

WASHOE COUNTY SHERIFF'S OFFICE  
POLICY MANUAL



SHERIFF DARIN BALAAM

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## **Sheriff's Preface**

The Washoe County Sheriff's Office provides this Policy Manual to assist our employees in carrying out their duties in a professional, ethical, and legal manner. I am proud of the hard work and commitment of staff to publish this Policy Manual.

The Policy Manual sets forth efficient and well-documented processes that guide the Office's consistent operation, around-the-clock effectiveness, and ongoing interchangeability. The Policy Manual is essential to the success of our Office, so it is imperative for employees to read, understand, and follow it. To ensure the continued success of our Office, our hardworking and committed staff will need to update the Policy Manual so employees can continue to beneficially use this indispensable part of this great organization.

Sheriff Darin Balaam



## **Law Enforcement Code of Ethics**

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

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my 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 violence and never accepting gratuities.

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

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

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



## **Mission and Vision Statement**

### **MISSION STATEMENT**

To serve the residents of Washoe County, consistently earning the public's confidence by providing a safe and secure community using the highest quality law enforcement, detention, and support services possible within the resources entrusted to us.

### **VISION STATEMENT**

The Washoe County Sheriff's Office will exist to preserve liberty, enhance the safety of the community and defend human dignity. We will strive to be recognized for our strong service orientation, leading edge development of all our human resources and application of emerging technologies. We will be an organization in which each employee embraces integrity as the cornerstone upon which the public trust is built by fostering an environment of honesty, trust, and mutual respect. We will embody the values of our Office and reflect these values in the performance of our duties. We will continue to build upon this vision through open communication and receptiveness.



## **100 Law Enforcement Authority**

### **100.1**

#### **PURPOSE AND SCOPE**

The Washoe County Sheriff's Office is committed to the principles of professionalism, integrity, and lawfulness. A peace officer may only perform the law enforcement duties granted by law and shall respect the established rights of people when carrying out those duties. An officer acting outside existing statutes and regulations abuses this grant of law enforcement authority.

### **100.2**

#### **PEACE OFFICER POWERS**

Sworn members shall be considered peace officers pursuant to NRS 289.150, NRS 289.460, NRS 289.480 and NAC 289.210. The authority of any such peace officer extends to any place in the State of Nevada and assigns the duty to every peace officer to preserve the peace within the State of Nevada and his/her jurisdiction 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 (NRS 169.164, NRS 171.076 to NRS 171.079, NRS 277.110 to NRS 277.180 and NAC 289.040).

#### **100.2.1**

##### **OTHER AUTHORITY**

Sworn members of this Office who enter the State of Oregon in order to provide or attempt to provide law enforcement assistance have Oregon peace officer authority within 50 miles of the Nevada-Oregon border (ORS 133.405). Such authority shall only apply when deputies are acting:

- a) In response to a request for law enforcement assistance initiated by an Oregon sheriff, constable, marshal, municipal police officer or member of the Oregon State Police
- b) In response to a reasonable belief that emergency law enforcement assistance is necessary to preserve life and circumstances make it impractical for Oregon law enforcement officials to formally request assistance
- c) For the purpose of assisting Oregon law enforcement officials with emergency assistance in response to criminal activity, traffic accidents, emergency incidents or other similar public safety situations, regardless of whether an Oregon law enforcement official is present at the scene of the incident

Washoe County Sheriff's Office deputies have no authority to enforce Oregon traffic or motor vehicle laws.

Whenever practicable, deputies should seek permission from a supervisor before entering Oregon to provide law enforcement services. As soon as practicable, deputies exercising law enforcement authority in Oregon shall submit any appropriate written reports concerning the incident to the

Oregon agency having primary jurisdiction over the area in which the incident occurred.

**100.3**

**CONSTITUTIONAL REQUIREMENTS**

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

**100.4**

**INTERSTATE PEACE OFFICER WEBS**

Peace officer powers may be extended within other states as applicable under interstate compacts and memorandums of understanding in compliance with the laws of each state. Peace officer powers may also be extended when an officer enters another state in fresh pursuit of a felony subject (Nevada Revised Statute 171.158, et seq., Arizona Revised Statute 13-3831, et seq., California Penal Code § 852, et seq., Idaho Code 19-701, et seq., Oregon Revised Statutes 133.410, et seq. and Utah Code 77-9, et seq.).



## **102 Chief Executive Officer**

### **102.1**

#### **PURPOSE AND SCOPE**

The Washoe County Sheriff's Office requires each of its peace officers to be certified by the Nevada Commission on Peace Officer Standards and Training, so our community benefits from the highest professional standards and training excellence.

### **102.1.1**

#### **CHIEF EXECUTIVE OFFICER REQUIREMENTS**

The Nevada Legislature has established qualifications for the Office of Sheriff, so the Washoe County Sheriff shall meet and continue to meet the qualifications set forth in NRS 248.005.



## **104 Oath of Office**

### **104.1**

#### **PURPOSE AND SCOPE**

Deputies are sworn to uphold the federal and state constitutions and to enforce federal, state and local laws.

#### **104.1.1**

##### **OATH OF OFFICE**

Upon employment, all sworn employees shall be required to affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer (Nevada Constitution Article 15 Section 2). The oath shall be as follows:

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

#### **104.1.2**

##### **LIMITED CROSS-DEPUTIZATION OATHS**

The Washoe County Sheriff's Office is a full-service law enforcement agency. As the sole agency with county wide jurisdiction, it is essential to cross deputize those officers who provide police services outside of their agency's immediate jurisdiction or who work on consolidated teams. The Sheriff or his/her designee will administer the oath.





## **106 Policy Manual**

### **106.1**

#### **PURPOSE AND SCOPE**

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

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

The Policy Manual does not waive or otherwise modify or amend the statutory procedural and substantive requirements and limitations established in Chapter 41 of the Nevada Revised Statutes related to the liability of and actions against the State of Nevada or its political subdivisions as more fully set-forth in said Chapter 41.

The provisions of NRS Chapter 41 shall extend to the protections afforded therein to the acts and omissions to act of all officers, employees and immune contractors covered by the procedural and substantive provision of said statute.

#### **106.1.1**

##### **DISCLAIMER**

The provisions contained in this Policy Manual are not intended to create an employment contract, not any employment rights or entitlements. The policies contained within this manual are for the internal use of the Washoe County Sheriff's Office and shall not be constructed 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 departmental administrative action, training or discipline. The Washoe County Sheriff's Office reserves the right to revise any policy content, in whole or in part.

## **106.2**

### **RESPONSIBILITIES**

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

#### **106.2.1**

##### **SHERIFF**

The Sheriff shall be considered the ultimate authority for the provisions of this manual and shall ensure compliance with all applicable Nevada law. The Sheriff is responsible for issuing departmental directives which shall modify those provisions of the manual to which they pertain.

Departmental directives shall remain in effect until such time as they may be permanently incorporated into the manual.

#### **106.2.2**

##### **EXECUTIVE STAFF**

Executive staff shall consist of the following:

- Sheriff
- Undersheriff
- Chief Deputies

Executive Staff shall review all recommendations regarding proposed changes to the manual during the annual Executive Policy Review Meeting.

#### **106.2.3**

##### **OTHER PERSONNEL**

All employees suggesting revision of the contents of the Policy Manual shall forward suggestions, in writing, to their division chief deputy who will consider the recommendation and forward it to the Washoe County Sheriff's Office Policy Guide administrator.

## **106.3**

### **FORMATTING CONVENTIONS FOR THE POLICY MANUAL**

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

#### **106.3.1**

##### **ACCEPTABLE ABBREVIATIONS**

The following abbreviations are acceptable substitutions in the manual:

- Departmental Directives may be abbreviated as "DD"
- Policy Manual sections may be abbreviated as "Section 106.X" or "§ 106.X"

### 106.3.2

#### DEFINITIONS

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

**Adult** - Any person 18 years of age or older.

**Bureau** - The largest unit within the Sheriff's Office. Each bureau is comprised of several divisions.

**Chain of Command** - The line of direct control, or channel through which the power of command passes. Command affects those in the vertical line extending from the Sheriff to the level of execution.

**Child** - Any person under the age of 18 years.

**Civilian** - All employees and associates who are not sworn law enforcement officers.

**Command Staff** - Command staff consists of chief deputies, captains, lieutenants, and select civilian supervisors and division managers.

**Commanding Member** - A member who is of the rank of lieutenant or equal and above.

**County** - The County of Washoe.

**Deputy/Sworn** - Those employees, regardless of rank, who are sworn employees of the Washoe County Sheriff's Office.

**District** - Defined geographical areas used for patrol purposes.

**Division** - A primary subdivision of a bureau. A division has an agency wide function either for general police services or for specialized activity. A chief deputy or manager usually commands each division.

**DMV** - The Nevada Department of Motor Vehicles.

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

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

**Executive Staff** - The executive staff consists of the Sheriff, Undersheriff and Chief Deputies.

**Manual** - The Washoe County Sheriff's Office Policy Manual.

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

**Member** - All persons who are employed or appointed by the Sheriff's Office and shall include sworn deputies, reserve deputies, civilian employees and volunteers.

**NHP** - Nevada Highway Patrol.

**Office/WCSO** - The Washoe County Sheriff's Office.

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

**Off-Duty** - The period between workdays when a member is free from specified duties.

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

**Organization** - The arrangement and utilization of total resources of personnel and material in such a way as to make easier, and to expedite, the attainment of specified objectives in an efficient, effective, economical and harmonious manner.

**Peace Officer** - An employee who is required to be certified by POST pursuant to NAC 289.060. The term includes sworn full-time, part-time and reserve peace officers who perform the duties of a peace officer.

**Personnel Orders** - Those written orders relating to personnel actions, such as promotions, transfers, commendations and awards.

**POST** - The Nevada Peace Officer's Standards and Training Commission.

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

**Section** - A functional subdivision within a division. The duties of some divisions call for additional specialization and in consequence personnel must be further classified according to their duties.

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

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

**S.O.P. / Post Order Manual** - A manual that describes procedures and defines the duties of members assigned to specified posts or positions.

**Span of Control** - The number of persons reporting to any one supervisor.

**Team** - Used to describe an organizational subdivision that is too small in size to be afforded any other status and it especially applies to a small subdivision that carries out specialized police tactics or search and rescue functions. See "Unit."

**Unity of Command** - The concept that each member in the Sheriff's Office has one, and only one, immediate supervisor.

**Unit** - Used to describe an organizational subdivision that is too small in size to be afforded any other status, and it especially applies to a small subdivision that carries out administrative or housekeeping duties. See "Team." The term "unit" can also be used as a synonym for any organizational subdivision.

### **106.3.3**

#### **DISTRIBUTION OF MANUAL**

A printed Policy Manual shall be maintained by the Sheriff:

A computerized version of the Policy Manual will be made available on the Office network for access by all employees. The computerized version will be limited to viewing and printing of specific sections. No changes shall be made to the electronic version without authorization from executive staff.

### **106.3.4**

#### **ACKNOWLEDGEMENT**

Each newly appointed employee will acknowledge in writing that he/she has been provided access and ability to review the Policy Manual. All employees will acknowledge in writing the receipt and review of any new directive or modifications to this manual. Acknowledgement of familiarization with Sheriff's Office policies is indicated annually by each employee as part of their evaluation process.

### **106.4**

#### **MANUAL ACCEPTANCE**

As a condition of employment, all employees are required to read and obtain necessary clarification of policies. All employees are required to sign a statement of receipt acknowledging that they have received a copy or have been provided access to the Policy Manual and understand they are responsible to read and become familiar with its contents.

### **106.4.1**

#### **REVISIONS TO POLICIES**

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

Each unit division captain and/or manager will ensure that employees under his/her command are aware of any Policy Manual revisions.

### **106.4.2**

#### **PERIODIC REVIEW OF POLICY MANUAL**

The manual will be reviewed, and changed, as necessary.

### **106.5**

#### **ISSUING THE POLICY MANUAL**

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

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

### **106.6**

#### **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 revisions.

All Office members suggesting revisions 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 command staff as appropriate.



## **200 Organizational Structure and Responsibility**

### **200.1**

#### **PURPOSE AND SCOPE**

The organizational structure of the 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**

#### **BUREAUS**

The Sheriff is responsible for administering and managing the Washoe County Sheriff's Office. There are three bureaus in the Sheriff's Office as follows:

- Administration Bureau
- Operations Bureau
- Detention/Courts Bureau

Each bureau is composed of divisions, sections, teams and other units according to its functional responsibilities. Captains, managers and supervisors are assigned to each division, section, team and unit, as needed, for unity of command. Such captains and supervisors are held directly responsible to the Undersheriff and chief deputies through the established chain of command for the activities within their respective units.

The bureaus and their subdivisions, must co-exist, cooperate and coordinate activities in accordance with the best interests of the community and this Office.

### **200.2.1**

#### **ADMINISTRATION BUREAU**

The Administration Bureau is commanded by a chief deputy whose primary responsibility is to provide general management direction and control for the Administration Bureau and the other two bureau's chief deputies, including management of the Office budget. The Administration Bureau is responsible for all administrative functions and divisions including but not limited to:

- a) Administrative Division
- b) Backgrounds
- c) Legislative Liaison
- d) Special Projects
- e) Transportation: Vehicle Equipment, Fuel, Maintenance, Repair and Replacement
- f) Research and Development
- g) Training Section
- h) Dispatch

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- i) Academy
- j) Administrative Services Division
  - 1. Civil Procedure (Civilian)
  - 2. Finance
  - 3. Payroll
  - 4. Permits
  - 5. Personnel
  - 6. Permits: Work, CCW, Locksmith, etc.
  - 7. Purchasing
  - 8. Transcribing, Records, and Criminal Information
- j) Forensic Science Division
- k) Community Engagement Office
  - 1. Public Information Officer
  - 2. Video Technician
  - 3. CERT

### **200.2.2**

#### **OPERATIONS BUREAU**

The Operations Bureau is commanded by a chief deputy whose primary responsibility is to provide general management direction and control for the Operations Bureau. The Operations Bureau is responsible for the delivery of police services and emergency operations as required by circumstances and law. These services and operations include but may not be limited to:

- a) Detective Division
- b) Patrol Division
  - 1. MAIT (Major Accident Investigation Team)
  - 2. Motors
  - 3. Patrol Administration: North and South, including Incline Village and Resident Duty Stations
- c) Reserve Deputy Stations
  - 1. Traffic Supervision
- d) Special Operations Division
  - 1. Regional Narcotics Unit (RNU)
  - 2. Bomb Squad
  - 3. Civil Process (Commissioned)
  - 4. DEA
  - 5. High Intensity Drug Traffic Area Task Force (HIDTA)
  - 6. Hostage Negotiations
  - 7. JTTF Task Force
  - 8. K-9
  - 9. RAVEN (Regional Aviation Enforcement)
  - 10. Regional Gang Unit
  - 11. Search and Rescue
  - 12. SWAT
  - 13. US Marshall Fugitive Investigative Strike Team (FIST) Task Force
  - 14. Warrants and Extraditions



**200.2.3**

**DETENTION/COURTS BUREAU**

The Detention/Courts Bureau is commanded by a chief deputy whose primary responsibility is to provide general management direction and control for the main detention facility and provides the security service for the District Courts of Washoe County. Detention management includes but may not be limited to:

- a) Detention Division
  - 1. Admissions and Releases of Prisoners
  - 2. Care and Housing of Inmates
  - 3. Classification of Inmates
  - 4. Emergency Response
  - 5. Inmate Services
  - 6. Jail Administration
  - 7. Jail Security
  - 8. Jail Support Services
  - 9. Sheriff's Community Work Program (SCWP)
  - 10. Alternatives to Incarceration Unit
  
- b) Courts Division
  - 1. Transportation of Inmates to Court (SCWP)
  - 2. Court Security

**200.3**

**COMMAND PROTOCOL**

**200.3.1**

**SUCCESSION OF COMMAND**

The Sheriff is the chief executive of the Sheriff's Office, being chosen by popular election. He is the chief conservator of the peace within the County and is in charge of the County jails. Other duties are in aid of the criminal courts and civil courts of record; such as serving process, summoning juries, executing judgments, holding judicial sales and enforcing the law as required by numerous Nevada Revised Statutes.

Due to the complexity of the various requirements of the Office of Sheriff, the Sheriff will generally approve the philosophies, policies, and procedures of the Office. However, the detailed methods and procedures of directing and controlling the various requirements of the Office will, of necessity, be carried out by a variety of subordinates and they are, correspondingly, responsible for their actions, pursuant to the general philosophies and policies as established by the Sheriff. If there is a question regarding these issues, it is incumbent upon these subordinates to bring these issues to the attention of the Sheriff through their chain of command. The Sheriff will give specific direction as to the policies, procedures, and philosophies on the more specifically important issues such as use of force.

The Sheriff exercises command over all personnel in the Office. During planned absences the Sheriff designates the Undersheriff to serve as the acting Sheriff.

**200.3.2**

**UNITY OF COMMAND**

The Undersheriff is second in command of the Sheriff's Office and is subordinate only to the Sheriff. He or she acts in the capacity of chief administrator and executive to the Sheriff, who may at any time, detail specific administrative and executive duties to him/her.

During the Sheriff's temporary absence from Washoe County or otherwise unavailability, the Undersheriff automatically assumes all duties and responsibilities of the Sheriff. At such times, the Undersheriff is in command of the Sheriff's Office and upon him/her rests the responsibility of making administrative decisions and otherwise conducting the affairs as the chief executive officer.

The Undersheriff will, through his/her subordinate chief deputies, captains and managers, oversee all of the operations of the Sheriff's Office.

**200.3.3**

**ORDERS**

The Operations and Detention Bureaus are commanded by a chief deputy, who is appointed by the Sheriff. Chief Deputies command the activities of their bureau in accordance with the policies prescribed by the Sheriff and the Undersheriff. It is their duty to aid, advise and cooperate with the Sheriff and Undersheriff in general administrative matters and in determining matters of policy. They must also keep the Undersheriff apprised of the progress of the various activities within their bureau, including problems therein.

Chief Deputies will co-exist by equal of rank; however, in the absence of the Undersheriff, the Sheriff may appoint a chief deputy to act in place of the Undersheriff.

Chief Deputies have the authority to issue directives that apply solely to the internal management of their bureau as long as these directives are compatible with the general rules, regulations, policies and procedures of this Office.

**200.4**

**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.

- a) The subdivision of the Sheriff's Office, in descending order, is:
  - 1. Office of the Sheriff
  - 2. Undersheriff
  - 3. Bureau
  - 4. Division
  - 5. Section
  - 6. Team or Unit

## Policy 200 - Organizational Structure and Responsibility

- b) The Chain of Command, in descending order, is:
1. Sheriff
  2. Undersheriff
  3. Chief Deputy
  4. Captain and division member
  5. Lieutenant or civilian equivalent
  6. Sergeant or civilian first line supervisor
  7. Deputy Sheriff and first line personnel

Note: Because of its unique structure and the technical expertise required, the Forensic Science Division may have deputies working for a civilian manager/supervisor.

Members should always strive to work within the chain of command by keeping their supervisors informed as to their job activities, normal day-to-day operational needs and any work-related suggestions/complaints. However, occasions, situations, or sensitive issues require members to seek guidance outside the chain of command and directly contact a higher-level command officer, special investigative unit/staff (OPI, Detectives, etc.), or the Sheriff.

Members are encouraged to communicate within their command structure if possible; however, when a situation arises and the member feels uncomfortable with communicating through their normal chain of command, the member may contact any employee's association representative, investigative section, command level staff, or the Sheriff.

Some examples when a member might bypass the chain of command and contact any level of command where the member feels comfortable are as follows:

- a) Sexual harassment
- b) Observed/suspected misconduct by members of the Sheriff's Office
- c) Personal/emotional issues of a sensitive nature
- d) Association/contract issues

Any person contacted will ensure they pass on the reporting member's information/report to the appropriate level of command for investigation. They will document the report and treat any information obtained during the meeting as confidential.

The Sheriff is available by appointment to any member of this Office. Nothing in this policy will prohibit direct contact with the Sheriff by authorized representatives of an employee labor organization.

### **200.5**

#### **ORGANIZATION CHARTS**

Periodically, the Undersheriff will publish an official organizational chart. This chart will reflect the chain of command and the lines of authority and communication within the Sheriff's Office. This chart will be updated as required, but at least annually, and will be posted permanently in at least one location accessible to all personnel.

**200.6**

**UNLAWFUL CONFLICTING ORDERS**

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

No member is required to obey any order which outwardly appears to be in direct conflict with any federal law, state law or local ordinance. 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 an order that conflicts with a previous 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 order is intended to countermand the previous order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting order after having given the issuing supervisor the opportunity to correct the conflict are not held accountable for disobedience of the order or directive that was initially issued.

The person countermanding the original order shall notify the person issuing the original order, indicating the reason for the action taken.

Additionally, when a violation of normal practice is believed justified, a captain or supervisor outside a subordinate's chain of command may issue an order to the subordinate, but will notify the subordinate's supervisor of the order if the order issued interferes with or alters the functions assigned to the subordinate.

**200.7**

**DIFFERENT SUBDIVISIONS ENGAGED IN A SINGLE OPERATION**

When personnel from different subdivisions of this Office are engaged in a single operation, the person in command shall be the ranking deputy in attendance from the bureau or subdivision that has the primary responsibility for the task to be performed.

At the scene of a disaster or public emergency, where several governmental agencies are working together, the on-scene management structure will be organized according to the Incident Command System (ICS) of the National Inter-agency Incident Management System (NIIMS). Bureau chief deputies and division captains will maintain an on-going awareness of the Incident Command System.

