or off-duty, in such a manner which would cause a reasonable person to believe that he/she is a licensed peace officer.
Office Badges

1035.2.3 RETIREE UNIFORM BADGE
Upon honorable retirement employees may purchase their assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia, as other uses of the badge may be unlawful or in violation of this policy.

1035.3 UNAUTHORIZED USE
Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Sheriff's Office badges are issued to all licensed employees for official use only. The sheriff's office badge, shoulder patch or the likeness thereof, or the sheriff's office name shall not be used for personal or private reasons including, but not limited to, letters, memoranda and electronic communications, such as electronic mail or websites and web pages.

The use of the badge, uniform patch and sheriff's office name for all material (e.g., printed matter, products or other items) developed for sheriff's office use shall be subject to approval by the Sheriff or the authorized designee.

Employees shall not loan the badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.
Temporary Modified-Duty Assignments

1036.1 PURPOSE AND SCOPE
This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, County rules, or current memorandums of understanding or collective bargaining agreements. For example, nothing in this policy affects the obligation of the Office to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

1036.2 POLICY
Subject to operational considerations, the Clay County Sheriff's Office may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Office with a productive employee during the temporary period.

1036.3 GENERAL CONSIDERATIONS
Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Missouri Human Rights Act shall be treated equally, without regard to any preference for a work-related injury (§ 213.010, RSMo et seq.).

No position in the Clay County Sheriff's Office shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Office. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee’s ability to perform in a modified-duty assignment.

The Sheriff or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1036.4 PROCEDURE
Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.
Temporary Modified-Duty Assignments

Employees seeking a temporary modified-duty assignment should submit a written request to their Division Commanders or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

(a) An assessment of the nature and probable duration of the illness or injury.
(b) The prognosis for recovery.
(c) The nature and scope of limitations and/or work restrictions.
(d) A statement regarding any required workplace accommodations, mobility aids or medical devices.
(e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Division Commander will make a recommendation through the chain of command to the Sheriff regarding temporary modified-duty assignments that may be available based on the needs of the Office and the limitations of the employee. The Sheriff or the authorized designee shall confer with the Department of Human Resources or the Prosecuting Attorney as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Shift/Unit Supervisor or Division Commander, with notice to the Sheriff.

1036.4.1 MODIFIED-DUTY SCHEDULES
The schedules of employees assigned to modified-duty may be adjusted to suit medical appointments or sheriff's office needs at the discretion of the Division Commander.

The employee and his/her supervisors should be informed in writing of the schedule, assignment, limitations and restrictions as determined by the employee's health care provider.

1036.4.2 ACCOUNTABILITY
The employee's supervisor shall coordinate efforts to ensure proper time accountability.

(a) Employees on modified-duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.

(b) Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a modified-duty assignment shall provide a duty status report to his/her supervisor no less than once every 30 days while the employee is on modified duty.

(c) Supervisors shall keep the Division Commander apprised of the employee's status and ability to perform the modified-duty assignment. Modified-duty assignments that extend beyond 60 days will require a written status report and a request for an
extension to the Division Commander, with an update of the employee’s current status and anticipated date of return to regular duty. Extensions require approval of the Sheriff or the authorized designee.

(d) When it is determined that an employee on modified duty will return to regular duty, the supervisor shall notify the Division Commander. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

1036.4.3 MEDICAL EXAMINATIONS
The Sheriff’s Office reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified-duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the Sheriff’s Office.

Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

1036.5 ACCOUNTABILITY
Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate office operations and the employee’s medical appointments, as mutually agreed upon with the Division Commander.

1036.5.1 EMPLOYEE RESPONSIBILITIES
The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

(a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.

(b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.

(c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.

(d) Submitting a written status report to the Division Commander that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

1036.5.2 SUPERVISOR RESPONSIBILITIES
The employee’s immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:
Temporary Modified-Duty Assignments

(a) Periodically apprising the Division Commander of the status and performance of employees assigned to temporary modified duty.

(b) Notifying the Division Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee.

(c) Ensuring that employees returning to full duty have completed any required training and certification.

1036.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Office may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1036.6.1 WEAPON PROFICIENCY PRIOR TO RETURN TO NON MODIFIED DUTY

If the modified duty assignment was due to any medical condition that would affect the handling and operation of a firearm, the employee must demonstrate proficiency with their issued weapon(s) before assuming any non modified duty status.

1036.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

1036.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the County’s personnel rules and regulations regarding family and medical care leave.