**200.8**

**SPAN OF CONTROL**

Within the limitations of their budget and manpower allocations, bureau chief deputies and division captains/managers should organize their units so as to not have an excessive number of employees under the immediate control of any given supervisor. This applies to each hierarchical level under their command.

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The span of control of individuals varies. It is determined by such factors as innate ability; the complexity of the tasks to be performed by subordinates; separation of the superior from immediate subordinates by time and place; and the demands on the superior by extra-departmental duties. Consequently, no arbitrary number can be established as the optimum. In general, for law enforcement agencies the best span of supervisory control is three to seven subordinates with five considered to be the most desirable. The actual situation may dictate some other number.

### **200.9**

#### **COMMAND RESPONSIBILITY**

A commanding officer has responsibility and accountability for every aspect of his/her command. Commensurately, within policy guidelines and legal constraints the commanding member has the authority to coordinate and direct assigned personnel and other allocated resources in achieving his/her organizational objectives. In so doing, the commander must perform the full range of administrative functions, relying upon policy, direction, training and personal initiative to guide the commander and his/her command in achieving the highest level of performance possible.

### **200.10**

#### **DIRECTIVES OF THE SHERIFF'S OFFICE**

In a large and complex organization such as the Sheriff's Office, it is essential that directives communicate desired information to concerned members as accurately as possible. Directives should be well researched and properly drafted. A commanding member may issue a directive as long as it affects his/her command only and does not conflict with policies of the Sheriff's Office. Ordinarily, where there is more than one bureau affected, directives should be issued by the Sheriff or Undersheriff.

### **200.12**

#### **TRANSFER OF COMMAND**

- Upon assuming a new assignment and continually thereafter, a commanding member should critically evaluate all aspects of his/her command. The commanding member should review existing policies, procedures and programs to determine the need for which they were enacted remains unchanged.
- Upon change of command, the commanding member being replaced has a duty to lend his/her full assistance in making the command transition as smoothly and orderly as possible. Orientation of a new commanding member should include information concerning unique problems of the command and assistance in continuing community and professional contacts relative to the command.

### **200.13**

#### **COMMAND CONCERN FOR EMPLOYEE WELFARE**

The nature of command is such that there must be a coexisting loyalty to the management of the Sheriff's Office and to subordinates. The resolution of those loyalties, in a manner which benefits both this Office and the individual, and which avoids conflicts between the two interests requires the exercise of leadership. An interest in members and their welfare is a responsibility of command,

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which may extend beyond morale problems and their effect upon an individual's performance. It includes a concern for the personal problems, desires and interests of members and positive assistance in resolving those problems or in achieving their goals. However, commanding officers should be cautious to avoid interfering where assistance is not required or desired.

### **200.14**

#### **COMMUNITY LIAISON BY COMMANDING MEMBERS**

Commanding members have a responsibility to maintain professional community contacts as they relate to their command. As a representative of the Sheriff's Office, commanding members must take an active role in the community of their command, and participate in identifying, and providing for its law enforcement needs.

### **200.15**

#### **BUDGETING**

- The budgetary process, required by law, is an essential planning tool that enables the Sheriff's Office to organize its financial resources in an objective and directed effort to derive the maximum return for the tax dollars expended.
- The budget of the Sheriff's Office represents an evaluation of relative needs within this Office based upon quantitative and qualitative data. It involves a decision regarding objective priorities with consideration given to the volume and type of work required and the costs involved.
- Commanding members communicate their organizational needs by means of budget requests. Such requests should be limited to those items that are necessary to continue the present standard of service, materially improve the standard of service, or reduce the cost of service. It is the responsibility of commanding members to weigh their needs carefully and to present budget estimates that incorporate reasonable and economically sound requests. If an item is requested on the basis that it will improve the standard of service, the justification should show conclusively that this objective will be reached and that the cost of the item will be returned in some concrete manner, such as the rendering of demonstrably superior service to the public or by an actual saving of money over a period of time.

### **200.16**

#### **PLANNING RESPONSIBILITY**

- It is essential that there be planning in the law enforcement service. From the Sheriff, who must devise long-range plans involving the entire resources of this Office, to the deputy sheriff on patrol who must consider an operational plan while enroute to a call, there exists an imperative for planning which is so great that it merges with the action itself. The requirement that members plan their action is commensurate with the degree of their responsibility and accountability for the results of the action.
- In the performance of their duties, deputy sheriffs are confronted with an infinite variety of circumstances that require law enforcement action. In an attempt to utilize collective experience and research in assisting deputies to deal with such diverse situations, the Sheriff's Office formulates procedures to direct action in certain generalized situations. As deputies are routinely confronted with the unusual, it is impossible to provide standing procedures for deputies to follow in each individual

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situation; therefore, deputy sheriffs must additionally be provided with policy guidelines to assist them in the necessary exercise of discretion. The combination of policies and procedures, reinforced by training, acts to provide deputies with a structurally sound framework within which to function. In addition to developing standing procedures, the Sheriff's Office must regularly devise single use plans to accommodate specific needs. These plans may involve an Office-wide response to a major unusual occurrence or a tactical answer to an isolated law enforcement incident. Once executed, such plans should be evaluated for the development of standing procedures or for future reference in analogous situations.

### **200.17**

#### **SCOPE OF PLANNING**

While each plan differs according to the need for which it is developed, each plan should define its need, scope and purpose, the method for its implementation, and a means of evaluating its effectiveness.

### **200.18**

#### **USE OF TASK FORCE PLANNING**

When a need develops for a single-use plan affecting more than a single bureau or when it is necessary to develop a major project within a limited time, it may be appropriate to assemble a task force whose staff is provided on loan from various divisions or bureaus. When a task force is assembled, it must be structured with clearly defined objectives, organization, responsibility and authority. It should be placed under the control of an existing organizational unit whose commanding member has responsibility and accountability for its performance.

### **200.19**

#### **COMPLETED STAFF WORK**

The result of an effort to research a problem and develop a solution, leaving nothing for the final authority to do except approve or disapprove, is traditionally known as completed staff work. In such projects, it is essential that original instructions include identification of the problem, direction, the desired scope of endeavor, and the time limit for completion. Direction should clearly indicate what is desired by way of the project. The project should include adequate research to accurately define the problem and to examine all reasonable solutions. The assigned member should include in his/her report a recommendation and a summary of the findings supporting the member's conclusion. In completed staff work, a final step, prior to obtaining concurrence, is to notify involved organizational components of the findings and recommendations of the project.

### **200.20**

#### **INSPECTION AND CONTROL**

Management inspection and control are necessary to ascertain if the rules, regulations, policies and procedures of this Office are being adhered to, whether the resources of this Office are adequate and are being properly utilized, and to evaluate the overall performance and attitude of the Sheriff's Office. The Sheriff's Office has a formal staff inspection and control system that reports to the Sheriff. Additionally, it is the responsibility of each commanding member to continually conduct inspections within his/her command to ensure the proper performance of

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assigned personnel and the most efficient use of assigned equipment, material and facilities. Merely finding fault is not inspecting. Therefore, a commanding member's responsibility does not end with discovering a deficiency or inadequacy; it includes making positive measures to correct the problem.

### **200.21**

#### **GENERAL PROBLEMS**

- The administration of the Sheriff's Office involves the efficient and economic management of a large complex organization that performs its functions through the acts of its members. The functions of this Office involve the interaction of people, not only within its ranks, but also in all personal contacts between its members and the public. The administration of this Office is, therefore, occupied to a large extent with improving the ability of its members to properly perform the law enforcement tasks and with strengthening the relationship that exists between all members and the public they serve. Thus, recognition of the human factor is an administrative challenge in the effort of the Sheriff's Office to provide a consistent and professional law enforcement response to the community's law enforcement needs.
- Members of the Sheriff's Office are required to make decisions involving the public and other members in response to both administrative and operational problems. The decision process involves more than loyalty; it requires an insight into the objectives and purposes of the Sheriff's Office, its duty under the law and to the people, and the manner and means by which the task is to be performed and the objectives achieved. The decision must be a balance of involved interests, considering what is best for the public, this Office, and any individual involved. That decision must then result in effective action directed toward the accomplishment of the objectives of the Sheriff's Office. The requirement that such insight be exercised is implicit in all decision-making, and it is the thread that binds the complex and difficult law enforcement task into a coordinated and effective force.

### **200.22**

#### **ADMINISTRATION OF CORRECTIVE OR DISCIPLINARY ACTION**

- One of the primary tasks of a commanding member is the administration of corrective and disciplinary action. Discipline or corrective action can be positive or negative; it may involve encouragement, inspiration, training or imposition of negative sanctions. It has as its immediate purpose the channeling of individual effort into effective and productive action.
- The exercise of positive discipline or corrective action requires foresight and planning rather than merely reaction. It involves an evaluation of the human factor which when combined with proper training, motivation and recognition of individual and group effort, results in self-discipline.
- Disciplinary or corrective action may range from a warning, where the immediate effect is on the individual, to dismissal, where the positive result derived is in the reassurance of other members as to the unacceptable limits of misconduct. In each case care must be exercised to make the proper choice in obtaining a desired and just result.
- In the administration of disciplinary or corrective action, a commanding member must consider the totality of the circumstances surrounding the allegation of misconduct in



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making a determination whether the original action or misconduct which prompted the complaint was not only legal but whether, under the circumstances, it was necessary and proper as well. The commanding member's decision must resolve those factors with the individual's interest and the probable effect of the corrective or disciplinary action upon the attainment of the objectives of this Office.

- To be effective, disciplinary or corrective action must not only be fair in its application; it must also follow in a reasonable amount of time the act which it is intended to correct. Therefore, there must be a prompt resolution of corrective or disciplinary cases.



## **204 Departmental Directives and Special Orders**

### **204.1**

#### **PURPOSE AND SCOPE**

Departmental directives and Standing Orders establish an interdepartmental communication used by the Sheriff to immediately modify or change and supersede sections of this manual to which they pertain.

#### **204.1.1**

##### **DEFINITIONS**

As used in this policy, the following words and terms have the meanings ascribed to them:

**Departmental Directives** - An order, rule, regulation, policy, or procedure that is published and placed in a manual for use as a guide or reference by members of this Office.

**Standing Orders** - Serve as temporary policies and procedures implemented to guide the performance of an activity at the Sheriff's Office.

#### **204.1.2**

##### **SPECIAL ORDERS PROTOCOL**

Standing Orders establish a temporary policy or procedure on a given subject for a specific length of time. Standing Orders are issued to the organization as a whole, to a bureau, to a unit or to an individual thereof and are temporary in nature. Standing Orders become inoperative with the passing of the incident or situation that caused its issuance.

A Standing Order serves to:

- a) Create order and guide conduct for a program or activity that is short-term and will not be a permanent rule, form or practice.
- b) Provide continuity of procedure while in the process of researching, creating, updating or consolidating standard operating procedures or general orders.
- c) Support the evolution of a rule, form or practice.

#### **204.1.3**

##### **DEPARTMENTAL DIRECTIVE PROTOCOL**

Departmental directives will be incorporated into this Manual as required upon approval of executive staff. Departmental Directives will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

All existing Departmental directives have now been incorporated in the updated Policy Manual as of the below adoption date. Any Departmental 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, 02, 03..." For example, 11-01 signifies the first Departmental directive for the year 2011.

## **204.2**

### **RESPONSIBILITIES**

#### **204.2.1**

##### **STAFF**

The executive staff shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by a Departmental directive.

Only command staff can formulate and distribute Standing Orders. The author of the Standing Order must use the Standing Order form located on the "N" drive.

If a commanding member wishes to extend or modify a current Standing Order, they will need to issue a new Standing Order with a notation that it supersedes and/or extends the prior order. If the author of the Standing Order wishes the order to expire before the next annual audit, they can do so by placing a shorter expiration date on the Standing Order form.

#### **204.2.2**

##### **SHERIFF**

Commanding member, or their designees will assign administrative staff to maintain Standing Orders for their division for archiving and tracking purposes. All Standing Orders must be submitted to the Training Section for centralization and assignment of standing order number(s).

## **204.3**

### **ACCEPTANCE OF DEPARTMENTAL DIRECTIVES**

All employees are required to read and obtain any necessary clarification of all Departmental directives. All employees are required to acknowledge in writing the receipt and review of any new Departmental directive. Signed acknowledgement forms and/or e-mail receipts showing an employee's acknowledgement will be maintained by the Training Sergeant.



## **206 Emergency Management Plan**

### **206.1**

#### **PURPOSE AND SCOPE**

The County has prepared, in compliance with the State Emergency Management Plan, a Regional Emergency Operations Plan (NRS 414.020(a), NRS 414.090 and WC Code 65.300). This manual is for the guidance and use by all employees in the event of a major disaster, civil disturbance, mass arrest or other emergency event. The manual provides for a strategic response by all employees and assigns specific responsibilities in the event the plan is activated.

### **206.2**

#### **ACTIVATING THE EMERGENCY PLAN**

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

The Incident Command System (ICS) will be utilized during all major emergency or disaster responses. In most events Unified Command will be established to coordinate available resources.

#### **206.2.1**

##### **RECALL OF PERSONNEL**

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

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

### **206.3**

#### **LOCATION OF MANUALS**

The manual for employees can be found on the "N" drive titled General Orders.

### **206.4**

#### **PLAN REVIEW**

At least once every two years the Office should conduct a review of the Emergency Management Plan incorporating a full or partial exercise, tabletop or command staff discussion.

## Policy 206 - Emergency Management Plan

### **206.5**

#### **PLAN TRAINING**

The Sheriff's Office shall provide training in the Emergency Management Plan for all supervisors and other appropriate personnel. All supervisors should familiarize themselves with Washoe County's Regional Emergency Operations Plan and the roles Sheriff's personnel will play when the plan is implemented.



## **208 Training Policy**

### **208.1**

#### **PURPOSE AND SCOPE**

It is the policy of this office to administer a training program that will meet the standards of POST continuing education and provide for the professional growth and continued development of its personnel. By doing so, the Office will ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the public.

### **208.2**

#### **PHILOSOPHY**

It is the policy of this office to administer a training program that will meet the standards of POST continuing education and provide for the professional growth and continued development of its personnel. By doing so, the Office will ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the public.

### **208.3**

#### **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 personnel.
- c) Provide for continued professional development of personnel.
- d) Assist in compliance with POST rules and regulations concerning law enforcement training.

### **208.4**

#### **TRAINING PLAN**

It is the responsibility of the Training Sergeant to develop, review, update and maintain a training plan and to ensure that mandated basic, in-service and Agency-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 Sergeant 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 State required minimum mandated training for the certification of sworn deputies or hiring of non-sworn employees.

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

### 208.4.1

#### STATE-MANDATED TRAINING

State training requirements include, but are not limited to (NAC 289.230, NRS 289.510, NRS 432B.620 and NRS 289.590):

Stalking and Aggravated Stalking:

a) Basic POST requirement:

1. When should a report be taken?
2. Proper method of conducting an investigation.
3. The elements of stalking and aggravated stalking.

Mandatory Nevada POST annual training:

b) To maintain a Basic Certificate the following training must be completed annually, as part of the continuing education required a peace officer:

1. **Firearm** - At least biannually demonstrate a minimum level of proficiency in the use of each firearm he/she is authorized to use.
2. **(EMDT), impact weapon, chemical weapon or other less lethal weapon** - At least demonstrate a minimum level of proficiency in the use of each such weapon or device he/she is authorized to use.
3. **Defensive Tactics** - Demonstrate a minimum level of proficiency in the use of defensive tactics, including without limitation, techniques related to applying handcuffs, taking down suspects, self-defense and retention of weapons.
4. **Use of Force** - Review each policy which addresses Use of Force.
5. **12 hours of additional Office in-service training** – Nevada POST requires a minimum of 12 hours annual training in the following subjects:
  - Racial Profiling
  - Mental Health
  - Well-being of Officers
  - Implicit Bias Recognition
  - De-escalation
  - Human Trafficking and
  - Firearms

Office in-service may also include, without limitation, training related to legal issues, policy and procedures, driving, first aid, situational awareness or any other training the prescribed by the Office.

Training for detection and investigation of and response to cases of sexual abuse or sexual exploitation of children.

- c) Detectives assigned to detect and investigate cases of sexual abuse or sexual exploitation of children must complete initial training for sexual investigations within one year of being assigned to investigate those cases.
- d) Yearly training for detectives investigating cases of sexual abuse or sexual exploitation of children must complete yearly training that applies to NRS 432B.620, i.e. seminars, in service legal updates, interview and investigation training.

**208.5**

**TRAINING NEEDS ASSESSMENT**

The Training Section will conduct an annual training-needs assessment and complete a report of the training-needs assessment. The training-needs assessment report will be provided to the Administrative Division Chief Deputy. Upon review and approval by the Administrative Division Chief Deputy, the needs assessment will form the basis for the training plan for the ensuing calendar year.

**208.6**

**TRAINING RECORDS**

The Training Sergeant is responsible for the creation, filing and storage of all training records in compliance with POST standards. Training records shall be retained as long as the employee's personnel file is retained.

**208.7**

**TRAINING SECTION, MEMBER AND INSTRUCTOR RESPONSIBILITIES**

The Washoe County Sheriff's Office has an obligation to provide a professional standard of law enforcement training to its personnel. This Office must be able to document all training it provides and to verify all training received from other sources. All training must comply with NRS requirements, P.O.S.T. requirements and applicable labor contracts. Training records must accurately reflect all training received by the member. The Training Section will maintain training records, lesson plans and related instructional materials.

The Training Section will be responsible for ensuring all members are given the opportunity to attend and complete training as required by Nevada POST and NAC 289 requirements.

It is the philosophy of this Office that members are individually responsible for their actions. Additionally, all members are responsible to ensure they have met all training requirements set forth either by the Sheriff's Office, the State of Nevada, or other regulatory bodies. Member responsibilities are delineated in the Training Responsibilities standard operating procedure.

Civilian personnel will receive ongoing training as deemed necessary per Washoe County policy and as appropriate per division.

It is the responsibility of each instructor to ensure that all lesson plans, teaching aids, attendance records and all other course related materials are submitted to the Training Section at the conclusion of each class taught.

These responsibilities are delineated in the Standard Operating Procedure 551.6 Training Responsibilities





## **212 Electronic Mail, Text Messaging, or Instant Messaging** **(E Messages)**

### **212.1**

#### **PURPOSE AND SCOPE**

The purpose of this policy is to establish guidelines for the proper use and application of the E Messaging systems provided by Washoe County. Messages are communication tools available to employees to enhance efficiency in the performance of job duties and is to be used in accordance with generally accepted business practices, current law (e.g., Nevada Open Records Act) and Washoe County code 5.340, Washoe County Internet and Intranet Acceptable Use Policy and Washoe County Information Security Policy. Messages transmitted over these systems must only be those that involve official business activities or contain information essential to employees for the accomplishment of business-related tasks and/or communication directly related to the business, administration or practices of the Office. E messages are governed by the Nevada Public Records Act.

### **212.2**

#### **E MESSAGE RIGHT OF PRIVACY**

All E-Messages, including any attachments, that are transmitted over office networks are considered Office records and therefore are Office property. The Office reserves the right to access, audit or disclose, for any lawful reason, any message, including any attachment, that is transmitted over these systems or that is stored on any Office system.

The systems are not confidential systems and therefore are not appropriate for confidential communications. If a communication must be confidential, an alternative method to communicate the message should be used (See instructions to sending encrypted emails). Employees using these systems shall have no expectation of privacy concerning communications transmitted over the system.

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

### **212.3**

#### **PROHIBITED USE OF E MESSAGES**

Including but not limited to the following: Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing, personal political viewpoints not representing the official position of the Washoe County Sheriff's Office or any other inappropriate messages on E-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 E-Messages are 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 communication, the user should seek prior approval from their supervisor. Personal advertisements and chain letters are prohibited.

It is a violation of this policy to transmit a message under another user's name. 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 for misuse of an individual's application, name and/or password by others.

**212.4**

**MESSAGE RETENTION**

E-Messages shall be retained in conformity with the Record Retention Policy governing the Washoe County Sheriff's Office.



## **214 Administrative Communications**

### **214.1**

#### **PURPOSE AND SCOPE**

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

### **214.2**

#### **PERSONNEL ORDERS**

Personnel Orders may be issued periodically by the Sheriff, and/or his/her designee, to announce and document all promotions, transfers, hiring of new personnel, separations, or other changes in status.

### **214.3**

#### **CORRESPONDENCE**

In order to ensure that the letterhead and name of the Office are not misused, all official external correspondence shall be on Office letterhead. All Office letterhead shall bear the name of the current elected Sheriff. The use of letterhead shall be limited to official Washoe County Sheriff's Office correspondence. The use of official letterhead for any other purpose requires approval of a supervisor.

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

### **214.4**

#### **SURVEYS**

All surveys made in the name of the Office shall be authorized by the Sheriff or his/her designee.

### **214.5**

#### **OTHER COMMUNICATIONS**

Departmental directives and other communications necessary to ensure the effective operation of the Office shall be declared by the Sheriff or his/her designee.



## **216 Supervision Staffing Levels**

### **216.1**

#### **PURPOSE AND SCOPE**

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

### **216.2**

#### **MINIMUM STAFFING LEVELS**

Minimum staffing levels should be scheduled at all times, to include at least one supervisor per shift. If a supervisor is not available, an acting supervisor or Watch Commander must be assigned in accordance with the collective bargaining agreement.



## **218 Concealed Firearm Permit**

### **218.1**

#### **PURPOSE AND SCOPE**

The Sheriff is given the statutory authority to issue a permit to carry a concealed firearm to residents of the community. This policy will provide a written process for the application, issuance and revocation of such permits.

### **218.2**

#### **QUALIFIED APPLICANTS**

In order to apply for a permit to carry a concealed firearm, an applicant for a Carry Concealed Weapon (CCW) Permit must meet the following requirements (NRS 202.3657 et seq.):

- a) Be at least 21 years of age or 18 years of age if an active member of the military.
- b) Fully complete an application that will include substantial personal information.
- c) Be free from criminal convictions that would disqualify the applicant from possession of a firearm. Fingerprints will be required, and a complete criminal background check will be conducted.
- d) Not be the subject of a restraining order, injunction or other order for protection against domestic violence or have been convicted of a crime involving domestic violence or stalking.
- e) Not be a fugitive from justice.
- f) Not be an unlawful user of, or addicted to, any controlled substance/intoxicating liquor.
- g) Pay all associated, non-refundable application fees.
- h) Not be illegally or unlawfully in the United States.
- i) Complete a required training course approved by a sheriff in Nevada.
- j) Not voluntarily/involuntarily admitted to a mental health facility during the immediately preceding five years.

### **218.3**

#### **APPLICATION PROCESS**

The following elements are required to process an application:

- a) Application forms shall be furnished by the Office of each County upon request (NRS 202.3657(1)).
- b) Upon receipt of an application for a permit, an investigation of the applicant to determine if he/she is eligible shall be conducted (NRS 202.366(1)).
- c) The applicant will be notified within 120 days of receipt of the application whether the permit is issued or denied (NRS 202.366(3)).

The permit shall be issued to the applicant unless he/she is not qualified to possess a handgun pursuant to state or federal law or is not otherwise qualified to obtain a permit pursuant to

NRS 202.3653 to NRS 202.369, inclusive, or the regulations adopted pursuant thereto (NRS 202.366(1)).

If the application is denied, the Office shall send the applicant written notification setting forth the reasons for the denial (NRS 202.366(3)).

If an application for a permit is denied the applicant may seek a judicial review by filing a petition in the County District Court (NRS 202.3663).

#### **218.4**

##### **TEMPORARY PERMIT**

The provisions of NRS 202.3653 to NRS 202.369, inclusive, do not prohibit the Sheriff from issuing a temporary permit. A temporary permit may include, but is not limited to, provisions specifying the period for which the permit is valid (NRS 202.3687(1)).

#### **218.5**

##### **SUSPENDING PERMIT**

If the Sheriff receives notification submitted by a court or law enforcement agency of this or any other state, the United States or a territory or possession of the United States that a permittee has been charged with a crime involving the use or threatened use of force or violence, the conviction for which would require the revocation of a permit, the Sheriff shall suspend the person's permit until the final disposition of the charges against him/her. If a permittee is acquitted of the charges against him/her, or if the charges are dropped, the Sheriff shall restore his/her permit without imposing a fee (NRS 202.3657(5)).

#### **218.6**

##### **REVOKING PERMIT**

The Sheriff shall revoke a permit or deny an application in accordance with NRS 202.3657(3) and Washoe County Code 50.083.

#### **218.6.1**

##### **INFORMATION FOR REVOCATION**

The Sheriff may revoke a permit or deny an application if he/she receives a sworn affidavit stating articulable facts based upon personal knowledge from any natural person who is 18 years of age or older that the permittee has or may have committed an offense or engaged in any other activity specified in subsection NRS 202.3657(3) which would require the revocation of a permit (NRS 202.3657(4)).

#### **218.7**

##### **APPLICATION FOR RENEWAL**

If a permittee wishes to renew their firearms permit, the permittee must complete and submit an application for renewal to the Sheriff who issued the permit. The Sheriff will issue a renewal if all statutory provisions are met (NRS 202.3677).

No permit may be renewed unless the permittee has demonstrated continued competence by successfully completing a course prescribed by the Sheriff renewing the permit (NRS 202.3677(3)).

**218.8**

**CARRYING CONCEALED FIREARM RESTRICTED AREAS**

Concealed firearm permittees are prohibited from carrying concealed firearms within the following public buildings unless the permittee is:

1. Employed within that public building
2. Has been given written permission from the person in control of the public building
3. A judge carrying concealed to and from his/her courtroom/courthouse;
4. A Prosecuting Attorney. ((NRS 202.3673 et seq.), WCC 50.083):
  - a) Located on the property of a public airport
  - b) Located on the property of a public school
  - c) Located on the property of a childcare facility
  - d) Located on the property of the Nevada System of Higher Education
  - e) Any public building equipped with metal detectors at each entrance or has a sign posted at each entrance prohibiting the carrying of a concealed firearm



## **219 Retired Deputy Concealed Firearm Permit and Law Enforcement Officers Safety Act (LEOSA)**

### **219.1**

#### **PURPOSE AND SCOPE**

The purpose of this policy is to outline the process and conditions associated with issuance, revocation and denial of a carry concealed weapon (CCW) endorsement and permits for retired deputies of this Office in accordance with the Law Enforcement Safety Act (LEOSA) commensurate with Federal law 18 U.S.C §926B, C.

### **219.2**

#### **QUALIFIED RETIREES**

Per NRS 202.3657, any retired law enforcement who is a resident of this state may apply to the Sheriff of the county in which he/she resides for a permit on a form prescribed by regulation of the department. Application forms for permits must be furnished by the Sheriff of each county upon request.

Applicants must meet the following minimum qualifications:

- a) Must be 21 years or older
- b) Not prohibited from possessing a firearm pursuant to NRS 202.360
- c) Demonstrates competence with revolvers and each specific semi-automatic firearm to which all application pertains

### **219.3**

#### **OTHER QUALIFIED RETIREES**

Peace officers who have retired from other agencies may apply to the sheriff of the county in which they reside for a concealed firearm permit (NRS 202.3678). The sheriff shall provide certification if the retired peace officer meets standards for training and qualification (NRS 202.3678(2)).

- The minimum requirements for this consideration include that the applicant must be a qualified retired law enforcement officer who is entitled to carry a concealed firearm under USC § 926C and is not otherwise described by Subdivision (1) or (2).
- The sheriff of the county may impose a nonrefundable fee in the amount necessary to pay the expenses in providing the certification.

#### **219.3.1**

##### **APPLICATION PROCESS**

The application process for peace officers who have retired from other agencies consists of the completion and submittal of the required form as regulated by the Nevada Department of Public Safety and the payment of any fees required by the sheriff of the county in which the application is submitted (NRS 202.3678).



### **219.3.2**

#### **FIREARMS QUALIFICATIONS**

This Office shall offer a retired law enforcement officer from outside the Office the opportunity to obtain the firearms qualifications that are necessary to obtain the certification from the Sheriff pursuant to this policy at least twice per year at the same facility at which the Office provides firearms training for active law enforcement officers. The Office may impose a nonrefundable fee in the amount necessary to pay the expenses for providing the firearms qualification (NRS 202.3678(2)).

### **219.4**

#### **MAINTAINING A CONCEALED FIREARM PERMIT**

In order to maintain a concealed firearm permit, the retired deputy shall (NRS 202.3677):

- a) Demonstrate annually the proficiency for the category of weapon licensed
- b) Renew the permit as specified in NRS 202.3677

### **219.5**

#### **CARRYING FIREARMS OUT OF STATE**

Subject to 18 USC § 926C and Policy Manual §312, qualified retired deputies of this Office may be authorized to carry a concealed firearm in other states.

### **219.6**

#### **DENIAL, REVOCATION OR SUSPENSION OF CONCEALED FIREARM PERMIT**

The concealed firearm permit for any deputy retired from this office may be denied, revoked or suspended upon a showing of good cause (18 USC § 926C ). Good cause, if challenged, shall be determined by judicial review by the district court for the county in which the permit was denied or revoked (NRS 202.3663).

### **219.7**

#### **EXPIRED CONCEALED FIREARM PERMIT**

Any concealed firearm permit that has been allowed to expire by the holder and has lapsed for 120 days or more is not subject to renewal, and will require a new application process, including the completion and submittal of new forms and the payment of any fees as required with an initial application.



## **220 Retiree Badges and Identification Cards**

### **220.1**

#### **PURPOSE AND SCOPE**

The purpose of this policy is to establish a procedure for the distribution of retirement badges and identification cards.

The retirement badge and identification card of the Sheriff's Office is a symbol of authority to the community. It is the responsibility of the Sheriff and all its members to ensure the integrity of this item remains intact. It is for that reason the Sheriff has the sole authority to authorize when the retirement badge and identification card may be issued.

### **220.2**

#### **QUALIFIED RETIREES**

A recognized commissioned member that meets the following qualifications:

- a) Commissioned members must have at least ten (10) years of continuous service with the Washoe County Sheriff's Office.
- b) Commissioned members must be "honorably retired" as that statutory prerequisite set forth and defined in NRS 202.350(8)(b).

The Sheriff is the only member who can authorize the issuance of a retirement badge or identification card. Retirement badges and/or identification cards will remain the property of the Sheriff's Office. Members who misuse the retirement badge and/or identification card may forfeit their privilege to carry this badge and/or card and shall immediately surrender the same when directed to do so by the Sheriff or designee.

### **220.3**

#### **RETIRED FOR DISABILITY**

The Office will not consider a former deputy to be exempt from the applicable weapons restrictions of NRS 202.350 due to a disability-related retirement unless that deputy possesses a current LEOSA card from this Office or written approval from the Sheriff of his/her fitness to carry a concealed weapon (NRS 202.350).

### **220.4**

#### **RETENTION OF RECORDS**

Records pertaining to the issuance of retirement badges and identification cards shall be maintained pursuant to the requirements of any other personnel record.



## **300 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.

#### **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 daily in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Deputies must understand, and have 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 toward 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 present and observing another deputy using force that is clearly beyond that which is objectively reasonable under the circumstances shall intercede to prevent the use of

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unreasonable force. A deputy who observes another employee use force that exceeds the degree of force permitted by law shall promptly report these observations to a supervisor

### **300.3**

#### **USE OF FORCE**

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

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

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

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

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

#### **300.3.1**

##### **USE OF FORCE TO THE EFFECT OF AN ARREST**

A peace officer may use reasonable force to effect an arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance of the person being arrested; nor shall such peace officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

#### **300.3.2**

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

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

- Immediacy and severity of the threat to deputies or others.

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- The conduct of the individual being confronted, as reasonably perceived by the deputy at the time.
- Deputy/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of deputies available vs. subjects).
- The effects of drugs or alcohol.
- Subject's mental state or capacity.
- Proximity of weapons or dangerous improvised devices.
- The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- The availability of other options and their possible effectiveness.
- Seriousness of the suspected offense or reason for contact with the individual.
- Training and experience of the deputy.
- Potential for injury to deputies, suspects and others.
- Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the deputy.
- The risk and reasonably foreseeable consequences of escape.
- The apparent need for immediate control of the subject or a prompt resolution of the situation.
- Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the deputy or others.
- Prior contacts with the subject or awareness of any propensity for violence.
- Any other exigent circumstances.

### 300.3.3

#### DE-ESCALATION

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

The reasonableness of force will be judged from the perspective of a reasonable deputy on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that deputies are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving. Any deputy responding to a subject who might be angry, irate, irrational or in obvious emotional distress should consider utilizing, as time and circumstances reasonably permit, the lowest level of force whenever possible.

De-escalation techniques are a highly recommended and are used to prevent violence and aggression when dealing with upset or irrational subjects. When practical, start by utilizing de-escalation techniques. The following are some examples.

- 1) **Listen** – listening allows for a person to vent, which is a means of purging angry energy
- 2) **Acknowledge** – relaying that you understand what a person is saying, or feeling helps validate emotions

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- 3) **Agree** – find some truth in what the subject is saying and agree with it. By doing so you take away the resistance and consequently eliminate the fuel for the fire.
- 4) **Apologize** – apologizing for anything in the situation that is unjust can build credibility in attempt to de-escalate. If there is nothing to apologize for, statements such as, “I’m sorry you’re having such an awful day,” or “I’m sorry the situation has you so frustrated” can help de-escalate and lay the foundation for constructive dialogue.
- 5) **Clarification** – seek clarification on what is being said.
- 6) **Sequence Questions** – Ask open ended questions – often the mentally ill will become actively involved in their own problem solving and can prove empowering if done correctly
- 7) **Suggestibility** – suggest that the subject does the action that is presented as a question, for example, “Would you step over here?” might work better than “Get over here.”

### 300.3.4

#### **PAIN COMPLIANCE TECHNIQUES**

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

- The degree to which the application of the technique may be controlled given the level of resistance.
- Whether the person can comply with the direction or orders of the deputy.
- Whether the person has been given sufficient opportunity to comply.

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

### 300.4

#### **DEADLY FORCE APPLICATIONS**

Use of deadly force is justified in the following circumstances:

- A deputy 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.
- A deputy may use deadly force to stop a fleeing subject when the deputy 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 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 reasonably believes any of the following:

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- 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 or another.
- 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 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 should only discharge a firearm at a moving vehicle or its occupants when the deputy 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 or others.

Deputies 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**

#### **NOTIFICATION TO SUPERVISORS**

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

- The application caused a visible injury.
- The application would lead a reasonable deputy to conclude that the individual may have experienced more than momentary discomfort.
- The individual subjected to the force complained of injury or continuing pain.
- The individual indicates intent to pursue litigation.
- Any application of the TASER device or control device.
- Any application of a restraint device other than handcuffs, shackles or belly chains.
- The individual subjected to the force was rendered unconscious.
- An individual was struck or kicked.
- An individual alleges any of the above has occurred.

### **300.5.1.1**

#### **SUPERVISOR DUTY TO REPORT**

In an application of force is reported, a supervisor shall complete a Blue Team report (SOP 309.1)

### **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'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 jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another deputy and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

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

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 to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Deputies who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

### **300.7**

#### **EXCEPTIONAL USE OF FORCE**

When a deputy sheriff is faced with what he/she reasonably believes to be an imminent threat of death or bodily injury to the deputy or to another person, the deputy may use the weapons, techniques, and training outlined in this policy and Policy 308 Compliance Techniques. If those weapons and/or techniques are not sufficient and the threat of death or serious bodily injury still exists, deputies may use whatever means are available for the protection of themselves and/or others, and to perform or complete their sworn duties. The use of a choke hold or lateral vascular neck restraint (carotid) is not authorized and is an example of a technique that may only be used in an exceptional use of force situation.

### **300.8**

#### **TRAINING**

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





## **306 Handcuffing and Restraints**

### **306.1**

#### **PURPOSE AND SCOPE**

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

### **306.2**

#### **POLICY**

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

### **306.3**

#### **USE OF RESTRAINTS**

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

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

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

#### **306.3.1**

##### **RESTRAINT OF DETAINEES**

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

#### **306.3.2**

##### **RESTRAINT OF PREGNANT PERSONS**

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

No person who is in labor, delivery or recovery 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 serious and immediate injury.

### **306.3.3**

#### **NOTIFICATIONS**

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

### **306.4**

#### **APPLICATION OF HANDCUFFS OR PLASTIC CUFFS**

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

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

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

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

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

### **306.5**

#### **APPLICATION OF SPIT HOODS/MASKS/SOCKS**

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

Spit hoods may be placed upon persons in custody when the deputy 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 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 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 should avoid co-mingling 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.

### **306.6**

#### **APPLICATION OF AUXILIARY RESTRAINT DEVICES**

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

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

### **306.7**

#### **APPLICATION OF LEG RESTRAINT DEVICES**

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest or transportation. Only restraint devices approved by the Office shall be used.

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

- Whether the deputy or others could be exposed to injury due to the assaultive or resistant behavior of a suspect.
- 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 while handcuffed, kicking at objects or deputies).
- Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol unit).

#### **306.7.1**

##### **GUIDELINES FOR USE OF LEG RESTRAINTS**

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

- If practicable, deputies should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.
- Once applied, absent a medical or other emergency, restraints should remain in place until the deputy arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- 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.
- The restrained person should be continually monitored by a deputy while in the leg restraint. The deputy should ensure that the person does not roll onto and remain on his/her stomach.
- The deputy should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- When transported by ambulance/paramedic unit, the restrained person should be accompanied by a deputy when requested by medical personnel. The transporting deputy should describe to medical personnel any unusual behaviors or other circumstances the deputy reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

### **306.8**

#### **REQUIRED DOCUMENTATION**

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

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

- The amount of time the suspect was restrained
- How the suspect was transported and the position of the suspect
- Observations of the suspect's behavior and any signs of physiological problems
- Any known or suspected drug use or other medical problems



## **308 Control Devices and Techniques**

### **308.1**

#### **PURPOSE AND SCOPE**

This policy provides each deputy with the guidelines for using the maintenance of control devices that are described in this policy.

### **308.2**

#### **POLICY**

In order to control a subject who is violent or who demonstrates the intent to be violent, the Washoe County Sheriff's Office authorizes a deputy to use a control device provided the use is in accordance with this policy and the Use of Force Policy.

### **308.3**

#### **ISSUING, CARRYING, AND USING CONTROL DEVICES**

A deputy may carry a control device if the device has been issued by the Office or approved by the Sheriff or his/her authorized designee.

A deputy may use a control device if the deputy has successfully completed an Office-approved training in the use of the control device.

A deputy may only use a control device if a subject is violent or demonstrates an intent to be violent and the deputy needs to control, restrain, or arrest the subject. A deputy's use of a control device must be reasonable under the circumstances and, when reasonable, should be preceded by a verbal warning and an opportunity to comply.

A deputy, when using a control device, should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

### **308.4**

#### **BATON GUIDELINES**

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

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

### **308.5**

#### **CS/CN GAS GUIDELINES**

CS/CN gas may be used for crowd control, crowd dispersal, or against barricaded suspects based on the circumstances. Only the watch commander, incident commander or authorized SWAT personnel may authorize the delivery and use of CS/CN 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 CS/CN gas to control any fires and to assist in providing medical aid or gas evacuation if needed.

### **308.6**

#### **OLEORESIN CAPSICUM (OC) GUIDELINES**

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

#### **308.6.1**

##### **OC SPRAY**

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

#### **308.6.2**

##### **PEPPER PROJECTILE SYSTEMS**

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the deputy reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the deputy or others.

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

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

Only personnel certified as having completed Office-approved training on the use of pepper projectile systems shall be allowed to deploy and use the pepper projectile systems.

### **308.6.3**

#### **TREATMENT FOR OC AND CS/CN GAS EXPOSURE**

A person who has been sprayed with or otherwise affected by the use of OC and CS/CN gas should be provided with clean water to cleanse the affected areas as soon as practical. Each person who complains of further severe effects shall be examined by appropriate medical personnel.

### **308.7**

#### **POST-APPLICATION NOTICE**

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

### **308.8**

#### **KINETIC ENERGY PROJECTILE GUIDELINES**

This office is committed to reducing the potential for violent confrontations. Kinetic energy projectiles (i.e., 40mm less lethal projectiles), when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

#### **308.8.1**

##### **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.

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

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

- The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- The suspect has made credible threats to harm him/herself or others.
- The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or deputies.
- There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

### **308.8.2**

#### **DEPLOYMENT CONSIDERATIONS**

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

- Distance and angle to target
- Type of munitions employed
- Type and thickness of subject's clothing
- The subject's proximity to others
- The location of the subject
- Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate

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

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

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

### **308.9**

#### **TRAINING FOR CONTROL DEVICES**

The Training Sergeant 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 in accordance with NAC 289.230 and Nevada P.O.S.T. regulations.

- Proficiency training shall be monitored and documented by an appropriately certified control-device, firearms, or defensive tactics instructor.
- All training and proficiency for control devices will be documented in the deputy's training file.
- A deputy who fails to demonstrate proficiency with the control device or knowledge of this Office's Use of Force Policy will be provided remedial training. If a deputy cannot demonstrate proficiency with a control device or knowledge of this Office's Use of Force Policy after remedial training, the deputy will be restricted from carrying the control device and may be subject to discipline.

### **308.10**

#### **REPORTING USE OF CONTROL DEVICES AND TECHNIQUES**

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





## **309 Conductive Energy Weapon (CEW)**

### **309.1**

#### **PURPOSE AND SCOPE**

This policy provides guidelines for the issuance and use of TASER CEW's.

#### **309.1.1**

##### **PHILOSOPHY**

The use of a TASER CEW upon a person by a member shall only occur when the member, while in the performance of his/her duties, reasonably believes that it is necessary to gain control of the person.

The Office recognizes and respects the value of all human life and dignity without prejudice toward anyone. It is also understood that vesting members with the authority to use lawful and reasonable force and protect the public welfare requires a careful balancing of all human interests.

#### **309.1.2**

##### **DEFINITION**

**Reasonable** - An objective standard viewed from the perspective of a reasonable member on the scene, without the benefit of 20/20 hindsight and within the limitations of the totality of the circumstances presented at the time of the incident.

Any interpretation of reasonableness about the amount of force that appears to be necessary in a particular situation, must allow for the fact that sheriff's members are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving.

### **309.2**

#### **POLICY**

The TASER CEW 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 and suspects.