1036.8 SECTION TITLE

1036.9 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

1036.10 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees
Temporary Modified-Duty Assignments

who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.
Performance History Audits

1037.1 PURPOSE AND SCOPE
Performance History Audits are collections of data designed to assist supervisors in evaluating the performance of their employees. Performance History Audits can help identify commendable performance as well as early recognition of training needs and other potential issues. While it is understood that the statistical compilation of data may be helpful to supervisors, it cannot account for and must be carefully balanced with the many variables in law enforcement, such as:

- A deputy/detention officer’s ability to detect crime or suspicious incidents
- A deputy/detention officer’s work ethic
- A deputy/detention officer’s work assignment and shift
- A deputy/detention officer’s physical abilities, stature, etc.
- Randomness of events

1037.2 RESPONSIBILITIES
Under the authority of the Division Commander, the Professional Standards Unit is responsible for collecting performance indicators and other relevant data to generate and provide a yearly Performance History Audit Report for each deputy/detention officer to the appropriate Division Commander.

The Division Commander will also forward a copy of each Performance History Audit Report to the office of the Sheriff's Counsel for review and retention as attorney work product and confidential personnel information.

1037.3 COMPONENTS OF PERFORMANCE HISTORY AUDITS
Performance History Audits will include the following components:

- Performance indicators
- Data analysis
- Employee review
- Follow-up monitoring

1037.4 PERFORMANCE INDICATORS
Performance indicators represent the categories of employee performance activity that the Sheriff or the authorized designee of the Clay County Sheriff's Office has determined may be relevant data for the generation and analysis of Performance History Audits. Performance indicators may include, but are not limited to the following:

(a) Frequency and findings of use-of-force incidents
Performance History Audits

(b) Frequency of involvement and conduct during vehicle pursuits
(c) Frequency and findings of citizen complaints
(d) Number of commendations, compliments and awards (citizen and Sheriff’s Office)
(e) Claims and civil suits related to the employee’s actions or alleged actions
(f) Canine bite incidents
(g) Internal Affairs investigations
(h) Frequency and reasons for Prosecuting Attorney case rejections
(i) Intentional or unintentional firearm discharges (regardless of injury)
(j) Vehicle collisions
(k) Missed court appearances
(l) Documented counseling memos

1037.5 COMPI LATION OF DATA
The Professional Standards Unit will utilize secure systems and other confidential methods to compile and track information regarding performance indicators for each deputy/detention officer in order to prepare Performance History Audit Reports.

1037.6 EMPLOYEE NOTIFICATION AND RESPONSE
The Professional Standards Unit will notify each deputy/detention officer prior to retaining any performance indicator for entry into a Performance History Audit Report. The affected deputy/detention officer may submit a written comment within 10 days regarding each performance indicator. Any such written comment will be attached to the related performance indicator in such a way as to be readily noticed by supervisors reviewing a Performance History Audit Report.

1037.7 DATA ANALYSIS AND ACTION
Upon receipt, the Division Commander will review each Performance History Audit Report and determine whether it should be provided to a deputy/detention officer’s immediate supervisor for further consideration. The deputy/detention officer’s immediate supervisor will carefully review the Performance History Audit Report with the deputy/detention officer to assess any potential trends or other issues that may warrant informal counseling, additional training or a recommendation for other action, including discipline. The deputy/detention officer shall date and sign the Performance History Audit Report and may be provided a copy of the report upon request.

If a supervisor determines that a deputy/detention officer’s performance warrants action beyond informal counseling, the supervisor shall advise the Division Commander of such recommendation. If the Division Commander concurs with the recommendation of the supervisor, he/she shall take steps to initiate the appropriate action.
Performance History Audits

If discipline or other adverse action is initiated against a deputy/detention officer as a result of a Performance History Audit, the deputy/detention officer shall be entitled to all rights and process set forth in the Personnel Complaints Policy.

1037.8 CONFIDENTIALITY OF DATA
Information, data and copies of material compiled to develop Performance History Audit Reports shall be considered part of the employee's personnel file and will not be subject to discovery or release except as provided by law. Access to the data in the system will be governed under the same process as access to a deputy/detention officer's personnel file as outlined in the Personnel Files Policy.

1037.9 RETENTION AND PURGING
Except as incorporated in separate training or disciplinary records or employee personnel files maintained by the Sheriff's Office Human Resources Coordinator, all performance indicators attached to the Performance History Audit Reports and the Performance History Audit Report itself shall be purged from the Professional Standards Unit and all other locations within the Sheriff's Office one year from the date generated. The Sheriff's Counsel, however, shall retain a copy of Performance History Audit Reports for an additional one-year period as attorney work product.
Employee Speech, Expression and Social Networking

1038.1 PURPOSE AND SCOPE
This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balance of employee speech and expression with the legitimate needs of the Clay County Sheriff's Office.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected under law. This includes speech and expression protected or privileged under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or deputy associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1038.1.1 APPLICABILITY
This policy applies to all forms of communication including, but not limited to film, video, print media or public speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, wikis, video and other file sharing sites.