#### **309.2.1**

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

When determining whether to apply any level of force and evaluating whether a member has used reasonable force, a number of factors should be taken into consideration. These factors include, but not limited to:

- Conduct of the individual being confronted (as reasonably perceived by the member at the time)
- Member/subject factors (age, size, strength, skill level, injuries sustained, level of exhaustion or fatigue and number of deputies versus subjects)
- Influence of drugs/alcohol (mental capacity)

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- Proximity of weapons
- The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained
- Time and circumstances permitting, the availability of other options (what resources are reasonably available to the member under the circumstances)
- Seriousness of the suspected offense or reason for contact with the individual
- Risk of escape
- Prior knowledge of the subject's propensity for violence
- Whether the conduct of the individual being confronted no longer poses an imminent threat to the members of others
- Other exigent circumstances

It is recognized that members are expected to make split-second decisions and that the amount of a member's time available to evaluate and respond to changing circumstances may impact his/her decision.

While various types and extent of force exists, each member is expected to use only that amount of force which reasonably appears necessary under the circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this policy.

### **309.3**

#### **ISSUANCE AND CARRYING OF TASER CEW'S**

Only members who have successfully completed Office-approved training may be issued and carry the TASER CEW.

TASER CEW's are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the CEW to the Office's inventory.

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

Members carrying the TASER CEW should perform a spark test on the unit prior to every shift.

When carried while in uniform deputies shall carry the TASER CEW in a weak-side holster on the side opposite their duty weapon.

- All TASER CEW's shall be clearly and distinctly marked to differentiate them from the duty weapons and any other device.
- Whenever practicable, deputies should carry two or more cartridges on their person when carrying the TASER CEW.
- Deputies shall be responsible for ensuring that their issued TASER CEW is properly maintained and in good working order.
- Deputies should not hold both a firearm and the TASER CEW at the same time.

### **309.4**

#### **VERBAL AND VISUAL WARNINGS**

A verbal warning of the intended use for the TASER CEW 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:

- Provide the individual with a reasonable opportunity to voluntarily comply
- Provide other deputies and individuals with the warning that the TASER CEW may be deployed

If, after a verbal warning, an individual is unwilling to voluntarily comply with a deputy's lawful orders and it appears both reasonable and feasible under the circumstances, the deputy may, but is not required to, 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 TASERCEW. 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 deploying the TASER CEW in the related report.

### **309.5**

#### **USE OF THE TASER CEW**

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

#### **309.5.1**

##### **APPLICATION FOR THE TASER CEW**

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

- The subject is violent or actively resisting.
- The subject has demonstrated, by words or actions, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm deputies, him/herself or others.

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

#### **309.5.3**

##### **SPECIAL DEPLOYMENT CONSIDERATIONS**

The use of the TASER CEW on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would

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present a greater danger to the deputy, the subject or others, and the deputy reasonably believes that the need to control the individual outweighs the risk of using the CEW. This includes:

- Individuals who are known to be pregnant
- Elderly individuals or obvious juveniles
- Individuals with obviously low body mass
- Individuals who are handcuffed or otherwise restrained
- 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 oleoresin capsicum (OC) spray
- Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles)

Because the application of the TASER CEW 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 and the subject, thereby giving deputies time and distance to consider other force options or actions.

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

### **309.5.4**

#### **REPORT OF USE**

All TASER CEW discharges shall be documented in the related arrest/crime report and on the Blue Team report form. Accidental discharges of a TASER CEW cartridge will also be documented. Any report documenting the discharge of a TASER CEW cartridge will include the cartridge's serial number and an explanation of the circumstances surrounding the discharge.

Any time a TASER CEW is used on a person, the on-board TASER CEW memory will be downloaded and saved with the Blue Team report.

The expended cartridge along with both probes shall be submitted into evidence for future reference. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

### **309.5.5**

#### **TARGETING CONSIDERATIONS**

Reasonable efforts should be to target the preferred target zones as instructed through TASER training and certifications. Deputies shall avoid intentionally targeting the CEW on sensitive areas of the body such as the head, throat, breast, chest, area of the heart, genitals, any known pre-existing injury areas without legal justification. If the dynamics of a situation or officer safety do not permit the deputy to limit the application of the TASER CEW probes to a precise target area, deputies should monitor the condition of the subject if one or more probe strikes to the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

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### **309.5.6**

#### **AUDIO-VIDEO RECORDINGS**

Some TASER CEWs are equipped with an audio-video recording feature that may be activated when the CEW is in use. The audio-video recording feature should only be activated when the deputy intends to use the CEW and the guidelines established in Policy Manual 309.3 and 309.4 are met. When the TASER CEW is used, all audio-video recordings should be downloaded and stored in accordance with Office evidence procedures and referenced in the related report. Absent pending litigation or other valid reason to retain video and audio recordings not booked as evidence, such recordings will be kept for a minimum of one year at which time they will be erased or destroyed.

### **309.5.7**

#### **MULTIPLE APPLICATIONS OF THE TASER CEW**

Deputies should apply the TASER CEW for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the TASER CEW against a single individual are generally not recommended and should be avoided unless the deputy 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 CEW appears to be ineffective in gaining control of an individual, the deputy should consider certain factors before additional applications of the TASER CEW, including:

- Whether the probes are making proper contact
- Whether the individual has the ability and has been given a reasonable opportunity to comply
- Whether verbal commands, other options or tactics may be more effective

Deputies should generally not apply more than one TASER CEW at a time against a single subject.

### **309.5.8**

#### **ACTIONS FOLLOWING DEPLOYMENTS**

Deputies shall notify a supervisor of all TASER CEW discharges. Anti-Felon Identification Tags (AFIDs) should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked “Biohazard” if the probes penetrated the subject’s skin.

### **309.5.9**

#### **DANGEROUS ANIMALS**

The TASER CEW 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.

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### **309.5.10**

#### **TASER CAM**

The TASER CAM is activated any time the safety is in the off position. The safety should be in the safe position unless the deputy intends to use the CEW. Because the TASER CAM memory is limited, the video and audio data should be downloaded frequently and retained as required by the Office records retention schedule.

### **309.5.11**

#### **OFF-DUTY CONSIDERATIONS**

Deputies are not authorized to carry issued TASER CEWs while off-duty.

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

### **309.6**

#### **DOCUMENTATION**

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

### **309.6.1**

#### **TASER CEW FORM**

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

- The type and brand of TASER CEW and cartridge and cartridge serial number
- Date, time and location of the incident
- Whether any display, laser or arc deterred a subject and gained compliance
- The number of TASER CEW activations, the duration of each cycle, the duration between activations, and (as best can be determined) the duration that the subject received applications
- The range at which the TASER CEW was used
- The type of mode used (probe or drive-stun)
- Location of any probe impact
- Location of contact in drive-stun mode
- Description of where missed probes went
- Whether medical care was provided to the subject
- Whether the subject sustained any injuries
- Whether any deputies sustained any injuries

The Training Sergeant should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Sergeant should also conduct audits of data downloads and reconcile TASER CEW report forms with recorded activations. TASER CEW information and statistics, with identifying information removed, should periodically be made available to the public.

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### **309.6.2**

#### **REPORTS**

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

- Identification of all personnel firing a TASER CEW
- Identification of all witnesses
- Medical care provided to the subject
- Observations of the subject's physical and physiological actions
- Any known or suspected drug use, intoxication or other medical problems

### **309.7**

#### **MEDICAL TREATMENT**

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove TASER CEW probes from a person's body. Used TASER CEW 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 CEW probes or who have been subjected to the electric discharge of the device shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- The persons suspected of being under the influence of controlled substances and/or alcohol.
- The person may be pregnant.
- The person reasonably appears to be in need of medical attention.
- The TASER CEW probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- The person requests medical treatment.

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

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

### **309.8**

#### **SUPERVISOR RESPONSIBILITIES**

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

A supervisor should review each incident where a person has been exposed to an activation or the TASER CEW. The CEW's onboard memory should be downloaded through the date port by

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a supervisor or certified TASER instructor and saved with the related arrest/crime report. Photographs of probe sites should be taken, and witnesses interviewed.

### **309.9**

#### **DOWNLOADING CEW INFORMATION**

Every division shall designate a single point of contact for all TASER CEW issues. The designee shall be required to ensure each CEW is downloaded annually to retrieve deployment information and to ensure the internal clock of the CEW is appropriately set. All TASER CEW deployments should be maintained by the division for a minimum of three years.

### **309.10**

#### **TRAINING**

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

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

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

Deputies who do not carry TASER CEW's should receive training that is sufficient to familiarize them with the CEW and with working with deputies who use the CEW.

The Training Sergeant should ensure that all training includes:

- a) A review of this policy
- b) A review of the Use of Force Policy
- c) A review of the TASER CEW Annual Conductive Energy Weapon User Update
- d) Receiving and reviewing the current version of TASER's Law Enforcement Warnings and CEW Study Aid: Smart Use Considerations
- e) Passing a functionality test
- f) Deploying a minimum of two live cartridges into preferred target zones.
- g) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm
- h) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest or groin
- i) Handcuffing the subject during the application of the TASER CEW and transitioning to other force options
- j) De-escalation techniques
- k) Restraint techniques that do not impair respiration following the application of the TASER CEW



## **310 Peace Officer Involved Shooting/Fatal Incident**

### **310.1**

#### **PURPOSE AND SCOPE**

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

#### **310.1.1**

##### **DEFINITIONS**

**Officer-Involved Shooting:** For the purposes of this protocol, an "officer - involved shooting" (hereinafter "OIS") is defined as:

- Any event in Washoe County wherein an on-duty officer discharges a firearm, and one or more of the bullets fired make contact, however slight, with any human being, or
- Any event in Washoe County wherein any person discharges a firearm, and one or more of the bullets fired make contact, however slight, with an officer.

**Officer:** For the purposes of this protocol, an "officer" is defined as any police officer, deputy, or other law enforcement officer, employed by any local, state or federal law enforcement agency, who discharges a firearm in an OIS in Washoe County or is struck by the discharge of a firearm.

**On-Duty:** For the purposes of this protocol, "on-duty" refers to any period of time wherein the officer:

- Is working during his/her normally assigned shift hours or during any supervisory-approved overtime hours; or
- Identifies them self as a police officer; or
- Utilizes any tools of the police trade including, but not limited to, handcuffs, firearms, or badges.

**Civilian:** For the purposes of this protocol, "civilian" is defined as the human being who is struck by one or more bullets fired by the officer, or the human being who fires at the officer and strikes the officer with one or more bullets.

**Officer Witness:** Those officers that were involved in the incident but are believed to have not discharged a firearm.

**Civilian Witness:** Those civilians that witnessed the event but are not believed to have actively participated in the event.

**Attendant:** For the purposes of this protocol, an "attendant" is defined as any police officer or other law enforcement officer who is employed by the same agency as the officer involved in the OIS, who is assigned by supervisors to remain with the officer.

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**Escort:** For the purposes of this protocol, an "escort" is defined as any police officer or other law enforcement officer who is assigned by supervisors to remain with the civilian.

**Supervisor:** For the purposes of this protocol, "supervisor," "supervisors" or "supervisory personnel," are defined as supervisory personnel from any of the agencies who are signatory to this protocol.

**OIS Investigation Team:** For the purposes of this protocol, "OIS investigation team" refers to the investigators who conduct an OIS criminal investigation.

**Criminal Investigation:** For the purposes of this protocol, a "criminal investigation" is defined as an investigation of an OIS to ascertain all the relevant evidence so that a decision can be made as to whether or not any criminal laws were violated. The criminal investigation is separate from, and takes precedence over, any administrative, internal and/or civil investigation.

**Forensic Investigator:** For the purposes of this protocol, a "forensic investigator" is defined as an employee of the Washoe County Sheriff's Office who, under appropriate supervision, preserves and processes crime scenes, documents said scenes with photography, diagrams and field notes, collects and packages evidence, and assists laboratory personnel with analysis of collected evidence.

**Criminalist:** For the purposes of this protocol, a "criminalist" is defined as an employee of the Washoe County Sheriff's Office who, under appropriate supervision, performs professional laboratory analysis of physical evidence in a general or specialized field of forensic science.

### 310.2

#### INVESTIGATION RESPONSIBILITY

This office conforms to the Officer-Involved Shooting protocol for investigating peace officer-involved shootings.

### 310.3

#### TYPES OF INVESTIGATIONS

Officer-involved shootings shall involve separate criminal and administrative investigations:

- A criminal investigation of the incident by the agency having jurisdiction where the incident occurred. This Office will follow the guidelines set forth in the Regional OIS protocol. A complete copy of the investigation will be turned over to the agency of jurisdiction for administrative and risk management purposes.
- An administrative investigation conducted by the Office of Professional Integrity, to determine if there were any violations of Office policy. The Office of Professional Integrity is also responsible for completing a Risk Management Investigation to determine potential liability to this agency.

### **310.4**

#### **JURISDICTION**

Jurisdiction is determined by the location of the shooting and the agency employing the involved peace officer(s) as set forth in the written protocol. The detective division commander or designee, along with the commanders from the other agencies involved in the OIS incident will determine the lead investigative agency for that incident.

### **310.5**

#### **THE INVESTIGATION PROCESS**

This agency will follow the investigative process as set forth in the written OIS protocol.

#### **310.5.1**

##### **DUTIES OF INITIAL DEPUTY ARRIVING ON-SCENE**

Upon arrival at the scene of a peace officer-involved shooting, the first uninvolved deputy 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 and take all reasonable steps to obtain emergency medical attention for all injured individuals.
- b) Coordinate pursuit of any outstanding suspect(s).
- c) Once the scene is secure, locate and identify potential witnesses.

#### **310.5.2**

##### **DUTIES OF INITIAL ON-SCENE SUPERVISOR**

Upon arrival at the scene of an officer-involved shooting, the first uninvolved supervisor should:

- a) Ensure the scene is secure and as safe as possible for other responders.
- b) Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals.
- c) Manage pursuit of suspects.
- d) Attempt to obtain a brief overview of the situation from any officer witness.
  1. In the event that there are no officer witnesses, the supervisor should attempt to obtain a brief voluntary overview from one officer to determine injuries and outstanding suspects.
- e) If necessary, the supervisor may administratively order any deputy from this Office to immediately provide public safety information necessary to secure the scene and pursue suspects.
  1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of shots fired, parameters of the incident scene, identity of known witnesses and similar information.
- f) Absent a voluntary statement from any peace officer(s), the initial on-scene supervisor should not attempt to order any peace officer to provide any information other than public safety information.
- g) Provide all available information to the Watch Commander and Dispatch. If feasible, sensitive information should be communicated over secure networks.
- h) Take command of and secure the incident scene with additional personnel until relieved by detective supervisor or other assigned personnel.
- i) As soon as practicable, initiate the OIS protocol.

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### **310.5.3**

#### **WATCH COMMANDER DUTIES**

Upon learning of a peace officer-involved shooting, the Watch Commander shall be responsible for coordinating all aspects of the incident until relieved by a supervisor of higher rank.

### **310.5.4**

#### **NOTIFICATIONS**

The following person(s) shall be notified as soon as practicable:

- Sheriff
- Detectives Division Commander
- OIS Investigative Team
- Forensic Investigative Section
- Allied agency investigators (if appropriate)
- Office of Professional Integrity supervisor
- Civil Liability Response Team
- Psychological/Peer support personnel
- Medical Examiner (if necessary)
- Deputy Representative
- All outside inquiries about the incident shall be directed to the Watch Commander

### **310.5.5**

#### **MEDIA RELATIONS**

A single press release shall be prepared with input and concurrence from the supervisor and agency representative responsible for each phase of the investigation. This release will be available to the Watch Commander, Detectives Division Commander and Public Information Officer in the event of inquiries from the media.

It will be the policy of this Office to not release the identities of involved peace officers absent their consent or as required by law. Moreover, no involved deputy shall be subjected to contact from the media and no involved deputy shall make any comments to the press unless authorized by the Sheriff or a division commander.

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

### **310.5.6**

#### **OIS MEDIA RESPONSIBILITY AND RELEASE PROCEDURES**

##### **Immediate response if the Washoe County Sheriff's Office is the investigation agency**

The Washoe County Sheriff's Office PIO will respond with all other agency identified responders as currently established practice.

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The PIO will attend the initial on-scene briefing as currently established practice. The PIO will collaborate with the Special Operations Division (SOD) Commander, or the SOD Commander's designee, to construct an initial statement of releasable facts to the media surrounding the incident. Current established practice is to have the PIO provide those releasable facts to the media via on-camera interviews first. It is recommended that the PIO make a Scene Briefing video, upload it to YouTube, share the video via social media, and then provide one on-scene statement. The PIO will also compose a press release for immediate distribution, and that press release will embed the YouTube video link following this model:

- 1) Identify who is speaking, and identify the OIS number
- 2) What time initial call came in, and how the call came in
- 3) What deputies responded to/nature of the call
  - a. Deputies time of arrival
  - b. What immediate actions were taken by deputies
  - c. What actions suspect took
    - i. Whether suspect had a weapon
- 4) Condition of suspect
- 5) Always close with “This is preliminary information. At a later date the Sheriff, or his designee, will release additional and/or new information which may come out, as well as body worn camera footage. Thank you.”

This initial press release does not identify the deputies involved in the OIS.

### **The following applies if the Washoe County Sheriff's Office is the shooting agency.**

#### **WITHIN 48 HOURS:**

The Community Engagement Manager and the Public Information Officer will each receive the Body Worn Camera footage within 48 hours of the incident to allow the public information team to prepare the video for the Media Briefing, and for creation of the Media Briefing outline. The formula to be used for the Media Briefing is as follows:

- 1) The Sheriff or the Sheriff's designee will identify themselves: “I'm here to brief you on the details, as we know them today, about an officer involved shooting that occurred \_(day/date)\_, this is the \_\_#\_\_ officer involved shooting of the year.”
- 2) At this time last year, we had \_\_#\_\_ of officer involved shootings
- 3) What time the initial call came in, and how the initial call came in
- 4) The location of the shooting
  - a. One or more satellite map(s) of the location is shown at this time
- 5) The number of deputies involved in the shooting, and without identifying them by name, how long they have been employed by WCSO
  - a. Each deputy is mentioned individually (again, not by name) with the following information before moving on to next deputy

## Policy 309 – Conducted Energy Weapon (CEW)

- i. What the deputies were equipped with
    1. Weapon/enhancements (example: sight, light, etc.)
  - ii. How many rounds the deputy discharged
- 6) The suspect's identity: name, age, ethnicity, height and weight
  - a. A Department of Motor Vehicles (or other photo), is shown on the screen with the suspect's full name
- 7) Whether the suspect was armed
  - a. Photo of the weapon/s
- 8) If the suspect survived, what the suspect is charged with. If the suspect is deceased, what s/he would have been charged with.
- 9) "I'll now explain the details of this call."
- 10) Again, the Sheriff or the Sheriff's designee states what time the call came in, but now provides more details on information provided to officers from dispatch
  - a. If the call comes in with special extenuating circumstances, the policy regarding response to said circumstances is read in the briefing
- 11) Steps deputies took to communicate with the suspect
- 12) Steps deputies took to de-escalate the suspect
- 13) Actions of the suspect to escalate response
  - a. If a weapon was drawn, the monitor shows a still photo of that instant with the weapon circled in red
- 14) If the suspect is alive, injuries are disclosed:

Example: "Mr. Smith suffered minor injuries to his left thumb and hand. After being treated, Mr. Smith was transported to the Washoe County Detention facility and booked for the aforementioned charges."
- 15) If the suspect is deceased, it is explained what lifesaving measures were made, transport, and pronounced is described.

Example: "Deputies took Mr. Jones into custody and provided first aid until medical personnel arrived. He was transported to our region's Level II Trauma facility where he was pronounced deceased."
- 16) The Sheriff or the Sheriff's designee will transition to the audio/video elements of the Media Briefing:

"I will now play audio/video footage of the incident." -or-  
"I will play 911 recordings first, and then we will go into the various videos of the event."
- 17) Immediately following the audio/video being played, there can be supplemental still images of the moment the trigger was squeezed, supplemental still images of weapons the suspect had in their possession, and any other supplemental imagery that provides pertinent information to the public.
- 18) Provide opportunity for questions

## Policy 309 – Conducted Energy Weapon (CEW)

### WITHIN 72 HOURS:

Within 72 hours the SOD Commander, or the SOD Commander's designee, will provide the Public Information Officer with the following information from the investigating agency:

- The total number of deputies involved
- Types of weapons deputies used
- How many rounds deputies discharged
- The total number of suspects
- Types of weapon/s suspect/s had
- Everyone present on scene

### WITHIN 96 HOURS:

The Community Engagement Manager and the Public Information Officer will each receive supporting 911 recordings, surveillance footage, and images of the incident within 96 hours. This timeframe allows for the public information team to begin editing video for the Media Briefing, and it allows for creation of the Media Briefing outline.

### WITHIN 120 HOURS:

The Community Engagement Manager, Government Affairs Liaison, Public Information Officer, SOD Commander or the SOD Commander's designee, the Office of Professional Integrity's (OPI) Lieutenant, the lead investigator from the investigating agency, and Executive Leadership will meet within five business days to confirm the working outline of the Media Briefing, outline of presentation, status of slideshow, and storyboard of video.

### DAY 10 AFTER THE INCIDENT:

The presentation is largely solidified by this day. The slideshow is complete. The video is completely edited. On day 10 after the incident the Community Engagement Manager, Government Affairs Liaison, Public Information Officer, SOD Commander or the SOD Commander's designee, and Executive Leadership will meet to confirm the presentation as it currently is planned. The group will go through the slideshow and presentation. The group will watch the edited video. Any and all edits should be suggested on this day for the high-level presentation to the public.

### DAY 12 AFTER THE INCIDENT:

On day 12 after the incident the final versions of the slideshow and video are reviewed by the Community Engagement Manager, Government Affairs Liaison, Public Information Officer, SOD Commander or the SOD Commander's designee, and Executive Leadership. If it is deemed appropriate, the District Attorney is brought into this meeting.

## Policy 309 – Conducted Energy Weapon (CEW)

### DAY 13 AFTER THE INCIDENT:

Day 13, or the day before the Media Briefing, an Executive Briefing is held. In attendance:

- Executive Team
- District Attorney
- Public Information Officer
- Government Affairs Liaison
- Manager of Community Engagement
- SOD Commander
- OPI Lieutenant
- Lead investigator from investigating agency (without OPI)
- Leadership from investigating agency

The OPI Lieutenant will brief the attendees on the initial assessment of policy adequacy and compliance. The lead detective from the investigating agency will present their findings.

The District Attorney will discuss whether the DA's Office will be providing a clearance letter to the Sheriff. While the letter may still be in draft phase, this is the briefing wherein it is made clear whether that letter is in fact to be expected.

### DAY 14 – THE MEDIA BRIEFING:

The morning of the Media Briefing, the suspect's family will be invited to the Sheriff's Office to preview the complete Media Briefing presentation. They will have the opportunity to view the presentation before the media is briefed. The family will be escorted in and out of the building, and the media will not be invited to the Sheriff's Office until a time designated after the family is known to be offsite.

#### **310.5.7**

#### **INVOLVED DEPUTIES**

Refer to OIS Protocol.

#### **310.6**

#### **THE SHOOTING INCIDENT CRIMINAL INVESTIGATION 310.6.1**

#### **DETECTIVE PERSONNEL**

Refer to OIS Protocol.

#### **310.6.2**

#### **CRIMINAL INVESTIGATION**

Refer to OIS Protocol.

#### **310.7**

#### **ADMINISTRATIVE INVESTIGATION**

In addition to all other investigations associated with a deputy-involved shooting, this Office will conduct an internal administrative investigation to determine conformance with Office policy.



## Policy 309 – Conducted Energy Weapon (CEW)

This investigation will be conducted under the supervision of the Office of Professional Integrity and will be considered a confidential peace officer personnel file.

- a) Any deputy involved in a shooting may be administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the deputy, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency (NRS 289.020(3)).
- b) If any deputy has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved deputy.
  1. If a further interview of the deputy is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved deputy shall be provided with a copy of his/her prior statement before proceeding with any subsequent interview(s).
- c) In the event that an involved deputy has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
  1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the deputy's physical and psychological needs have been addressed before commencing the interview.
  2. If requested, the deputy shall have the opportunity to select two uninvolved representatives to be present during the interview. However, in order to maintain the integrity of each individual deputy's statement, involved deputies shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (NRS 289.080(1)).
  3. Administrative interview(s) should be recorded by the investigator. The deputy may also record the interview (NRS 289.080(7)).
  4. The deputy shall be informed of all constitutional *Miranda* rights and, assuming no voluntary waiver, will then be given an administrative order to provide full and truthful answers to all questions. The deputy shall be informed, however, that the interview will be for administrative purposes only and that the statement cannot be used criminally (The *Garrity* admonishment) (NRS 289.060).
  5. The administrative interview shall be considered part of the deputy's administrative investigation file.
  6. The completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
  7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.
  8. The administrative investigation may request, but will not require, a polygraph examination unless requested by the employee, and no notation or reference to a request or refusal to submit to a polygraph examination may be made (NRS 289.050; NRS 289.070).

### **310.8**

#### **AUDIO AND VIDEO RECORDINGS**

Any deputy 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 District Attorney or District Attorney's Office as appropriate.

### **310.9**

#### **OFFICER-INVOLVED FATAL INCIDENT**

**Officer-Involved Fatal Incident** means an incident occurring in Washoe County involving two or more people, in which a commissioned or non-commissioned member of this Office is involved as an actor, victim or custodial officer, where a "fatal injury" (see definition) occurs. An "Incident" may also pertain to a member of another law enforcement agency. Such "Incidents" include but are not limited to the following:

- a) Intentional and accidental use of any other dangerous or deadly weapons.
- b) Assaults upon commissioned members
- c) On non-commissioned members who are on duty or are acting in a law enforcement capacity.
- d) Attempts by members to make arrests or to otherwise gain physical control for a law enforcement purpose.
- e) Physical altercations, mutual combat and domestic violence in which a member is acting in a private citizen capacity.
- f) Any fatal injury occurring while in custody.
  1. This excludes custodial suicide or fatal injuries of prisoners that occur while the inmate is under physician's treatment for a disease or other natural condition that has been diagnosed prior to death and which does not involve custodial trauma.
- g) Any fatal injury to a person who is a passenger in a County vehicle (such as ride-alongs, emergency transports, etc.).
- h) Vehicular collisions, specifically including:
  1. Any vehicle fatality, which occurs while in pursuit.
  2. Any vehicle fatality, which occurs in connection with the use of vehicle(s) by a member as a "legal intervention" technique intended to apprehend a suspect. ("Legal intervention" includes vehicle ramming, roadblocks, and forcing a vehicle to alter its course by cutting in front of it or by vehicle-vehicle contact.)



## **312 Firearms**

### **312.1**

#### **PURPOSE AND SCOPE**

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

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

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

#### **312.1.1**

##### **AUTHORIZATION TO CARRY FIREARMS**

Only sworn personnel who have met all state standards and have been authorized by the Sheriff shall have the peace officer privilege to carry a firearm in the course and scope of assigned duties (NRS 202.350(4)).

### **312.2**

#### **POLICY**

Sworn members of the Washoe County Sheriff's Office carry firearms to address the risks posed to the public and Office by violent and sometimes well-armed persons. Uniformed sworn members shall carry an authorized firearm at all times while on duty unless in a secured area (detention facility) or prohibited area (federal courthouse, training events, etc.). The Office will ensure firearms are appropriate, in good working order and that relevant training is provided as resources allow.

#### **312.2.1**

##### **SAFETY CONSIDERATIONS**

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

- a) Sworn members shall not unnecessarily display or handle any firearm.
- b) Sworn members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the range staff.
- c) Sworn members shall not clean, repair, load or unload a firearm anywhere in the Office, except where clearing barrels are present or in designated areas determined by the Rangemaster.
- d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.
- e) Sworn members should not place or store any firearm or other weapon on Office premises except where securely located. No one shall carry firearms into the secure portion of the

jail or any part thereof when securing or processing an arrestee. Firearms shall be placed in a secured location. Sworn members providing access to the jail to persons from outside agencies are responsible for ensuring firearms are properly secured and not brought into the jail.

- f) Sworn members shall not use any type of firearm without training and qualification.
- g) Any firearm authorized by the Office to be carried on or off-duty that is determined by a sworn member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Office Rangemaster. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is the sworn member's primary duty firearm, a replacement firearm may be issued to the sworn member until the duty firearm is serviceable.

### **312.3**

#### **AUTHORIZED WEAPONS**

Sworn members shall only use firearms that are issued or approved by the Office and have been inspected by the Rangemaster. Except in an emergency, or as directed by a supervisor, no on-duty firearm shall be carried by a sworn member who has not completed a department qualification with that firearm.

Effective July 1, 2019, any new firearm placed into service for primary duty or back up use must be an approved firearm in the caliber of 9 mm. Sworn members who have qualified with a primary duty or back-up firearm in the calibers of .357 Sig, 40 S&W, 45 A.C.P., 38 SPC, .380 ACP prior to July 1, 2019, may continue to carry this weapon for its serviceable life to include individuals who have completed the WCSO 1911 Firearms Training Course and qualified on the model 1911 handgun.

The individual is responsible for the purchase of their duty weapon and back-up firearm. Full size or compact duty pistols are authorized for uniformed use. Sub-Compact models are approved for the plain-clothes assignments and for back-up.

Sworn members may qualify with one handgun in each category (primary and back-up) unless issued additional handguns by the Office for special teams (S.W.A.T. or D.R.T.).

#### **312.3.1**

##### **SHOTGUN**

When not deployed, the shotgun shall be properly secured in a locking weapons rack in the patrol vehicle with the magazine tube loaded, the action closed on an empty chamber, the hammer and the safety in the safe position.

When not deployed, the shotgun shall be properly secured in a locking weapons rack when practical or inside the patrol vehicle obscured from view. Shotguns may be safely stored in assigned secured lockers at the end of the shift. Office-owned shotguns stored on Office property shall be securely stored.

### **312.3.2**

#### **RIFLES**

Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

- a) Situations where the member reasonably anticipates an armed encounter
- b) When a member is faced with a situation that may require effective engagement at long range
- c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower
- d) When a member reasonably believes there may be a need to fire on a barricaded person or a person with a hostage
- e) When a member reasonably believes a suspect may be wearing body armor
- f) When authorized or requested by a supervisor
- g) When needed to euthanize an animal

When not deployed, the patrol rifle shall be properly secured in a locking weapons rack when practical or inside the patrol vehicle obscured from view. Rifles will be carried in car condition with the chamber empty, magazine loaded and inserted into the magazine well, the bolt forward with the dust cover closed, the trigger group engaged and the safety selector in the safe position.

### **312.3.3**

#### **AUTHORIZED BACK-UP FIREARM**

Sworn members desiring to carry a back-up firearm are subject to the following restrictions:

- a) The firearm shall be in good working order and on the Office's list of approved 9 mm. firearms.
- b) Only one back-up firearm may be carried on the member's person at a time.
- c) The purchase of the firearm shall be the responsibility of the sworn member.
- d) The firearm shall be carried out of sight at all times and in such a manner as to prevent accidental discharge or loss of physical control.
- e) The firearm shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever deemed necessary.
- f) Prior to carrying the back-up firearm, personnel shall qualify in accordance with the Office qualification schedule. Sworn members must demonstrate proficiency, safe handling and that the firearm functions properly.
- g) Personnel shall provide written notice of the make, model, serial number, modifications, additions, and caliber of a second firearm to the Rangemaster.
- h) Refer to the authorized firearms list addendum for a complete list of approved firearms.

### **312.3.4**

#### **CARRYING CONCEALED WEAPON PERMIT**

As a citizen of the United States a member has the right to obtain a Carry Concealed Weapon (CCW) permit under N.R.S. 202.369. If a member of the agency chooses to obtain a CCW permit, that permit does not allow any member to carry unauthorized firearms outside the scope of their CCW permit.

### **312.3.5**

#### **LASER SIGHTS**

Laser sights may only be installed on a firearm carried on-duty after having been examined and approved by the Rangemaster.

- a) Any approved laser sight shall only be installed in strict accordance with manufacturer specifications.
- b) Once approved laser sights have been properly installed on any firearm, the sworn member shall qualify with the weapon to ensure proper functionality and sighting of the weapon prior to carrying it.

Except in an approved training situation, a sworn member may only activate a laser sight when he/she would otherwise be justified in pointing a firearm at an individual or other authorized target.

### **312.3.6**

#### **AMMUNITION**

Sworn members shall carry only Office-authorized ammunition on-duty. Sworn members shall be issued fresh duty ammunition in the specified quantity for all on-duty firearms on the member's range card during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Office shall be dispensed by the Rangemaster when needed, in accordance with established policy.

### **312.4**

#### **DUTY FIREARMS PROFICIENCY**

At least biannually, sworn members authorized to use a firearm shall demonstrate a minimum level of proficiency in the use of each type of firearm he or she is authorized to use. A sworn member who does not demonstrate a minimum level of proficiency with the use of any type of firearm he or she is authorized to use may not carry or use that type of firearm until he or she participates in a remedial course established by the employing agency to ensure they achieve and maintain a satisfactory level of proficiency (NAC 289.230(5)(a)).

At least annually, all personnel carrying a duty firearm will receive training on the Office Use of Force Policy § 300 and demonstrate their knowledge and understanding (NAC 289.230(4)(e)).

### **312.4.1**

#### **NON-QUALIFICATION**

If a sworn member is unable to qualify for any reason, including injury, illness, duty status or scheduling conflict, that sworn member shall submit a memorandum to his/her immediate supervisor prior to the end of the required shooting period.

Sworn members who fail to qualify with their primary duty weapon on their first attempt shall be provided remedial training on the same day and a second attempt to qualify. Sworn members failing to qualify on the second attempt will be relieved from field assignment, assigned administrative duties, and will not be permitted to carry a firearm. The member will return to the range for remedial training at a later date. During remedial training, a third attempt to qualify will be completed. Members who fail to qualify on the third attempt will be referred to their

chain of command for administrative assignment and appropriate disciplinary action. Sworn members may be subject to the following requirements:

- a) Additional range assignments may be required until consistent weapon proficiency is demonstrated.
- b) Members shall be given credit for a range qualification after remedial training and a qualifying score is obtained.
- c) No range credit will be given for the following:
  1. Unauthorized range make-up
  2. Failure to qualify after remedial training

### **312.5**

#### **INSPECTION AND STORAGE**

Handguns 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 weapon 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 of the vehicle. All firearms shall be pointed into a clearing barrel or a safe direction when a clearing barrel is not available.

Personally, owned firearms may be safely stored in assigned lockers at the end of the shift. Office-owned firearms stored on Office property shall be securely stored. Handguns may remain loaded if they are secured in an appropriate holster.

#### **312.5.1**

##### **STORAGE AT HOME**

Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit Office-issued firearms to be handled by anyone not authorized by the Office to do so. Members should be aware that negligent storage of a firearm could result in civil and criminal liability (NRS 202.300).

#### **312.5.2**

##### **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. Violations could result in both criminal and administrative action.

### **312.6 REPORT OF FIREARM DISCHARGE**

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

adhere to the additional reporting requirements set forth in the Use of Force Policy and Officer-Involved Shooting Protocol.

Reports shall be made as follows:

- a) If on-duty at the time of the incident, the sworn 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.

### **312.6.1**

#### **DESTRUCTION OF ANIMALS**

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

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

Additionally, sworn members may use firearms when necessary to dispatch a dog running at large, that is actively tracking, pursuing, harassing, attacking or killing any big game animal in this state (NRS 503.631).

### **312.6.2**

#### **INJURED ANIMALS**

With the approval of a supervisor, a sworn 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.

### **312.6.3**

#### **WARNING AND OTHER SHOTS**

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

### **312.7**

#### **RANGEMASTER DUTIES**

The range will be under the exclusive control of the Training Section, Rangemaster, or designee. All sworn members attending the range will follow the directions of Range Staff.

The Range Staff has the responsibility of making periodic inspections, at least once a year, of all duty firearms carried by sworn members of this Office to verify proper operation. Range Staff has the authority to deem any Office-issued or personally owned duty firearm unfit for service.



The sworn member will be responsible for all repairs to his/her personal firearm; it will not be returned to service until it has been inspected and approved by Range Staff.

Range Staff has the responsibility for ensuring each sworn 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 sworn member is authorized to carry.

Range Staff shall complete and submit to the Training Sergeant documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Office, a list of each sworn member who completes the training (NAC289.230(9)). Range Staff will keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training Sergeant.

### **312.7.1**

#### **FIREARMS INSTRUCTOR PROFICIENCY**

Each firearm instructor shall meet the proficiency requirements in NAC 289.230(7).

### **312.8**

#### **FLYING WHILE ARMED**

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

- a) Deputies wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Office based on the law and published TSA rules.
- b) Deputies must carry their Washoe County Sheriff's Office identification card, bearing the deputy's name, a full-face photograph, identification number, the deputy's signature and the signature of the Sheriff or the official seal of the Office and must present this identification to airline officials when requested. The deputy should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
- c) The Washoe County Sheriff's Office must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the deputy's travel. If approved, TSA will send the Washoe County Sheriff's Office an NLETS message containing a unique alphanumeric identifier. The deputy must present the message on the day of travel to airport personnel as authorization to travel while armed.
- d) An official letter signed by the Sheriff authorizing armed travel may also accompany the deputy. The letter should outline the deputy's need to fly armed, detail his/her itinerary, and include that the deputy has completed the mandatory TSA training for a law enforcement officer flying while armed.
- e) Deputies must have completed the mandated TSA security training covering deputies flying while armed. The training shall be given by the Office-appointed instructor.
- f) It is the deputy's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.

- g) Any deputy flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The deputy must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- i) Deputies should try to resolve any problems through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- j) Deputies shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

### **312.9**

#### **RETIRED DEPUTIES**

Honorably retired commissioned deputies will be allowed to qualify on pre-designated dates as determined by Range Staff at their expense. After successfully qualifying, they will be issued a card that will validate their annual qualification requirements as set forth in 18 USC § 926 C.

### **312.10**

#### **CARRYING FIREARMS OUT OF STATE**

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

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

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

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

### **312.11**

#### **MAINTENANCE AND REPAIR**

Personal and Office owned duty firearms shall be inspected annually to determine the safety and functioning of the firearm.

Duty firearms shall be maintained in a clean, serviceable condition. Since the use of personally owned firearms is at the option of the individual sworn member, that sworn member will be responsible for the furnishing, maintenance and repair for such firearm.

**312.11.1**

**REPAIR OR MODIFICATIONS OF DUTY FIREARMS**

Firearms that are the property of the Office may be repaired or modified only by a person certified as an armorer or gunsmith in the repair of the specific firearm, either Rangemaster or another authorized person.

Any repairs or modifications to the sworn members personally owned duty firearm shall be done at his/her expense and must be approved by the Rangemaster.

All repairs and/or modifications of Office owned firearms not performed by Range Staff must be authorized in advance by the Rangemaster.



## **314 Vehicle Pursuits**

### **314.1**

#### **PURPOSE AND SCOPE**

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide deputies with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this policy is to minimize the potential for pursuit-related collisions. Vehicular pursuits require deputies to exhibit a high degree of common sense and sound judgment. Deputies must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing deputies.

#### **314.1.1**

##### **PHILOSOPHY**

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the risk to public safety created by vehicle pursuits, no deputy or supervisor shall be criticized or disciplined for deciding not to engage in a vehicle pursuit due to the risk involved. This includes circumstances where Office policy would permit the initiation or continuation of the pursuit. It is recognized that vehicle pursuits are not always predictable, and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Deputies must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Deputies' conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable deputy would do under the circumstances. An individual's unreasonable desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

### **314.2**

#### **DEFINITIONS**

**Vehicle Pursuit** - An event involving one or more law enforcement officers attempting to apprehend a suspect who is attempting to avoid arrest while operating a motor 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, with the goal of containment and preventing a pursuit. Blocking is not a moving or stationary roadblock.

**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.

**Spikes or Tack Strips** - A device that extends across the roadway designed to puncture the tires of the pursued vehicle.

### 314.3

#### DEPUTY RESPONSIBILITIES

It shall be the policy of this Office that a vehicle pursuit shall be conducted with at least one flashing red warning lamp visible from the front and a siren on an authorized emergency vehicle (NRS 484A.020, NRS 484A.480(3) and NRS 484D.400).

The following policy is established to provide deputies with guidelines for driving with due regard and caution for the safety of all persons using the highway.

#### 314.3.1

##### WHEN TO INITIATE 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 which has been given a signal to stop by a peace officer or member of a regulatory agency (NRS 484A.205; NRS 484B.550; NRS 484B.700).

The following factors individually and collectively shall be considered in deciding whether to initiate or continue a pursuit:

- Seriousness of the known or reasonably suspected crime and its relationship to community safety.
- 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.
- Apparent nature of the fleeing suspect (e.g., whether the suspect represents a serious threat to public safety).
- 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.

- 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.
- Pursuing deputy's familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor and the driving capabilities of the pursuing deputies under the conditions of the pursuit. Weather, traffic and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.
- Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
- Vehicle speeds.
- Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- Availability of other resources such as aircraft assistance.
- The Sheriff's unit is carrying passengers other than 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.

### **314.3.2**

#### **WHEN TO TERMINATE 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 risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect's escape (NRS 484B.700(4)).

Operating an emergency vehicle in a pursuit with emergency lights and siren does not relieve the operator of an authorized emergency vehicle of the duty to drive with due regard for the safety of all persons and does not protect the driver from the consequences of his/her reckless disregard for the safety of others (NRS 484B.700(4)).

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 discontinue or to stop chasing the fleeing vehicle.

In addition to the factors listed above, the following factors should also be considered in deciding whether to terminate a pursuit:

- a) 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) Pursued vehicle's location is no longer definitely known.
- c) Deputy's pursuit vehicle sustains damage or a mechanical failure that renders it unsafe to drive.

- d) Extended pursuits of violators for misdemeanors not involving violence or risk of serious harm (independent of the pursuit) are discouraged.
- e) Hazards to uninvolved bystanders or motorists.
- f) If 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.
- g) When directed to terminate the pursuit by a supervisor.

### **314.3.3**

#### **SPEED LIMITS**

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the deputy and supervisor. Evaluation of vehicle speeds shall take into consideration public safety, officer safety and the safety of the occupants of the fleeing vehicle.

Should high vehicle speeds be reached during a pursuit, deputies and supervisors shall also consider these factors when determining the reasonableness of the speed of the pursuit:

- a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions (NRS 484B.700(1)).
- b) Pursuit speeds have exceeded the driving ability of the deputy.
- c) Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

### **314.4**

#### **PURSUIT UNITS**

Pursuit units should be limited to three vehicles (two units and a supervisor), however, the number of units involved will vary with the circumstances. A deputy or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of deputies involved would be insufficient to safely arrest the suspect(s). 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.

#### **314.4.1**

##### **MOTORCYCLE OFFICERS**

A distinctively marked patrol vehicle equipped with emergency overhead lighting should replace a Sheriff's motorcycle as primary and/or secondary pursuit unit as soon as practicable.