1038.2 POLICY
Because public employees occupy a trusted position in the community, their statements have the potential to contravene the policies and performance of the sheriff's office. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of the sheriff's office be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Clay County Sheriff's Office will carefully balance the individual employee's rights against the organization's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

1038.2.1 OFFICIAL USE OF SOCIAL MEDIA
All Clay County Sheriff's Office social media sites or pages shall be approved by the Sheriff and shall be administered by a designated Media Relations Deputy (MRD). Where possible, social media pages shall clearly indicate they are maintained by the department and shall have department contact information prominently displayed.

Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies.
Employee Speech, Expression and Social Networking

Content is subject to federal and state public records laws. Relevant records retention schedules apply to social media content.

Content must be managed, stored, and retrieved to comply with open records laws and e-discovery laws and policies.

Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the agency's presence on the website. If appropriate, the page(s) should link to the department's official website. Social media page(s) shall be designed for the target audience(s) such as, but not limited to, youth or potential applicants. Additionally, social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the Sheriff's Office:

Pages shall clearly indicate that posted comments will be monitored and that the department reserves the right to remove obscenities, off-topic comments, and personal attacks.

Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.

Sheriff's Office personnel representing the department via social media outlets shall adhere to the following:

Conduct themselves at all times as representatives of the Sheriff's Office, adhere to all department standards of conduct, and observe conventionally accepted protocols and proper decorum.

Identify themselves as a member of the Sheriff's Office.

Refrain from making statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions. Confidential information, including photographs or videos, related to department training, activities, or work-related assignments, shall not be posted, transmitted or otherwise disseminated without express written permission.

Refrain from conducting political activities or private business. Refrain from using personally-owned devices to manage the department's social media activities without express written permission.

Abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

1038.3 SAFETY

Employees should carefully consider the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of Clay County Sheriff's Office employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be expected to compromise the safety of any employee, an employee's family or associates.

Examples of the type of information that could reasonably be expected to compromise safety include:
Employee Speech, Expression and Social Networking

- Disclosing a photograph and name or address of a deputy who is working undercover.
- Disclosing the address of a fellow deputy.
- Otherwise disclosing where another deputy can be located off-duty.

1038.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the Clay County Sheriff's Office safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or deputy associations, on a matter of public concern):

(a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Clay County Sheriff's Office or its employees.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to or related to, the Clay County Sheriff's Office and tends to compromise or damage the mission, function, reputation or professionalism of the Clay County Sheriff's Office or its employees.

(c) Speech or expression that could reasonably be foreseen as creating a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.

(d) Speech or expression of any form that could reasonably be foreseen as creating a negative impact on the safety of the employees of the Office. For example, a statement on a blog that provides specific details as to how and when prisoner transportsations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.

(e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Clay County Sheriff's Office.

(f) Disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Office for financial or personal gain, or any disclosure of such materials without the express authorization of the Sheriff or the authorized designee.

(g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of office logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Clay County Sheriff's Office on any personal or social networking or other website or web page, without the express authorization of the Sheriff.
Employee Speech, Expression and Social Networking

(h) Accessing websites for unauthorized purposes or use of any personal communication device, game device or media device, whether personally or office-owned, for personal purposes while on-duty, except in the following circumstances:

1. When brief personal communications may be warranted by the circumstances (e.g., informing family of extended hours).
2. During authorized breaks such usage should be limited as much as practicable to areas out of the sight of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy and/or posted by others from any web page or website maintained by the employee (e.g., social or personal website).

1038.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS
While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or deputy associations, employees may not represent the Clay County Sheriff's Office or identify themselves in any way that could be reasonably perceived as representing the Clay County Sheriff's Office in order to do any of the following, unless specifically authorized by the Sheriff:

(a) Endorse, support, oppose or contradict any political campaign or initiative
(b) Endorse, support, oppose or contradict any social issue, cause or religion
(c) Endorse, support, or oppose any product, service, company or other commercial entity
(d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or any website

Additionally, when it can reasonably be construed that an employee acting in his/her individual capacity or through an outside group or organization (e.g., bargaining group) is affiliated with this office, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Clay County Sheriff's Office.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or deputy associations, on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).
1038.5 PRIVACY EXPECTATION
Employees forfeit any expectation of privacy with regard to e-mails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any office technology system.

The Office reserves the right to access, audit and disclose for whatever reason any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Office, including the office e-mail system, computer network, or any information placed into storage on any office system or device.

This includes records of all key strokes or web-browsing history made at any office computer or over any office network. The fact that access to a database, service or website requires a user name or password does not create an expectation of privacy if accessed through office computers or networks.

1038.6 TRAINING
Subject to available resources, the Office should provide training regarding employee speech and the use of social networking to all members of the Office.
Travel

1039.1 PURPOSE AND SCOPE
The effective and efficient delivery of services by the Clay County Sheriff's Office will require its personnel to travel for various reasons. To ensure the public's trust it is important that the Clay County Sheriff's Office ensures that all travel is necessary and that the expenses for travel are accounted for accurately. It also recognizes that work related travel should not cause an undue hardship on its employees. Therefore, it shall be the policy of the Clay County Sheriff's Office to carefully monitor employee travel and provide clear guidelines for the accounting of travel funds.

1039.2 GENERAL GUIDELINES
Personnel may be required to travel on county business in the performance of their duties. Except in emergency situations, travel should be approved in advance and travel funds requested as allowed by this policy. All travel must be for the benefit of the Clay County Sheriff's Office and directly related to the performance of the travelers duties.

A critical balance must be sought when requesting travel. This is the Sheriff's Office need for cost effectiveness and the employee's need for quality services and support. In general, employee travel should be via the lowest cost alternative, consistent with good business practices. Neither luxury, nor sub-standard modes of transportation and accommodations should be used.

Personnel shall fully account for all travel funds and submit a travel expense statement to their supervisor for any travel that includes an out-of-town stay or when in-town travel includes any reimbursement other than registration or meal per diem cost. Travel expense forms shall be reviewed and approved by the appropriate Division Commander and forwarded to the appropriate Clay County Sheriff's Office accounting clerk. Upon receipt of the travel expense form the clerk will include it with the purchase order issued for the travel funds.

1039.3 TRAVEL BY AUTOMOBILE
When traveling by vehicle on county business personnel should drive a county owned vehicle. If a vehicle is not available, employees may receive mileage reimbursement for use of a private vehicle on official business with prior approval from the Division Commander. The use of private automobile travel must have prior written approval from a commander and should be restricted to a radius of 300 miles from the employee's home. Failure to obtain prior approval will result in denial of the mileage reimbursement request.

Employees should examine the costs of alternative forms of transportation and utilize transportation which makes the trip least costly. When more than one employee travels in the same vehicle, only the owner of the vehicle shall be allowed mileage reimbursement. The amount to be reimbursed (including any additional lodging and per diem costs due to the length of travel) shall be limited by the cost of a twenty-one (21) day advance purchase of round trip coach fare to the final destinations nearest airport.
Travel

Employees claiming mileage reimbursement for use of personal vehicles for county business in the metropolitan area may claim reimbursement for travel to and from the location of that business (generally from the employee's normal workplace to a meeting and back). Mileage may not be claimed for the distance between the employee's home and their workplace except for employee's called back on duty.

Mileage reimbursement will be at the rate set by the Internal Revenue Service and/or the Clay County Commission. No payments for insurance, fuel, lubricants, tires, service, etc. will be made in addition to mileage allowances. Employees using personal vehicles on County business are not permitted to receive fuel from County tanks or pumps.

1039.4 TRAVEL OUTSIDE OF METROPOLITAN AREA
When traveling overnight outside the metropolitan Kansas City area, a requisition should be submitted to encumber budget funds. The requisition must be processed through the County's financial system. When submitting a requisition, the traveler must estimate all costs that are reimbursable to the traveler.

Personnel on Clay County Sheriff's Office business are entitled to request an advancement of funds with which to pay out-of-pocket costs. Travel advances shall not normally include meeting registration fees or lodging costs. County checks for these expenses will be delivered to the employee in advance of the trip unless the request form directs payments be made directly to the payee.

The Clay County Sheriff's Office shall not reimburse an employee for costs incurred by or for a traveling companion other than another authorized employee. Spouses, children, relatives or others traveling with an authorized employee will pay the full cost of their own trip. Travel receipts which include costs for unauthorized travelers must identify and deduct those costs.

The Clay County Sheriff's Office will reimburse only for travel outside the metropolitan area by the most direct route from the employee's home to his or her destination unless documentation is provided that a more circuitous route actually resulted in a lower total cost. Cab fare will be reimbursable if the transportation is necessary to carry out the employee's county business. A reasonable tip to the cab driver will also be reimbursable. Receipts from the cab company are required.

Parking fees incurred by a personal vehicle while on county business are reimbursable. Receipts are required when available.

The use of a rental car will be authorized only in those situations where such transportation is necessary. The county carries a car rental insurance rider that covers collision and liability expenses (is self-insured). Employees must decline all Collision Damage Waivers (CDW) charges for insurance. Gasoline receipts are reimbursable for approved car rental.