#### **314.4.2**

##### **VEHICLES WITHOUT EMERGENCY EQUIPMENT**

Vehicles not equipped with red light and siren are prohibited from initiating or joining in any pursuit. Deputy(s) in such vehicles, however, may provide support to pursuing units so long as their vehicle is operated in compliance with all traffic laws.

#### **314.4.3**

##### **PRIMARY UNIT RESPONSIBILITIES**

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

The primary unit should notify Dispatch that a vehicle pursuit has been initiated and as soon as practicable provide information including, but not limited to:

- a) Reason for the pursuit
- b) Location and direction of travel
- c) Speed of the fleeing vehicle
- d) Description of the fleeing vehicle and license number, if known
- e) Number of occupants
- f) The identity or description of the known occupants
- g) Weather, road and traffic conditions
- h) 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 the broadcasting of the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary unit should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft joining the pursuit to minimize distractions and allow the primary unit to concentrate foremost on safe pursuit tactics.

#### **314.4.4**

##### **SECONDARY UNIT(S) RESPONSIBILITIES**

The second deputy in the pursuit is responsible for the following:

- a) Immediately notifying the dispatcher of entry into the pursuit.
- b) Remain 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) Serve as backup to the primary unit once the subject has been stopped.

#### **314.4.5**

##### **DECISION TO USE SPECIFIC 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 so 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 should exercise due caution when proceeding through controlled intersections.
- c) Deputies may proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation (NRS 484B.700(1)(a)).
- d) As a general rule, deputies should not pursue a vehicle driving the wrong way on a roadway, highway or freeway. In the event that the pursued vehicle does so, the following tactics should be considered (NRS 484B.700(1)):
  1. Requesting assistance from an 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 suspects
- e) Notifying the Nevada Highway Patrol or other law enforcement agency if it appears that the pursuit may enter their jurisdiction.
- f) 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.

#### **314.4.6**

##### **TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT**

There should be no paralleling of the pursuit route. Deputies are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Deputies should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.

Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road.

The primary unit, secondary unit and supervisor should be the only units operating under emergency conditions (emergency lights and siren) unless other units are assigned to the pursuit.

#### **314.4.7**

##### **PURSUIT TRAINING**

In the event the initiating unit from this agency either 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 necessary information and assistance for the arrest of the suspect(s).

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 so as to clearly indicate an absence of participation in the pursuit.

#### **314.4.8**

##### **AIRCRAFT ASSISTANCE**

When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and

secondary ground units should consider the participation of aircraft assistance when determining whether to continue 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.

### **314.5**

#### **SUPERVISORY CONTROL AND RESPONSIBILITY**

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.

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 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) Engage in the pursuit, when appropriate, to provide on-scene supervision.
- c) Exercise management and control of the pursuit even if not engaged in it.
- d) Ensuring that no more than the number of required police units needed are involved in the pursuit under the guidelines set forth in this policy.
- e) Direct that the pursuit be terminated if, in his/her judgment, it is unjustified to continue the pursuit under the guidelines of this policy.
- f) Ensure that aircraft assistance is requested if available.
- g) Ensure that the proper radio channel is being used.
- h) Ensure the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.
- i) Control and manage WCSO units when a pursuit enters another jurisdiction.
- j) Prepare a post pursuit critique and analysis of the pursuit for training purposes.

### **314.5.1**

#### **WATCH COMMANDER RESPONSIBILITY**

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

The Watch Commander shall review all pertinent reports for content and forward them to the Division Commander.

### **314.6**

#### **COMMUNICATIONS**

If the pursuit is confined within the County limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor 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.

### **314.6.1**

#### **COM-CENTER RESPONSIBILITIES**

Upon notification that a pursuit has been initiated, Dispatch will be responsible for the following:

- a) Coordinate pursuit communications of the involved units and personnel.
- b) Notify and coordinate with other involved or affected agencies as practicable.
- c) Ensure that a field supervisor is notified of the pursuit.
- d) Assign an incident number and log all pursuit activities.
- e) Broadcast pursuit updates as well as other pertinent information as necessary.
- f) Notify the Watch Commander as soon as practicable.

### **314.6.2**

#### **LOSS OF PURSUED VEHICLE**

When the pursued vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating the vehicle. The primary unit will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

### **314.7**

#### **INTER-JURISDICTIONAL CONSIDERATIONS**

When a pursuit enters another agency's jurisdiction, the primary deputy or supervisor, taking into consideration 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.

### **314.7.1**

#### **ASSUMPTION OF PURSUIT BY ANOTHER AGENCY**

Washoe County Sheriff's Office deputies will discontinue the pursuit when another agency has assumed the pursuit unless continued assistance of the Washoe 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.

The role and responsibilities of deputies at the termination of a pursuit 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 they will assume responsibilities 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.

### **314.7.2**

#### **PURSUIT EXTENDING INTO THIS JURISDICTION**

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this 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 this 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 from another agency that has entered this jurisdiction, the supervisor should consider these additional following 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, a supervisor or the Watch Commander should review a request for assistance from another agency. The Watch Commander or supervisor, after consideration of the above factors, may decline to assist in or assume the other agency's pursuit.

Assistance to a pursuing allied agency by deputies of this Office will terminate at the County limits provided that the pursuing peace officers have sufficient assistance from other sources. Ongoing participation from this 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 allied agency including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

### **314.8**

#### **PURSUIT INTERVENTION**

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, road spikes, blocking, boxing, PIT (Pursuit Intervention Technique), ramming or roadblock procedures.

#### **314.8.1**

##### **WHEN USE AUTHORIZED**

Use of pursuit intervention tactics should be employed only after approval of a supervisor. In deciding whether to use intervention tactics, deputies/supervisors should balance the risks 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 these risks 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.

It is imperative that deputies act within legal bounds using good judgment and accepted practices.

### **314.8.2**

#### **USE OF FIREARMS**

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Deputies should not utilize firearms during an ongoing pursuit unless the conditions and circumstances dictate that such use reasonably appears necessary to protect life. Nothing in this section shall be construed to prohibit any deputy from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

### **314.8.9**

#### **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 who have not received Office-approved training in the application and use of any intervention tactic or equipment 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 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 risks involved this technique should only be employed by deputies who have received training in such tactics after giving consideration to the following:
  1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risks of injury or death to occupants of the suspect vehicle, deputies or other members of the public.
  2. All other reasonable intervention techniques have failed or reasonably appear ineffective.
  3. Employing the blocking maneuver does not unreasonably increase the risk to officer safety.
  4. The target vehicle is stopped or traveling at a low speed.
  5. At no time should civilian vehicles be used to deploy this technique.
- b) Only those deputies trained in the use of the Pursuit Intervention Technique (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 risk of 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.
  3. 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 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) The use of spike strips should be approved in advance by a supervisor and deployed only when it is reasonably apparent that only the pursued vehicle will be affected by their use. Deputies should carefully consider the limitations of such devices as well as the potential risks to deputies, the public and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle, 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.
- 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 and only then 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 risks of injury or death to occupants of the pursued vehicle, deputies or other members of the public.

#### **314.8.4**

##### **CAPTURE OF SUSPECTS**

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Deputies shall use only that amount of force, which reasonably appears necessary under the circumstances, to properly perform their lawful duties.

Unless relieved by a supervisor, the primary deputy should coordinate efforts to apprehend the suspect(s) following the pursuit. Deputies should consider safety of the public and the involved deputies when formulating plans to contain and capture the suspect.

#### **314.9**

##### **REPORTING AND REVIEW REQUIREMENTS**

All appropriate reports should be completed to comply with appropriate local and state regulations:

- a) The primary deputy shall complete appropriate crime/arrest reports.
- b) The primary deputy or supervisor shall complete the appropriate pursuit report.
- c) After first obtaining available information, the on-duty field supervisor shall promptly complete a Supervisor's Log or interoffice memorandum, briefly summarizing the pursuit

to the Sheriff or their designee. This memo should minimally contain the following information:

1. Date and time of pursuit.
  2. Length of pursuit.
  3. Involved units and deputies.
  4. Initial reason for pursuit.
  5. Starting and termination points.
  6. Disposition: arrest, citation or other release. Arrestee information should be provided if applicable.
  7. Injuries and/or property damage.
  8. Medical treatment.
  9. Name of supervisor at scene.
  10. A preliminary determination that the pursuit appears to be in compliance with this policy or additional review and/or follow-up is warranted.
- d) After receiving copies of reports, logs, and other pertinent information the Sheriff or his/her designee shall conduct or assign the completion of a post-pursuit review as appropriate to the circumstances.
- e) Annually, the Sheriff should direct a documented review and analysis of Office vehicle pursuits to minimally include policy suitability, policy compliance and training needs.

#### **314.9.1**

##### **REGULAR AND PERIODIC PURSUIT TRAINING**

In addition to initial and supplementary training on pursuits, all sworn members of this Office 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, including a recognition of the need to balance the known offense and the need for immediate capture against the risks to deputies and others.

#### **314.9.2**

##### **POLICY REVIEW**

Each sworn member of this Office shall certify in writing that they have received, read and understand this policy initially and upon any amendments.



## **316 Deputy Response Calls**

### **316.1**

#### **PURPOSE AND SCOPE**

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

### **316.2**

#### **RESPONSE TO CALLS**

Deputies responding to an emergency call shall proceed immediately. Deputies responding to an emergency as an emergency call response, shall continuously operate emergency lighting equipment and shall sound the siren as reasonably necessary (NRS 484B.700). The deputy shall notify dispatch when emergency lighting and siren are activated and the location they are responding from.

Responding with emergency light(s) and siren does not relieve the operator of an authorized emergency vehicle of the duty to drive with due regard for the safety of all persons and does not protect the driver from the consequences of his/her reckless disregard for the safety of others (NRS 484B.700(4)). The use of any other warning equipment without emergency lights and siren does not provide any exemption from the Nevada Motor Vehicle Laws.

Deputies should only respond as an emergency call response when so dispatched or when circumstances reasonably indicate an emergency response is required. Deputies not responding as an emergency call response shall observe all traffic laws and proceed without the use of emergency lights and siren.

### **316.3**

#### **REQUESTING EMERGENCY ASSISTANCE**

Requests for emergency assistance should be limited to those situations where the involved personnel 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. In any event, where a situation has stabilized and emergency response is not required, the requesting deputy shall immediately notify Dispatch.

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



### **316.3.1**

#### **NUMBER OF UNITS PARTICIPATING**

Normally, only those units reasonably necessary should respond to an emergency as an emergency call response. The Watch Commander or the field supervisor should monitor all emergency responses and reduce or enhance the response as warranted.

### **316.4**

#### **INITIATING CODE 3 RESPONSE**

If a deputy believes an emergency call response to any call is appropriate, the deputy shall immediately notify Dispatch. An emergency call response of more than one unit should include, if circumstances permit, coordination of the response by the second responding unit to avoid unanticipated intersecting of response routes. An emergency call response of one or more units should initiate notification by Dispatch or the Watch Commander or field supervisor of the response. The Watch Commander or field supervisor will make a determination regarding the appropriateness of the response and reduce or enhance the response as warranted.

### **316.5**

#### **RESPONSIBILITIES OF RESPONDING DEPUTY**

Deputies shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. During a response to an emergency call, deputies may (NRS 484B.7001):

- a) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation
- b) Exceed any speed limits provided this does not endanger life or property
- c) Disregard regulations governing direction of movement or turning in specified directions
- d) Disregard regulations governing parking or standing when using a warning lamp

The decision to continue as an emergency call 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 Dispatch. A deputy shall also discontinue an emergency call response when directed by a supervisor.

Upon determining an emergency call response is appropriate, a deputy shall immediately give the location from which he/she is responding.

### **316.6**

#### **COMMUNICATIONS RESPONSIBILITIES**

A dispatcher shall ensure acknowledgment and response of assisting units when a deputy requests emergency assistance or available information reasonably indicates that the public is threatened with serious injury or death and immediate police response is needed. The dispatcher shall:

- a) Attempt to assign the closest available unit to the location requiring assistance.
- b) Immediately notify the Watch Commander or field supervisor.
- c) Confirm the location from which the unit is responding.
- d) Notify and coordinate allied 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) Monitor all radio communications during the emergency and coordinate assistance under the direction of the Watch Commander or field supervisor.

### **316.7**

#### **SUPERVISORY RESPONSIBILITIES**

Upon being notified that an emergency response has been initiated, the Watch Commander 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 or the Watch Commander shall 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 field supervisor or the watch commander's judgment, the circumstances require additional units to be assigned an emergency response, the field supervisor or the Watch Commander may do so.

It is the field supervisor or the Watch Commander 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 call response, the Watch Commander or the field supervisor should consider the following:

- a) The type of call
- b) The necessity of a timely response
- c) Traffic and roadway conditions
- d) The location of the responding units

### **316.8**

#### **FAILURE OF EMERGENCY EQUIPMENT**

If the emergency equipment on the vehicle should fail to operate, the deputy must terminate the emergency call response and respond accordingly. In all cases, the deputy shall notify the Watch Commander, field supervisor or Dispatch of the equipment failure so that another unit may be assigned to the emergency response.



## **318 Canine Program**

### **318.1**

#### **PURPOSE AND SCOPE**

The Canine Program was established to augment law enforcement services to the community. Highly trained teams of handlers and canines have evolved from the program and are used to supplement law enforcement operations to locate individuals, contraband, evidence, explosives and apprehend criminal offenders.

### **318.2**

#### **GUIDELINES FOR THE USE OF CANINES**

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes the individual has either committed or threatened to commit any serious offense and if any of the following conditions exist:

- There is a reasonable belief that the individual poses an imminent threat of violence or serious harm to the public, any deputy or the handler.
- The individual is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
- The individual 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. In any such case, a standard of objective reasonableness shall be used to review the decision to use a canine in view of the totality of the circumstances.

Absent reasonable belief that an individual has committed or threatened to commit a serious offense, mere flight from pursuing deputy(s) shall not serve as good cause for the use of a canine to apprehend the individual.

Once the individual has been located and no longer reasonably appears to represent a threat or risk of escape, the canine should be placed in a down-stay or otherwise secured as soon as it becomes reasonably practicable.

### **318.2.1**

#### **PREPARATION FOR UTILIZING A CANINE**

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

- a) The individual's age or estimate thereof.
- b) The nature of the suspected offense.
- c) Any potential danger to the public and/or other deputies at the scene if the canine is released.
- d) The degree of resistance or threatened resistance, if any, the subject has shown.

- e) The potential for escape or flight, causing risk to the public or Law Enforcement, if the police dog is not utilized.
- f) The potential for injury to deputies or the public caused by the suspect if the canine is not utilized.

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

A canine handler shall have the ultimate authority not to deploy the dog. The handler will evaluate each situation and determine if the use of a canine is technically feasible. Generally, the decision to deploy the dog shall remain with the handler. However, a supervisor sufficiently apprised of the situation may decide not to deploy the dog.

### **318.2.2**

#### **WARNINGS GIVEN TO ANNOUNCE THE USE OF A CANINE**

Unless it would otherwise increase the risk of injury or escape, a clearly audible warning to announce that a canine will be released if the person does not come forth, shall be made prior to releasing a canine. The canine handler, when practicable, shall first advise the supervisor of his/her decision if a verbal warning is not given prior to releasing the canine. In the event of an apprehension, the handler shall document in any related report whether a verbal warning was given and, if none was given, the reasons why.

### **318.2.3**

#### **USE OF NARCOTIC-DETECTION CANINES**

A narcotic-detection-trained canine may be used in accordance with current law under the following circumstances:

- To assist in the search for narcotics during a search warrant service.
- To obtain a search warrant by using the detection canine in support of probable cause.
- To sniff vehicles, buildings, bags and any other articles deemed necessary to establish Probable Cause.
- A narcotic-detection canine will not be directed to search a person for narcotics.

### **318.2.4**

#### **GUIDELINES FOR NON-APPREHENSION USE**

Because canines have senses far superior to those of humans, they may often be effectively utilized to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention) or even suspects wanted for minor criminal offenses. In such circumstances, it will be necessary for the handler to evaluate the conditions and ability of the canine to determine the feasibility of such an application.

- Absent a change in circumstances which presents an immediate threat to deputies, the public, or the canine, such applications should be conducted on leash or under such conditions that the canine will not bite or otherwise injure the individual, if located.
- Throughout the deployment of the canine in such circumstances, the handler should give periodic verbal assurance announcements that a canine is being utilized to locate them.

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- Unless otherwise directed by a supervisor, assisting personnel should take direction from the handler in order to minimize crime scene contamination, thus reducing interference with the canine's abilities.
- Once the individual has been located, the canine should be placed under direct control of the handler, or otherwise secured as soon as it becomes reasonably practicable.

### **318.2.5**

#### **REPORTING CANINE USE, BITES, AND INJURIES**

Whenever the law enforcement service dog is deployed, resulting in a claimed or visible injury to a subject, the appropriate reports shall be completed within the guidelines of Policy 300.

Whenever the use of the canine results in a bite or any injury, the appropriate reports shall be completed and included with any related incident report. Canines controlled by law enforcement officers are exempt from regulatory action relating to bites.

Color photographs shall be taken of the bite or injury as soon as practicable after tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current Office evidence procedures. The injured party should be transported to an appropriate medical facility if the injury requires medical attention beyond first aid. If the injured party is in custody, a deputy should remain with the suspect until treatment has been rendered.

If a subject alleges an injury that is not visible, a supervisor shall be notified, and the location of the alleged injury should be photographed as described above.

The Canine Sergeant will maintain liaison with the Animal Control Department to ensure that information regarding canine bites is not retained by their office. Canines used by law enforcement agencies are exempt from impoundment and reporting requirements to the Animal Control Department.

### **318.2.6**

#### **REPORTING CANINE INJURIES**

In the event that a canine is injured, the injury will be immediately reported to the Watch Commander, Canine Sergeant and Unit trainer.

Depending on the severity of the injury, the canine shall either be treated by the designated veterinarian or transported to a designated emergency medical facility for treatment. If the handler and dog are out of the area, the handler may use the nearest available veterinarian.

The injury will be documented on the appropriate forms.

### **318.2.7**

#### **ASSIGNMENT OF CANINES**

The canine teams shall be assigned to the Special Operations Division (SOD) to supplement and assist the Patrol Division, HIDTA or any other Sheriff's Office Unit.

Canine teams should function primarily as cover units however; they may be assigned by the Special Operations Captain to other functions based on the needs of the watch at the time.

### **318.3**

#### **REQUEST FOR USE OF CANINE TEAMS**

Personnel within the Office are encouraged to freely solicit the use of the canines. Requests for a canine team shall go through the Canine Sergeant or his/her designee.

#### **318.3.1**

##### **REQUEST FOR ASSISTANCE FROM OTHER AGENCIES**

The Canine Sergeant or his/her designee must approve all requests for canine assistance from outside agencies, subject to the following provisions:

- Canine teams shall not be used for any assignment that is not consistent with Washoe County policy.
- The handler has the ultimate authority to decide whether the canine should be used for any specific assignment.
- It shall be the responsibility of the canine handler to coordinate with outside agency personnel in order to minimize the risk of unintended injury.

#### **318.3.2**

##### **REQUEST FOR PUBLIC DEMONSTRATIONS**

All public requests for a canine team shall be approved by the Canine Sergeant prior to making any commitment.

Handlers shall not demonstrate any apprehension work to the public unless authorized to do so by the SOD Lieutenant.

### **318.4**

#### **SELECTION OF CANINE HANDLERS**

The following are the minimum qualifications for the assignment of canine handler:

- Washoe County Sheriff's Office deputy (currently off probation).
- Reside in an adequately fenced, single-family, residence (minimum five-foot high fence with locking gates).
- Have a garage which can be secured and accommodate a canine unit and related training equipment.
- Agree to be assigned to the position for a minimum of five years or the working life of the canine.

### **318.5**

#### **CANINE HANDLER RESPONSIBILITIES**

- a) The handler will ensure training and deployment logs are kept up to date and available upon request.
- b) The handler will ensure the canine team is present for mandatory training days.
- c) The handler will ensure that all assigned training requirements are met in order to pass required standards.
- d) The handler is responsible for all assigned training aides and equipment issued to them.
- e) The handler will immediately report any lost or damaged equipment or training aides.

#### **318.5.1**

##### **CARE FOR THE CANINE AND EQUIPMENT**

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

- Unless required by a particular application, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- The handler shall maintain the canine unit and all Office equipment under his/her control in a clean and serviceable condition.
- Handlers shall permit Command Staff or the Canine Sergeant to conduct spontaneous on-site inspections of affected areas of their residence as well as the canine unit, to verify that conditions and equipment conform to this policy.
- Any changes in the living status of the handler which may affect the lodging or environment of the canine shall be reported to the Canine Sergeant as soon as possible.
- When off-duty, handlers will ensure the canine's welfare and security. The handler will minimize any contact the canine has with the public while off duty. When off-duty, canines may be let out of their kennels while under the direct control of their handlers.
- 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.
- Under no circumstances will the canine be lodged at another location unless approved by the Canine Sergeant.
- Whenever a canine handler anticipates taking a vacation or an extended number of days off, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the Canine Sergeant so that appropriate arrangements can be made.

### **318.5.2**

#### **CANINE IN PUBLIC AREAS**

All canines shall be kept on a leash when in areas that allow access to the public. Exceptions would include specific law enforcement operations for which the canines are trained.

- Canines shall not be left unattended in any area to which the public may have access.
- When the canine unit is left unattended all windows and doors shall be secured in such a manner as to prevent unauthorized access to the dog. The handler shall also ensure that the unattended unit remains habitable for the canine.