When travel by air is authorized, reservations with commercial airlines shall be made. Only the least expensive class available at the time of the reservation is acceptable. Airline tickets should be ordered at least thirty (30) days in advance to secure reduced rates.
1039.5 LODGING
Lodging reservations are restricted to hotels located more than 50 miles from the employee’s home. Personnel attending meetings or conventions less than 50 miles from home are expected to sleep in their own home. Unless there is an emergency, hotel reservations must be booked in advance of travel. All lodging reservations and reimbursements will be at the lowest single room rate. Reimbursement may never exceed the actual out-of-pocket cost to the employee. Personnel may not stay with relatives or friends and be reimbursed for lodging. No incidental charges on the statement will be reimbursed unless they represent expenses allowable under this policy and a detailed description of the charges is provided by the individual.

When making a reservation, personnel must inform the reservations clerk that this is official County business, that payment will be made by County check, and that a sales tax exemption letter will be presented to the desk at the time of check-in. Out of state accommodations that do not accept the Missouri sales tax exemption letter shall be reimbursed full rate, including applicable sales taxes. The government or corporate rate should be requested.

The County Clerk will issue a check payable to the hotel and give it to the employee to be presented to the hotel front desk at check-in. A tax exemption letter should also be given to the front desk at check-in. The employee may elect to pay for the lodging bill and then be reimbursed by the County after the employee’s return to the county.

When two employees are traveling together they should share a room when appropriate to do so. When an employee shares a room with a traveling companion who is not an authorized county traveler, the County check will be issued only for the single occupancy rate. The employee must pay the difference directly to the hotel.

When two or more employees stay in the same room, the most senior person will pay the entire bill and report it on his or her travel expense report, noting in the "comments" field the names of other employees who shared the room. The other employee should show in the "comments" field the name of the employee with whom he or she stayed with and to whose report the bill is attached.

1039.6 MEALS
Actual, reasonable, and necessary costs for meals will be reimbursed up to the per diem rates as set periodically by the County Commission. The employee should be guided by what he/she eats at home. Reimbursement may include a gratuity of up to eighteen (18%) percent of the bill, before sales tax. No reimbursement will be made for a meal that costs more than the allowable per diem. A meal per diem will not be allowed for meals which are included as part of conference fees even if personnel choose not to eat at the conference sponsored meal.

When traveling on county business outside of Clay County personnel are permitted to receive a travel advancement for meals in accordance with the meal per diem amounts (which includes 18% for tips), as periodically set by the County Commission. Personnel may submit travel meal reimbursements for regularly scheduled meals that occur after the employee's departure time or during scheduled travel time.
Personnel may be eligible for reimbursement of meal costs under any of the following circumstances:

- Personnel acting as an official County delegate when the meal is served as a routine part of the meeting. (If the employee is at a convention or workshop and elects to eat elsewhere, the employee's meal shall not be reimbursed.)
- Personnel are required to attend a civic meeting which includes a meal.
- Personnel who pay for the meal of another individual with whom County business is being addressed.

To receive reimbursement, a paid receipt must be attached to an expense report and approved by a Division Commander or the Sheriff.

When transporting prisoners outside of the Kansas City Metropolitan area personnel will be reimbursed the actual cost of any meal purchased for themselves and/or the prisoner(s). Original cash register receipts must be submitted with the request for reimbursement. If a receipt is not available personnel must submit a written explanation as to why a receipt is not available.

Room service charges are reimbursable at either the per diem meal rate or submitted room service charge on the lodging bill, whichever is less.

Note: Detailed receipts are required for all meals.

1039.7 REGISTRATIONS
Registrations for conventions, meetings, seminars, training sessions, or eligible educational events are to be paid by County check in advance of the event.

1039.8 MISCELLANEOUS EXPENSES
Employees are eligible to receive expense reimbursement for costs associated with telephone expenses, road toll, traveler check costs, or reasonable parking fees. All such charges are reimbursable by submitting a request for reimbursement with a receipt.

Business calls while traveling are reimbursable for the actual amount of the call. Each day, the County will reimburse one personal call that is no longer than fifteen minutes. Local business phone calls from coin operated telephones are also reimbursable by submitting a request for reimbursement with a note specifying the number of calls that were made.

Expenses incurred for the sole benefit of the employee such as finance charges, personal credit card fees or dues, valet service, alcoholic beverages, laundry, radio, television or movie charges, newspapers, magazines or other like charges will not be allowed as reimbursable travel expenses. Parking fines, traffic tickets, etc., will not be reimbursed under any circumstances.

The Clay County Sheriff's Office recognizes that in some cases, gratuities or tips for services are necessary in the course of travel. Although not mandatory on the part of the employee, the Clay County Sheriff's Office will generally reimburse gratuities for services not covered in other sections.
Travel

of this policy. This includes, but is not limited to, luggage handling, storage of luggage and related items, valet parking when no other reasonable parking circumstances exist, and other necessary miscellaneous services. Gratuities over $10.00 require a receipt.

Expenses incurred by the Sheriff are reimbursable within the definition of RSMo 115.646.
Extraditions

1040.1 PURPOSE AND SCOPE
To establish Clay County Sheriff's Office policy regarding procedures, travel and lodging, security and conduct in the extradition of prisoners.

1040.1.1 DEFINITION
For purpose of this policy, the term "extradition" shall mean the transporting of a prisoner to or from a location outside the state of Missouri.

1040.2 POLICY
All extraditions will be under the direction of the Sheriff and the Sheriff's Office Fugitive Division Supervisor.

1040.2.1 GENERAL
In most cases, two members of the sheriff's office will go on an extradition. One member will be designated the agent by the Sheriff or Fugitive Division Supervisor. The agent will be in charge and his/her name will appear on all necessary paperwork. It will be the responsibility of the agent to see that the extradition is handled in a professional manner. The assigned personnel will take a security belt and handcuffs. Also personnel must carry their personal Sheriff's Department identification at all times (Commission card and badge).

1040.2.2 ARRANGEMENTS
The Extradition Clerk will make all necessary provisions for travel and lodging, and will prepare all necessary paperwork for the extradition. The agent will be given a packet containing the paperwork, travel and lodging arrangements, credit cards if needed, expense check, (to be cashed before leaving Kansas City), and any special instructions pertaining to the extradition. The agent will check all paperwork with the Extradition Clerk prior to leaving. Travel and lodging arrangements should not be altered in any way unless an emergency arises or there are issues that arise during the trip. Issued credit cards or cash will be used to pay for the room, meals and car rental. In the event the extradition is a driving trip using a County vehicle, the Extradition credit card will be used for gasoline.

The state reimburses for meals, but this does not include snacks, coffee breaks, etc. Any food or drink other than with a meal is at the expense of the individual.

It is the agent's responsibility to obtain receipts for all legitimate expenses and no expense will be allowed without a receipt. (Refer to policy #1059 "Travel")

1040.2.3 AUTHORITY
Authority to transport a prisoner from out of state back to Missouri will result from one of the following three actions:

- Waiver of extradition: in which case a waiver of extradition signed by the prisoner before a Judge must be returned with the prisoner.
Extraditions

- Governor's Warrant: The Missouri Governor warrant and all attached paperwork must be returned with the prisoner.
- Agreement of Detainer: The agent will be given an "Agents Appointment" before leaving, which will serve as his/her authority to receive and transport the prisoner.

NOTE: Waivers of Extradition or Governor warrant will be obtained at the time the prisoner is picked up for return to Missouri.

1040.2.4 DEPARTURE
Arrangements for transportation of the extradition personnel from the Sheriff's Office to the airport will be arranged through the Fugitive Division Supervisor. If traveling by commercial airline, the agent will check in at the ticket counter and will advise the ticket agent that you are en route to pick up a prisoner. Also advise that handcuffs and security belt are being taken. This equipment will be the rule in almost all extraditions made by commercial airlines. Any exceptions must be approved by the Sheriff and will be handled on an individual basis. Since weapons are to be carried on commercial airlines, special paperwork has to be prepared for the agent to present to airline personnel. The Extradition Clerk will prepare this paperwork.

1040.2.5 ARRIVAL
Upon arrival, contact the agency holding the prisoner and advise them where you are staying and phone number where you can be reached. Let them know the time you intend to pick up the prisoner, and request that he/she be showered and have clean clothes. Also ask the holding agency for any information that will assist you in picking up the prisoner. If the prisoner has a lot of property he/she will have to make arrangements for its disposition, as it will not be transported back with them.

1040.2.6 TRANSFER TO AIRPORT
When picking up the prisoner, check his property, search him, her and read the warrant to the prisoner. On arrival at the airport the guard will watch the prisoner while the agent returns the car and makes seating arrangements with the airline. Request to be boarded first and seated at the rear of the aircraft.

The prisoner should be seated in one of the inner seats with at least one extradition team member between the prisoner and the aisle. If there are only two seats, the second team member should sit in the aisle seat directly across from or directly behind the first team member and prisoner. If meals are served, the prisoner should only be allowed plastic eating utensils and be sure these are returned to the attendant. If the prisoner must use the restroom one of the team members will accompany them to and from the restroom remaining at the restroom door while the prisoner is using the restroom.