### **318.5.3**

#### **HANDLER COMPENSATION**

The canine handler shall be compensated for time spent in the care, feeding, grooming and other needs of the dog. The compensation shall be prescribed in the employee's Collective Bargaining Agreement (CBA).

### **318.6.1**

#### **NON-EMERGENCY MEDICAL CARE**

Non-emergency medical care will be coordinated through the Canine Sergeant.

Any indication that a canine is not in good physical condition shall be reported to the Canine Sergeant or Unit Trainer as soon as practicable.

All records of medical treatment shall be maintained by the Canine Sergeant or designee.

### **318.6.2**

#### **EMERGENCY MEDICAL CARE**

The designated emergency medical treatment center or canine veterinarian shall render emergency medical treatment. The handler shall notify the Canine Sergeant as soon as practicable when emergency medical care is required.

### **318.7**

#### **TRAINING**

Before assignment in the field, each canine team shall be trained and certified to meet current recognized Nevada POST standards. Cross trained dog teams or those dog teams trained exclusively for the detection of narcotics and/or explosives shall be trained and certified to meet Nevada POST standards established for such detection dogs. Canine teams may not be used outside the scope of their certification.

### **318.7.1**

#### **CONTINUED TRAINING**

Each canine team shall thereafter be recertified to a current Nevada POST standard. Additional training considerations are as follows:

- Canine teams shall receive training as defined by the Office's Canine training coordinator.
- Canine handlers are encouraged to engage in additional training with approval of the Canine Sergeant.
- In order to ensure that all training is consistent, no handler, trainer or outside vendor is authorized to train to a standard that is contrary to the policies of the Washoe County Sheriff's Office.
- All canine training shall be conducted while on-duty unless otherwise approved by the SOD Lieutenant.

### **318.7.2**

#### **FAILURE TO SUCCESSFULLY COMPLETE TRAINING**

Any dog team failing canine certification shall not be deployed in the field until certification is achieved. When practicable, pending successful certification, the canine handler shall be temporarily reassigned to non-canine duties.

### **318.7.3**

#### **TRAINING RECORDS**

All canine training records shall be maintained by the Canine Sergeant or designee.

### **318.8**

#### **CANINE UNIT COORDINATOR RESPONSIBILITIES**

The Canine Sergeant shall supervise the Canine Program. The Canine Sergeant is directly responsible to the Special Operations Division Lieutenant. The Canine Sergeant shall be responsible for, but not limited to, the following:

- Review all reports to ensure compliance with policy and to identify training issues and other needs of the program.
- Maintain liaison with the vendor kennel.
- Maintain liaison with administrative staff and functional supervisors.
- Maintain liaison with other agency canine coordinators.
- Maintain accurate records to document canine activities.



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- Recommend and oversee the procurement of needed equipment and services for the unit.
- Be responsible for scheduling all canine related activities.
- Ensure the canine teams are scheduled for continuous training to maximize the capabilities of the teams.

### **318.9**

#### **CONTROLLED SUBSTANCE TRAINING AIDS**

Controlled substance training aids are required to effectively train and maintain drug detecting dogs' abilities to locate the odors for which they are certified. Controlled substances are an effective training aid during training sessions for law enforcement personnel and demonstrations for the public (Canine Sergeant will coordinate with evidence for Narcotics Training Aids).

- All necessary controlled substance training samples shall be acquired from the Washoe County Sheriff's Office's evidence personnel or from allied agencies authorized to provide controlled substance training samples. All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler.
- The weight and test results shall be recorded and maintained by this Office.
- Any person receiving controlled substance training samples pursuant to court order shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.
- All controlled substance training samples will be inspected and weighed quarterly.

It will be noted some controlled substance training aids will lessen in weight over time.

- All controlled substance training samples will be stored in approved storage containers at all times, except during training. The approved storage containers shall be secured in the trunk of the canine handler's assigned patrol unit or stored in an approved location that is secured. There are no exceptions to this procedure.
- The Canine Sergeant shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
- All controlled substance training samples shall be returned to the Evidence Section or to the dispensing agency for disposal.

### **318.9.2**

#### **IMMUNITY**

All duly authorized peace officers acting in the performance of their official duties and any person working under their immediate direction, supervision or instruction are immune from prosecution under the Nevada Controlled Substance Act while providing substance abuse training or canine drug detection training (NRS 453.155(1)(f)).



## **320 Domestic Violence**

### **320.1**

#### **PURPOSE AND SCOPE**

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

### **320.1.1**

#### **DEFINITIONS**

Definitions related to this policy include:

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

### **320.2**

#### **POLICY**

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

### **320.3**

#### **OFFICER SAFETY**

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

### **320.4**

#### **INVESTIGATIONS**

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

- a) Calls of reported, threatened, imminent or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- b) When practicable, deputies should obtain and document statements from the victim, the suspect and any witnesses, including children, in or around the household or location of occurrence.

- c) Deputies should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
- d) When practicable and legally permitted, video or audio record all significant statements and observations.
- e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Detective Division 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. Factors that should not be used as sole justification for declining to take enforcement action include:
  - 1. Marital status of suspect and victim
  - 2. Whether the suspect lives on the premises with the victim
  - 3. Claims by the suspect that the victim provoked or perpetuated the violence
  - 4. The potential financial or child custody consequences of arrest
  - 5. The physical or emotional state of either party
  - 6. Use of drugs or alcohol by either party
  - 7. Denial that the abuse occurred where evidence indicates otherwise
  - 8. A request by the victim not to arrest the suspect
  - 9. Location of the incident (public/private)
  - 10. Speculation that the complainant may not follow through with the prosecution
  - 11. The racial, cultural, social, professional position or sexual orientation of the victim or suspect

#### **320.4.1**

##### **IF A SUSPECT IS ARRESTED**

If a suspect is arrested, deputies should:

- a) Advise the victim that there is no guarantee the suspect will remain in custody.
- b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.

- c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

### **320.4.2**

#### **IF NO ARREST IS MADE**

If no arrest is made, the deputy should:

- a) Advise the parties of any options, including but not limited to:
  1. Voluntary separation of the parties
  2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit)
- b) Document the resolution in a report.

### **320.5**

#### **VICTIM ASSISTANCE**

Victims may be traumatized or confused. Deputies should:

- Recognize that a victim's behavior and actions may be affected.
- Provide the victim with the Office's domestic violence information handout, even if the incident may not rise to the level of a crime.
- Alert the victim to any available victim advocates, shelters and community resources.
- Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.
- Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.
- 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.
- 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.
- Seek or assist the victim in obtaining an emergency order if appropriate.

### **320.6**

#### **DISPATCH ASSISTANCE**

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Deputies should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

### **320.7**

#### **FOREIGN COURT ORDERS**

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

2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

### **320.8**

#### **VERIFICATION OF COURT ORDERS**

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, deputies should carefully review the actual order when available, and, where appropriate and practicable:

- a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
- b) Check available records or databases that may show the status or conditions of the order.
- c) Contact the issuing court to verify the validity of the order.
- d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Deputies should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Deputies should contact a supervisor for clarification when needed.

### **320.9**

#### **LEGAL MANDATES AND RELEVANT LAWS**

Nevada law provides for the following:

#### **320.9.1**

##### **STANDARDS FOR ARRESTS**

Deputies investigating a domestic violence report should consider the following:

- a) Unless there are mitigating circumstances, a deputy shall make an arrest when there is probable cause to believe a domestic violence incident has occurred within the preceding 24 hours (NRS 171.137).
- b) A deputy who has probable cause to believe a person has been served and has violated a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100 shall arrest the violating party (NRS 33.070).
- c) If a deputy has probable cause to believe that a battery described in NRS 171.137 was a mutual battery, the deputy shall attempt to determine which person was the primary physical aggressor. If the deputy identifies the primary physical aggressor, the deputy is not required to arrest any other person believed to have committed a battery during the incident (NRS 171.137).
- d) In determining whether a person is a primary physical aggressor, a deputy shall consider (NRS 171.137):
  1. Prior domestic violence involving either person.
  2. The relative severity of the injuries inflicted upon the persons involved.
  3. The potential for future injury.
  4. Whether one of the alleged batteries was committed in self-defense.
  5. Any other factor that may help the peace officer decide which person was the primary physical aggressor.

### **320.9.2**

#### **REPORTS AND RECORDS**

- A deputy shall prepare and submit a written report of any investigation made of an act of domestic violence regardless of whether an arrest was made. If an arrest is not made, the deputy shall indicate in the report the reason an arrest was not made (NRS 171.1227).
- Deputies investigating allegations of mutual battery that constitute domestic violence shall include in the report any determination that a particular person was a primary aggressor and the facts supporting that determination (NRS 171.1227).
- The Records Manager will prepare and forward to the Central Repository for Nevada Records of Criminal History a monthly report regarding domestic violence cases on the appropriate form (NRS 171.1227).

### **320.9.3**

#### **SERVICE OF COURT ORDERS**

- a) A deputy who serves, enforces or takes any action related to a temporary or extended order issued by a court shall, as soon as practicable, notify the Records Section of any such action.
- b) Upon receipt of notice that action has been taken by a deputy, the Records Section shall notify the Central Repository in a manner that ensures the information is received by the Central Repository by the end of the next business day (NRS 33.095).
- c) A deputy investigating a possible violation of a court order, but cannot verify the subject of the order was served, shall (NRS 33.070):
  1. Serve the subject with a copy of the order or, if a copy of the order is not available, verbally notify the person of the specific terms and conditions of the order and other required notices contained in NRS 33.070.
  2. Provide information concerning the terms and conditions of the order, the date and time that notice was provided to the person, and the name and identifying number of the deputy who gave the notice as follows:
    - Include the information in a report
    - Provide the information in writing to the victim/applicant
    - Ensure that the information is forwarded to the court that issued the order

### **320.9.4**

#### **FIREARMS**

If a court orders, as part of an extended order of protection, that a person surrender a firearm to the Washoe County Sheriff's Office, the employee receiving the firearm shall give the person a receipt that includes a description of each firearm surrendered (pursuant to NRS 33.033).

If the person surrenders any firearm to another person designated in the court order or sells or transfers any firearm to a licensed firearm dealer pursuant to a court order, the person may be required to provide to Washoe County Sheriff's Office a notice or receipt of such surrender, sale or transfer. In these cases, the receiving employee shall ensure that any notice or receipt is documented in an appropriate report and the documents are forwarded to the Records Section (NRS 33.033).



## **322 Search and Seizure**

### **322.1**

#### **PURPOSE AND SCOPE**

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

### **322.2**

#### **POLICY**

Both the United States and the Nevada Constitutions provide every individual with the right to be free from unreasonable governmental intrusion. As a general rule, members of this Office should not physically enter any area where an individual has a reasonable expectation of privacy in order to conduct a search or seizure without one or more of the following:

- A valid search warrant
- Exigent circumstances
- Valid consent
- Other legal or statutory exceptions such as:
  1. Abandonment of property
  2. Search incident to a valid arrest
  3. Inventory to document property seized or secured for safe keeping
  4. Searching a vehicle based upon probable cause
  5. Patting down subjects on the outside of the clothing for weapons based on reasonable suspicion
  6. Private open fields and public spaces

### **322.2.1**

#### **SEARCH PROTOCOL**

- a) Members of this Office will conduct person searches with dignity and courtesy.
- b) Members of this Office will conduct property searches in a manner that returns the condition of the property to its pre-search status as nearly as reasonably practicable.
- c) Members of this Office should attempt to gain keys to locked property when a search is anticipated, and the time and effort required to gain the keys makes it a practicable option.
- d) Video-recording the search location prior to, and after the search, should be conducted when the search requires significant movement or damage to property. This can be done with a BWC.
- e) When the person to be searched is of the opposite sex of the deputy, a deputy of the like sex should be summoned to the scene to conduct the search.

- f) A search may be undertaken of a member of the opposite sex when it is not practicable to summon a deputy of the like sex. In these instances, the deputies will adhere to the following guidelines:
  - 1. A supervisor and/or one other deputy should witness the search, if practicable.
  - 2. Deputies will use the back side of their hands and fingers to search sensitive areas of the opposite sex to include the breast, crotch and buttocks areas.
  - 3. When possible, a search should be conducted in the presence of a video camera, such as a BWC or in-car recording system.
- g) The deputy should explain to the person being searched the reason for the search and how the deputy will conduct the search.

### **322.3**

#### **SEARCHES**

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions 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 this Office is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, deputies are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

#### **322.3.1**

##### **RESIDENCE**

Absent a valid search warrant, exigent circumstances, or valid consent, every person has a reasonable expectation of privacy inside his/her home. Individuals do not, however, generally have a reasonable expectation of privacy in areas around their home where the general public (e.g., mail carriers and solicitors) would reasonably be permitted to go.



### **322.3.2**

#### **PLAIN VIEW**

Because an individual does not have an expectation of privacy as to items that are in plain view, no "search" has taken place in a constitutional sense when an object is viewed from a location where the deputy has a legal right to be.

An item in plain view may generally be seized when all of the following conditions exist:

- It was viewed from a lawful location.
- There is probable cause to believe that the item is linked to criminal activity.
- The location of the item can be legally accessed.

It is important to note that the so-called "Nexus Rule" requires that even items in plain view must not be seized unless there is probable cause to believe that the item will aid in an investigation. Such a nexus should be included in any related reports.

### **322.3.3**

#### **EXIGENT CIRCUMSTANCES**

Exigent circumstances permitting entry into premises without a warrant or valid consent generally include any of the following:

- Imminent danger of injury or death
- Serious damage to property
- Imminent escape, fresh pursuit of a suspect
- The destruction of evidence
- Public safety

An exigency created by the deputy's own conduct as an excuse for a warrantless entry is not generally permitted.

### **322.4**

#### **SEARCH PROTOCOL**

Entry into a location for the purpose of conducting a search for any item reasonably believed relevant to any investigation is permitted once valid consent has been obtained. A search by consent is only valid if the following criteria are met:

- Voluntary (i.e., clear, specific and unequivocal)
- Obtained from a person with authority to give the consent
- Does not exceed the scope of the consent given

Deputies are encouraged to utilize written Consent to Search forms when obtaining consent. If circumstances prevent the use of the Consent to Search form, deputies should describe such circumstances in related report(s) and/or video record the incident.

There is no requirement that an individual be told of his/her right to refuse consent, such a warning and the use of the Consent to Search form may provide support for the validity of any consent.

## 322 – Search and Seizure

Consent must be obtained as the product of a free will. It cannot be obtained through submission to authority, expressed or implied.

A person with authority to consent to search should be present or otherwise in a position to communicate a withdrawal of consent should they so desire. Absent other legal justification, any related search should be discontinued at any point that consent is withdrawn, even if the withdrawal is made by a different party who is at the scene and who also has equal authority over the area being searched.

### **322.5**

#### **DOCUMENTATION**

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

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

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



## **324 Temporary Custody of Juveniles**

### **324.1**

#### **PURPOSE AND SCOPE**

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Washoe County Sheriff's Office (42 USC § 5633).

### **324.2**

#### **DEFINITIONS**

Definitions related to this policy include:

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

**Juvenile offender** - A juvenile 8 years of age through the age of 17 who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) or a juvenile who has violated NRS 202.300 by possessing a handgun (28 CFR 31.303).

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

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

Examples of secure custody include:

- A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- A juvenile handcuffed to a rail.
- A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- A juvenile being processed in a secure booking area when an unsecure booking area is available.
- A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

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

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

### **324.3**

#### **POLICY**

The Washoe County Sheriff's Office is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the Washoe County Sheriff's Office. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

### **324.4**

#### **JUVENILES WHO SHOULD NOT BE HELD**

Juveniles who exhibit any of the following conditions should not be held at the Washoe County Sheriff's Office:

- Unconscious
- Seriously injured
- A known suicide risk or obviously severely emotionally disturbed
- Significantly intoxicated
- Extremely violent or continuously violent

Deputies taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation.

These juveniles should not be held at the Washoe County Sheriff's Office unless they have been evaluated by a qualified medical and/or mental health professional.

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

### **324.5**

#### **CUSTODY OF JUVENILES**

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

No juvenile should be held in temporary custody at the Washoe County Sheriff's Office without authorization of the arresting deputy's supervisor or the Watch Commander.

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond six hours from the time of his/her entry into the Washoe County Sheriff's Office (42 USC § 5633).

**324.6**

**CUSTODY OF JUVENILE NON-OFFENDERS**

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Washoe County Sheriff's Office. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure detention (42 USC § 5633).

**324.7**

**CUSTODY OF JUVENILE STATUS OFFENDERS**

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, deputies may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (42 USC § 5633).

**324.8**

**CUSTODY OF JUVENILE OFFENDERS**

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

Generally, juvenile offenders may be taken into custody (NRS 62C.010):

- When a court order authorizes custody.
- When a deputy has probable cause to believe a juvenile is violating or has violated any state or local law, ordinance, or rule or regulation that would subject an adult to an arrest.

Unless impracticable or otherwise provided in this policy or ordered by the juvenile court, a juvenile shall be released to a parent, guardian or to a responsible adult who has signed a written agreement to bring the juvenile before the juvenile court. The written agreement shall be submitted to the juvenile court as soon as possible (NRS 62C.010(2)).

A juvenile offender shall not be released if he/she is in custody for a firearm offense, domestic battery or violation of a domestic violence court order (NRS 62C.060; NRS 62C.020).

A juvenile should not be released if the deputy has probable cause to believe the juvenile is likely to commit an offense that is dangerous to him/herself or to the community, is likely to commit damage to property, to run away and not appear for juvenile court proceedings, or is a fugitive from another jurisdiction (NRS 62C.030(2)).

If a juvenile offender is not released, the juvenile shall be transported to juvenile court or a designated juvenile facility without delay (NRS 62C.010(3)).

**324.8**

**ADVISEMENTS**

The deputy shall promptly notify the juvenile's parent or guardian that the juvenile is in custody (NRS 62C.010).

**324.9**

**JUVENILE CUSTODY LOGS**

Any time a juvenile is held in custody at the Office, the detention shall be promptly and properly documented in the juvenile custody log, including:

## Policy 324 – Temporary Custody of Juveniles

- a) Identifying information about the juvenile being held
- b) Date and time of arrival and release from the Washoe County Sheriff's Office
- c) Watch Commander notification and approval to temporarily hold the juvenile
- d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender or non-offender
- e) Any changes in status
- f) Time of all welfare checks
- g) Any medical and other screening requested and completed
- h) Circumstances that justify any secure detention
- i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority

The Watch Commander shall initial the log to approve the detention, including any secure detention, and shall also initial the log when the juvenile is released.

### **324.9**

#### **NO-CONTACT REQUIREMENTS**

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Office (42 USC § 5633; NRS 62C.030(3)). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Washoe County Sheriff's Office shall maintain a constant, immediate presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

### **324.8**

#### **TEMPORARY CUSTODY REQUIREMENTS**

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

- a) The Watch Commander should be notified if it is anticipated that a juvenile may need to remain at the Washoe County Sheriff's Office more than four hours. This will enable the Watch Commander to ensure no juvenile is held at the Washoe County Sheriff's Office more than six hours.
- b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- c) Personal visual checks and significant incidents/activities shall be noted on the log.
- d) There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware. Therefore, an employee should inform a juvenile under his/her care that the juvenile will be monitored at all times, unless he/she is using the toilet. This does not apply to surreptitious and legally obtained recorded interrogations.
- e) Juveniles shall have reasonable access to toilets and wash basins.
- f) Food should be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.
- g) Juveniles shall have reasonable access to a drinking fountain or water.
- h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.

## Policy 324 – Temporary Custody of Juveniles

- i) Juveniles should have privacy during family, guardian and/or lawyer visits.
- j) Juveniles should be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- k) Blankets should be provided as reasonably necessary.
- l) Adequate shelter, heat, light and ventilation should be provided without compromising security or enabling escape.
- m) Juveniles shall have adequate furnishings, including suitable chairs or benches.
- n) Juveniles shall have the right to the same number of telephone calls as an adult in custody.
- o) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse.

### **324.10**

#### **USE OF RESTRAINT DEVICES**

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Washoe County Sheriff's Office when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Watch Commander. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse.

### **324.11**

#### **PERSONAL PROPERTY**

The deputy taking custody of a juvenile offender or status offender at the Washoe County Sheriff's Office shall ensure a thorough search of the juvenile's property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils, and belts.

The personal property of a juvenile should be placed in a property bag. The property should 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 Washoe County Sheriff's Office.

### **324.12**

#### **SECURE CUSTODY**

Only juvenile offenders 14 years of age or older may be placed in secure custody. Watch Commander approval is required before placing a juvenile offender in secure custody.

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

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

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

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

### **324.12.1**

#### **LOCKED ENCLOSURES**

A thorough inspection of the area shall be conducted before placing a juvenile into the enclosure. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room should be photographed and documented in the crime report.

The following requirements shall apply to a juvenile offender who is held inside a locked enclosure:

- a) The juvenile shall constantly be monitored by an audio/video system during the entire detention.
- b) Juveniles shall have constant auditory access to Office members.
- c) Initial placement into and removal from a locked enclosure shall be logged.
- d) Random personal visual checks of the juvenile by a staff member, no less than every 15 minutes shall occur.
  1. All checks shall be logged.
  2. The check should involve questioning the juvenile as to his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened)
  3. Requests/concerns of the juvenile should be logged.
- e) Males and females shall not be placed in the same locked room.
- f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

### **324.13**

#### **SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY OF A JUVENILE**

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

- a) Immediate notification of the on-duty supervisor, Sheriff and Detective Division supervisor
- b) Notification of the parent, guardian or person standing in loco parentis, of the juvenile
- c) Notification of the appropriate prosecutor
- d) Notification of the District Attorney
- e) Evidence preservation

### **324.14**

#### **INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS**

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent and does consent to an interview or interrogation.