1040.2.7 ARRIVAL AT KANSAS CITY
Upon arrival at Kansas City extradition team members will be the last to leave the aircraft. Upon arrival at the detention center the prisoner will be turned over to detention personnel and all paperwork must be completed and left at the booking area.
1040.2.8 APPROPRIATE DRESS AND STAFFING
If the prisoner to be transported is a male at least one of the Sheriff's Office members on the extradition will be a male. If the prisoner to be transported is a female at least one of the Sheriff's Office members on the extradition will be a female. Sheriff's Office personnel are expected to conduct themselves and dress as professionals at all times while on the extradition.

On the day you arrive at the releasing department's facility to pick up the prisoner for transporting them to Missouri extradition team members should be properly dressed in appropriate business casual clothing. No jeans, shorts, T-shirts or non-business casual attire.

1040.3 RECEIPTS AND PAPERWORK
On completion of the extradition, it will be the agents responsibility to report to the Fugitive Division office as soon as possible and:

- Turn in all cash receipts for each team member.
- Deliver the waiver of extradition or Governors Warrant to the Fugitive Division.
- Return all unaccounted for expense money.
- Complete the extradition worksheet form.
- Sign the claim so the expenses can be billed to the state.
- Turn in issued credit cards
Illness and Injury Prevention

1041.1 PURPOSE AND SCOPE
The health and safety of the employees of the Clay County Sheriff's Office is important to executive and management staff, and is critical to the operation of the sheriff's office and the delivery of services to the community.

The purpose of this policy is to establish an ongoing and effective Injury and Illness Prevention Program (IIPP) for the Clay County Sheriff's Office. This policy specifically applies to illnesses and injuries that result in lost time beyond the date of the incident or that require medical treatment beyond first aid. Though this policy provides the essential framework required for an IIPP, it may be supplemented by procedures outside the Policy Manual.

The IIPP guidelines, to the extent reasonably possible, are to be followed and adopted by all personnel in cooperation with the Clay County Safety Board and Risk Management Coordinator. The Administration Division Commander shall appoint a representative from the Clay County Sheriff's Office to the Clay County Safety Board. Supervisory and management personnel are charged with ensuring these guidelines and directives are implemented.

1041.2 RESPONSIBILITY
The Administration Division Commander, acting as the IIPP administrator for the sheriff's office, has the authority and responsibility for implementing the provisions of this policy and the IIPP. Supervisors are responsible for implementing and maintaining the IIPP in their work areas and for answering questions from employees about the IIPP.

1041.3 COMPLIANCE
The Administration Division Commander is responsible for ensuring that all safety and health policies and procedures are clearly communicated and understood by all employees. The Administration Division Commander should take reasonable steps to ensure that all workers comply with safety rules and maintain a safe work environment, including, but not limited to:

(a) Informing workers of the provisions of the IIPP.
(b) Recognizing employees who perform safe work practices.
(c) Ensuring that the employee evaluation process includes the employee's safety performance.
(d) Ensuring the compliance of the sheriff's office with safety rules regarding:

1. Protection from bloodborne pathogens
2. Protection from airborne transmissible diseases
3. Prevention of heat-related illness
4. Respiratory protection
Illness and Injury Prevention

5. Cold Exposure
6. Fire Safety
7. Haz-Mat Safety
8. Chemical Safety
9. Electrical Safety

Supervisors are responsible for training, counseling, instructing or making informal verbal admonishments anytime safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Code of Conduct Policy in this manual.

All employees should use safe work practices, follow all directives and policies and assist in maintaining a safe work environment.

1041.4 COMMUNICATION
Supervisors shall establish and maintain communication with employees on health and safety issues. This is essential for an injury-free, productive workplace.

(a) The Administration Division Commander will ensure that a system of communication is in place which facilitates a continuous flow of safety and health information between supervisors and employees. This system shall include:

1. New worker orientation, including a discussion of safety and health policies and procedures.
2. Regular employee review of the IIPP.
3. Workplace safety and health training programs.
4. Regularly scheduled safety meetings.
5. Posted or distributed safety information.
6. A system for workers to anonymously inform management about workplace hazards
7. Establishment of a labor/management safety and health committee, which will:
   (a) Meet regularly.
   (b) Prepare a written record of the safety and health committee meeting.
   (c) Review the results of periodic scheduled inspections.
   (d) Review investigations of accidents and exposures.
   (e) Make suggestions to management for the prevention of future incidents.
   (f) Review investigations of alleged hazardous conditions.
Illness and Injury Prevention

(g) Submit recommendations to assist in the evaluation of employee safety suggestions.

(h) Assess the effectiveness of the efforts made by the sheriff's office to address the following issues:
   1. Protection from bloodborne pathogens
   2. Protection from airborne transmissible diseases
   3. Prevention of heat-related illness
   4. Cold Exposure

1041.5 HAZARD ASSESSMENT
Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and should utilize an applicable Hazard Assessment Checklist to ensure a thorough inspection.

1041.5.1 ADMINISTRATION DIVISION COMMANDER INSPECTION DUTIES
The Administration Division Commander shall ensure that a checklist of identified hazards or corrections is completed for each inspection.

1041.5.2 PATROL DEPUTIES INSPECTION DUTIES
Deputies/Detention Officers are charged with daily vehicle inspection of an assigned vehicle and of personal protective equipment (PPE) prior to working in the field. Deputies/Detention Officers shall document any hazards if an unsafe condition cannot be immediately corrected, remove the vehicle from service and forward this information in writing to their supervisor for immediate action. Minor corrections will not prohibit the use of the vehicle or equipment.

1041.5.3 SUPERVISOR ASSESSMENT DUTIES
Supervisors should inform the Administration Division Commander when the following occurs:
   • New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
   • New, previously unidentified hazards are recognized.
   • Occupational injuries and illnesses occur.
   • New and/or permanent or intermittent workers are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
   • Whenever workplace conditions warrant an inspection.

The Administration Division Commander should take appropriate action to ensure the IIPP addresses potential hazards upon such notification.
1041.6  ACCIDENT/EXPOSURE INVESTIGATIONS
Employees should report all injuries that are a result of a workplace accident and any hazardous substance exposure to a supervisor as soon as possible but no later than 24 hours after the incident or exposure. A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- A visit to the accident scene as soon as possible.
- An interview of the injured worker and witnesses.
- An examination of the workplace for factors associated with the accident or exposure.
- Determination of the cause of the accident or exposure.
- Corrective action to prevent the accident or exposure from reoccurring.
- A record of the findings and corrective actions taken.

1041.7  HAZARD CORRECTION
All employees should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Employees should make their reports to a supervisor (as a general rule, their own supervisor).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner based on the severity of the hazards. Hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering employees or property, supervisors should protect or remove all exposed workers from the area or item, except those necessary to correct the existing condition.

Employees who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions to identify hazards and make corrections shall be documented and forwarded to the Administration Division Commander via the chain of command.

1041.8  TRAINING AND INSTRUCTION
The Administration shall work with the Training Coordinator to ensure all workers, including supervisors, are trained on general and job-specific workplace safety and health practices.

(a) Training shall be provided:

- To all new employees for those tasks that were not sufficiently covered by previous training from an academy or another training provider.
- To all workers given new job assignments for which training has not previously been provided.
Illness and Injury Prevention

- Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.
- Whenever the sheriff's office is made aware of a new or previously unrecognized hazard.
- To supervisors to familiarize them with the safety and health hazards to which workers under their immediate direction and control may be exposed.
- To all workers with respect to hazards that are specific to each employee's job assignment.

(b) The sheriff's office IIPP training shall include:
- An explanation of the IIPP, the emergency action plan and fire prevention plan; measures for reporting any unsafe conditions, work practices and injuries; and informing a supervisor when additional instruction is needed.
- The use of appropriate clothing, including gloves, footwear and personal protective equipment.
- Information about chemical hazards to which employees could be exposed.
- Steps to prevent heat-related illness.
- Cold Exposure
- The availability of toilet, hand-washing and drinking-water facilities.
- Provisions for medical services and first aid, including emergency procedures.

1041.9 RECORD KEEPING
The Administration Division Commander will do the following to implement and maintain IIPP records:

(a) Make available documentation of inspections, any unsafe condition or work practice, and actions taken to correct unsafe conditions and work practices.

(b) Make available reports of investigative or corrective actions that address individual incidents or accidents

(c) Develop documentation showing the safety and health training of each employee that includes, at a minimum, the employee's name or other identifier, training dates, type of training and training providers.

(d) Retain inspection records and training documentation for a minimum of one year.

1041.10 TRAINING SUBJECTS
The Administration Division Commander should work with the Training Coordinator to ensure training is provided on the following topics for appropriate personnel:
Illness and Injury Prevention

• Driver safety
• Safe procedures for handling, cleaning and/or storing weapons
• Good housekeeping and fire prevention
• Back exercises/stretches and proper lifting techniques
• Lock-out/tag-out procedures
• Hazardous materials
• Building searches
• Slips and falls
• Ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods
• PPE
• Respiratory equipment
• Hazardous chemical exposures
• Hazard communication
• Physical hazards, such as heat/cold stress, noise, and ionizing and non-ionizing radiation
• Bloodborne pathogens and other biological hazards
• Other job-specific hazards
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