**324.15**

**RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING**

A juvenile offender must be fingerprinted and photographed if in custody for an unlawful act that, if committed by an adult, would have been a felony or a misdemeanor or otherwise identified in NRS 62H.010. The fingerprints and photographs of juveniles will be maintained as required by NRS 62H.010.



## **326 Abuse of Older or Vulnerable Persons**

### **326.1**

#### **PURPOSE AND SCOPE**

The purpose of this policy is to provide members of this Office with direction and understanding of their role in the prevention, detection and intervention in incidents of older person and vulnerable person abuse. It is the policy of the Washoe County Sheriff's Office to treat reports of violence against older persons and vulnerable persons as high priority criminal activity that is to be fully investigated regardless of the relationship between the victim and the suspect(s) (NRS 200.5091).

### **326.2**

#### **DEFINITIONS**

For purposes of this policy, the following definitions are provided (NRS 200.5092):

**Abuse** – The willful and unjustified infliction of pain, injury, mental anguish; the deprivation of food, clothing, shelter or services which are necessary to maintain the physical or mental health of an older person or a vulnerable person.

**Exploitation** – Any act taken by a person who has the trust and confidence of an older person or a vulnerable person or any use of the power of attorney or guardianship of an older person or a vulnerable person to obtain control, through deception, intimidation or undue influence, over the older person's or vulnerable person's money, assets or property with the intention of permanently depriving the older person or vulnerable person of the ownership, use, benefit or possession of his/her money, assets or property; or to convert money, assets or property of the older person or vulnerable person with the intention of permanently depriving the older person or vulnerable person of the ownership, use, benefit or possession of his/her money, assets, or property.

**Isolation** – The willful, malicious and intentional prevention of an older person or a vulnerable person from having contact with another person by:

- Intentionally preventing the older person or vulnerable person from receiving his/her visitors, mail or telephone calls. This includes, without limitation, communicating to a visitor or caller of the older person or vulnerable person, that he or she is not present or does not want to meet with or talk to the visitor or caller, knowing that the statement is false, contrary to the expressed wishes of the older person or vulnerable person and intended to prevent him or her from having contact with the visitor; or
- Physically restraining the older person or vulnerable person to prevent him or her from meeting with a person who comes to visit.

**Neglect** – The failure of a person who has assumed legal responsibility or a contractual obligation for caring for an older person or a vulnerable person or who has voluntarily assumed responsibility for his/her care to provide food, shelter, clothing or services which are necessary to maintain the physical or mental health of the older person or vulnerable person; or an older person or a vulnerable person to provide for his/her own needs because of inability to do so.

**Older Person** – A person 60 years of age or older.

**Vulnerable Person** – A person 18 years of age or older who suffers from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or has one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living.

### **326.3**

#### **MANDATORY REPORTING REQUIREMENTS**

The Washoe County Sheriff's Office is considered a mandated reporter. If during the course of an investigation a deputy has reasonable cause to believe that an older person or vulnerable person has been abused, neglected, isolated or exploited by another person in a manner that constitutes a criminal offense under any law, the deputy shall take a report and make an investigation as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person has been abused, neglected, exploited or isolated and notify the appropriate state agency (NRS 200.5093(4)(h), NRS 200.5093(7), NRS 200.50935(3)(f) and NRS 200.50935(6)).

Information received by any member of the Washoe County Sheriff's Office which would cause reasonable belief that an older person or vulnerable person has been abused, neglected, isolated or exploited by another person shall immediately be reported and result in the immediate initiation of an investigation of the information (NRS 200.5093(4)(h) and NRS 200.50935(3)(f)).

#### **326.3.1**

##### **RECORDS SECTION RESPONSIBILITY**

The Records Section is responsible for the following (NRS 200.5093(7)):

- a) Provide a copy of the older person or vulnerable person abuse report to the local office of the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes Against Older Persons in the Office of the Attorney General and the Repository for information Concerning Crimes Against Older Persons of the Central Repository within 30 days of the completion of the report. This requirement is applicable even if the initial call was received from a state of emergency.
- b) Provide a copy of the older person or vulnerable person abuse report to the county's office for protective services; or call the Aging and Disability Services of the Division of the Department of Health and Human Services.
- c) Retain the original older person or vulnerable person abuse report with the initial case file.

### **326.4**

#### **DEPUTY RESPONSE**

All incidents involving actual and suspected elder and dependent abuse shall be fully investigated and appropriately documented.

#### **326.4.1**

##### **INITIAL RESPONSE**

Deputies may be called upon to affect a forced entry as the first responder to the scene of a suspected elder abuse. Entry should be immediate when it appears reasonably necessary to protect life or property. When the need for an emergency entry is not evident, deputies should seek supervisory approval. Deputies must be prepared to provide emergency care pending the arrival of medical personnel, if not already present.

#### **326.4.2**

##### **STABILIZE THE SITUATION**

Deputies must quickly assess the situation in an effort to ensure the immediate safety of all persons. Deputies shall also consider the following:

- Attempt to identify the victim, suspect and witnesses as well as the roles and relationships of all parties. Parties should be interviewed separately when possible. Frequently it is wrongfully assumed that elderly persons are incapable of accurately reporting the incident. Do not automatically discount the statement of an elderly person.
- Preserve the crime scene where evidence may be present. All persons should be removed from the scene until it has been photographed and processed. Any evidence such as injuries that may change in appearance should be photographed immediately.
- Assess and define the nature of the problem. Deputies should assess the available information to determine the type(s) of abuse that may have taken place or the potential for abuse in the future that may be eliminated by our intervention.
- Make on-scene arrests when appropriate. Immediate arrest of an abuser (especially when the abuser is a family member or caretaker) may leave the elderly victim without necessary support and could result in institutionalization. The effect of an arrest on the victim should be considered and weighed against the assessed risk and the competent victim's desires. The present and future safety of the victim is of utmost importance.

#### **326.4.3**

##### **SUPPORT PERSONNEL**

The following person(s) should be considered if it appears an in-depth investigation is appropriate:

- Patrol Supervisor
- Detective Personnel
- Evidence Collection Personnel
- Protective Services Agency personnel
- Ombudsman shall be called if the abuse is in a long-term care facility

#### **326.4.4**

##### **PROTECTIVE ORDERS AND EMERGENCY PROTECTIVE ORDERS**

In any situation which a deputy reasonably believes that an elder or dependent adult is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the deputy may contact Protective Services and request that they obtain a protective order against the person alleged to have committed or threatened such abuse if that person is not in custody. If an offense is taken where it is clear there has been family violence against an elder or dependent adult, upon arrest of the suspect, the deputy should seek an Emergency Protective Order.

#### **326.5**

##### **OLDER PERSON OR VULNERABLE PERSON ABUSE REPORTING**

Every allegation of older person or vulnerable person abuse shall be documented. When documenting older person or vulnerable person abuse cases, the following information should also minimally be included in the report (NRS 200.5094):

- The name and address of the older person or vulnerable person
- The name and address of the person responsible for his/her care, if there is one
- The name and address, if available, of the person who is alleged to have abused, neglected, exploited or isolated the older person or vulnerable person
- The nature and extent of the abuse, neglect, exploitation or isolation of the older person or vulnerable person
- Any evidence of previous injuries
- The basis of the reporter's belief that the older person or vulnerable person has been abused, neglected, exploited or isolated

Reporting of cases of elder/dependent abuse is confidential and will only be released as per Policy Manual § 810 (NRS 200.5095).

#### **326.6**

##### **OLDER PERSON OR VULNERABLE PERSON ABUSE IN A CARE FACILITY**

Deputies shall investigate all allegations relating to the abuse, neglect or exploitation of an elderly or disabled person in a care facility or under the care of a facility (NRS 200.5093(2) and NRS 200.50935(6)).

Deputies shall notify the Unit for the Investigation and Prosecution of Crimes Against Older Persons in the Office of the Attorney General as soon as reasonably practical and advise whether a crime report was taken (NRS 200.5093(1)(a) and NRS 200.50935(2)).

#### **326.7**

##### **OBTAINING ARREST WARRANT**

Deputies shall promptly seek a warrant for the arrest of any person for whom probable cause exists to believe is criminally responsible for the abuse, neglect, exploitation or isolation of an older person or a vulnerable person (NRS 200.50955).



## **328 Sexual Harassment, Discrimination, Workplace Violence and Harassment**

### **328.1**

#### **PURPOSE AND SCOPE**

This policy is intended to prevent Office members from being subjected to discrimination or sexual harassment.

### **328.2**

#### **POLICY**

The Washoe County Sheriff's Office is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Office will not tolerate discrimination against employees in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Office will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The non-discrimination policies of the Office may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

### **328.3**

#### **DISCRIMINATION PROHIBITED**

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

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

Conduct that may, under certain circumstances, constitute discriminatory harassment, can include making derogatory comments, crude and offensive statements or remarks, making slurs or off-color jokes, stereotyping, engaging in threatening acts, making indecent gestures, pictures, cartoons, posters or material, making inappropriate physical contact, or using written material or office equipment and/or systems to transmit or receive offensive material, statements or pictures. Such conduct is contrary to Office policy and to the Office's commitment to a discrimination

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

### **328.3.1**

#### **SEXUAL HARASSMENT**

The Office prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or an employee because of that person's sex.

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

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

### **328.3.2**

#### **DISCRIMINATION PROHIBITED**

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles or standards including:

- Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission or the Nevada Equal Rights Commission.
- 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 County or Office rules or regulations, or any other appropriate work-related communication between supervisor and employee.

### **328.3.3**

#### **WORKPLACE VIOLENCE**

- Any intentional conduct that is sufficiently severe, offensive, or intimidating to the extent that it causes an individual to reasonably fear for his/her personal safety or the safety of his/her family, friends and/or property may constitute workplace violence.
- Specific examples of conduct that may be considered threats or acts of violence under this policy include, but are not limited to, the following:
  1. Threatening physical or aggressive contact directed toward another individual
  2. Threatening an individual or his/her family, friends, associates or property with physical harm
  3. The intentional destruction or threat of destruction of county property or another's property
  4. Harassing or threatening phone calls or notes
  5. Surveillance

6. Stalking
7. Veiled threats of physical harm or similar intimidation

#### **328.3.4**

##### **ADDITIONAL CONSIDERATIONS**

"Sexual Harassment," "Discrimination," "Harassment" and "Workplace Violence" does not include actions that are in accordance with established rules, principles or standards of the Washoe County Sheriff's Office including the following:

- Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission.
- Bona fide requests or demands by a supervisor that the employee improve his/her work quality or output, that the employee report to the job site on time, that the employee comply with Washoe County and Washoe County Sheriff's Office rules or regulations, or any other appropriate work-related communication between supervisor and employee.

#### **328.4**

##### **RESPONSIBILITIES**

This policy applies to all Office personnel. All members shall follow the intent of these guidelines in a manner that reflects Office policy, professional law enforcement standards and the best interest of the Office and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to 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, Director of Human Services or the Voting Citizens.

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 alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

#### **328.4.1**

##### **SUPERVISOR RESPONSIBILITY**

Each supervisor and manager shall:

- a) Continually monitor the work environment and strive to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- b) Take prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment or retaliation.
- c) Ensure their subordinates understand their responsibilities under this policy.



- d) Ensure that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- e) Notify the Sheriff or the Director of Human Services in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation no later than the next business day.

#### **328.4.2**

##### **SUPERVISOR 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 Office and professional law enforcement standards.
- b) False or mistaken accusations of discrimination, harassment or retaliation 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.

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

#### **328.5**

##### **INVESTIGATION OF COMPLAINTS**

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive hostile work environment. It is the policy of the Office that all complaints of discrimination or harassment shall be fully documented, and promptly and thoroughly investigated. The participating or opposing member should be protected against retaliation, and the complaint and related investigation should be kept confidential to the extent possible.

#### **328.5.1**

##### **SUPERVISORY RESOLUTION**

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

### **328.5.2**

#### **FORMAL INVESTIGATION**

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

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

Formal investigation of the complaint will be confidential to the extent possible and will include, but not be limited to, details of the specific incident, frequency and dates of occurrences and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Sheriff, Director of Human Services or the Voting Citizens.

### **328.5.3**

#### **EQUAL OPPORTUNITY EMPLOYMENT COMPLAINTS**

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

### **328.6**

#### **NOTIFICATION OF DISPOSITION**

The complainant and/or victim will be notified in writing of the disposition of the investigation and actions taken to remedy the complaint.

### **328.7**

#### **DOCUMENTATION OF COMPLAINTS**

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Sheriff. The outcome of all reports shall be:

- Approved by the Sheriff, the Voting Citizens or the Director of Human Services if more appropriate
- Maintained for the period established in the Office's records retention schedule

### **328.8**

#### **TRAINING**

All new employees shall be provided with a copy of this policy as part of their orientation. The

policy shall be reviewed with each new employee. The employee shall certify by signing the prescribed form that he/she has been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during his/her term of employment.

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

**328.8.1**

**QUESTIONS REGARDING DISCRIMINATION OR SEXUAL HARASSMENT**

Employees having questions regarding this policy are encouraged to contact their immediate supervisor, a supervisor in their chain of command of the executive staff of the Washoe County Sheriff's Office, Sheriff or the Director of the Washoe County Department of Human Resources.



## **330 Child Abuse**

### **330.1**

#### **PURPOSE AND SCOPE**

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

### **330.1.1**

#### **DEFINITIONS**

**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.

### **330.2**

#### **POLICY**

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

### **330.3**

#### **MANDATORY NOTIFICATION**

Members of the Washoe County Sheriff's Office shall notify CPS when a report of possible child abuse or neglect is received or when there is reasonable cause to believe that a child has been abused or neglected. Notification is mandatory if the abuse or neglect involves a person who is under 18 years of age or if in school, until graduation from high school (NRS 432B.260(1); NRS 432B.040).

For purposes of notification, abuse or neglect of a child includes physical or mental injuries of a non-accidental nature, sexual abuse or sexual exploitation, or negligent treatment or maltreatment as described in NRS 432B.140 (NRS 432B.020).

### **330.3.1**

#### **NOTIFICATION PROCEDURE**

Notification should occur as follows (NRS 432B.2200):

- a) Notification to CPS shall be made as soon as reasonably practicable but not later than 24 hours after a member knows or has reasonable cause to believe that the child has been abused or neglected.
- b) Notification, when possible, shall include (NRS 432B.230):
  1. The name, address, age and sex of the child
  2. The name and address of the child's parents or other person who is responsible for care of the child

3. The nature and extent of the abuse or neglect, including the effect of prenatal illegal substance abuse on a newborn infant or the nature of the withdrawal symptoms resulting from prenatal drug exposure of a newborn infant
  4. Any evidence of previously known or suspected abuse or neglect of the child or the child's siblings
  5. The name, address and relationship, if known, of the person who is alleged to have abused or neglected the child
  6. Any other information known to the person making the report
- c) If the abuse or neglect results in the death of a child, the appropriate Medical Examiner shall be notified (NRS 432B.220(6)).

When the abuse or neglect occurs at a facility that requires a state license (i.e., foster care, group home, day care) or is alleged to have been committed by a person required to be licensed, notification shall promptly be made to the appropriate licensing authority (NRS 432B.260).

### **330.4**

#### **QUALIFIED INVESTIGATORS**

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

- Conduct interviews in child appropriate interview facilities
- Be familiar with forensic interview techniques specific to child abuse investigations
- Coordinate, guide, or direct a deputy's investigation
- Prepare cases for possible prosecution
- Coordinate with other enforcement agencies, social service agencies and school administrators as needed
- Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate
- Participate in or coordinate with multidisciplinary investigative teams as applicable

### **330.5**

#### **INVESTIGATIONS AND REPORTING**

In all reported or suspected cases of child abuse, a report will be written. Deputies shall write a report even if the allegations appear unfounded or unsubstantiated (NRS 432B.220).

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

- 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.
- The exigent circumstances that existed if deputies interviewed the child victim without the presence of a parent or guardian.
- Any relevant statements the child may have made and to whom he/she made the statements.
- 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.
- Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.

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- Whether the child victim was transported for medical treatment or a medical examination.
- 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.
- Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- Previous addresses of the victim and suspect.
- Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

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

### **330.5.1**

#### **MANDATORY ACTION UPON RECEIPT OF A REPORT**

All reported incidents of possible child abuse shall be immediately evaluated to determine the required action. Evaluation may necessitate a deputy's response to assess the circumstances and determine the required reporting and investigation. Any report of possible abuse received by this Office shall be immediately investigated if the report indicates (NRS 432B.260):

- a) There is a high risk of serious harm to the child.
- b) The child has suffered a fatality.
- c) The child is living in a household in which another child has died, or the child is seriously injured or has visible signs of physical abuse.

### **330.6**

#### **PROTECTIVE CUSTODY**

Before taking any child into protective custody, the deputy should make reasonable attempts to contact CPS. Generally, removal of a child from 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.

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 CPS.

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

Children may only be removed from a parent or guardian in the following situations (NRS 432B.390):

- The deputy has reasonable cause to believe that immediate action is necessary to protect the child from injury, abuse or neglect.
- The deputy has reasonable cause to believe that the death of the child's parent is or may be the result of an act committed by the other parent that constitutes domestic violence pursuant to NRS 33.018.

### **330.6.1**

#### **PROCEDURE**

A deputy placing a child in protective custody shall (NRS432B.390(8)):

- Present identification when taking a child into protective custody, as required (NRS 432B.390).
- Immediately take steps to protect all other children remaining in the home or facility, if necessary.
- Immediately make a reasonable effort to notify the person responsible for the child's welfare that the child has been placed in protective custody.
- As soon as practicable, notify the agency that provides child welfare services of the placement. Notification shall be made immediately if the child is under 6 years of age and placement is pursuant to the provisions of NRS 432B.3905.

### **330.6.2**

#### **SAFE HAVEN PROVISION**

A parent may surrender an infant who is not more than 30 days old to this Office if the parent is delivering the child voluntarily and does not express an intent to return for the child. Upon surrender, the deputy shall:

- Whenever possible make the parental notifications required in NRS 432B.630.
- Immediately advise the Watch Commander.
- Immediately arrange for the safe delivery of the child to a hospital, an obstetric center or an independent center for emergency medical care.
- Make reasonable investigation to determine whether the child has been reported as a missing child.
- Notify CPS as soon as practicable but not later than 24 hours.
- Complete all appropriate reports.

A person does not commit abuse, neglect or endangerment of a child when surrendering an infant to a provider of emergency services (NRS 432B.630; NRS 200.508).

### **330.7**

#### **INTERVIEWS**

### **330.7.1**

#### **PRELIMINARY INTERVIEWS**

Absent extenuating circumstances or impracticality, deputies should record the preliminary interview with suspected child abuse victims. Deputies should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation.

When practicable, investigating deputies should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

### **330.7.2**

#### **DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW**

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

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

### **330.8**

#### **MEDICAL EXAMINATIONS**

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

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

### **330.9**

#### **DRUG-ENDANGERED CHILDREN**

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

### **330.9.1**

#### **SUPERVISOR RESPONSIBILITIES**

The Detective Division Supervisor should:

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



- b) Activate any available interagency response when a deputy notifies the Detective Division Supervisor that the deputy has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.
- c) Develop a report format or checklist for use when deputies respond to drug labs or other narcotics crime scenes. The checklist will help deputies document the environmental, medical, social and other conditions that may affect the child.

### **330.9.2**

#### **DEPUTY RESPONSIBILITIES**

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

- a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.
- b) Notify the Detective Division Supervisor so an interagency response can begin.

### **330.10**

#### **STATE MANDATES AND OTHER RELEVANT LAWS**

Nevada requires or permits the following:

#### **330.10.1**

##### **RELEASE OF REPORTS**

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Release and Security Policy (NRS 432B.280; NRS 432B.290).

#### **330.10.2**

##### **CHILD DEATH REVIEW TEAMS**

Multidisciplinary child death review teams are entitled to access all investigative information of law enforcement agencies regarding the death of a child. This Office shall cooperate fully with any such team and investigation (NRS 432B.407).

#### **330.10.3**

##### **REQUIRED REPORTING TO CENTRAL REGISTRY**

The deputy investigating a report of abuse or neglect of a child shall, upon completing the investigation, report the following to the Central Registry unless addressed by CPS (NRS 432B.310):

- a) The identifying and demographic information of:
  - 1. The child alleged to be abused or neglected
  - 2. The parents and any other person responsible for the welfare of the child
  - 3. The person allegedly responsible for the abuse or neglect
- b) The facts of the alleged abuse or neglect, including:
  - 1. The date and type of alleged abuse or neglect
  - 2. The manner in which the abuse was inflicted
  - 3. The severity of the injuries
  - 4. Any information concerning the death of the child, if applicable
- c) The disposition of the case.

**330.11**

**TRAINING**

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

- a) Participating in multidisciplinary investigations, as appropriate.
- b) Conducting forensic interviews.
- c) Availability of therapy services for children and families.
- d) Availability of specialized forensic medical exams.
- e) Cultural competence (including interpretive services) related to child abuse investigations.
- f) Availability of victim advocate or guardian ad litem support.
- g) Dynamics of child abuse.



## **332 Missing Person Reporting**

### **332.1**

#### **PURPOSE AND SCOPE**

This policy describes the procedure for acceptance, reporting, documenting and investigating missing persons. State law, as well as federal law under 42 USC 5779(a), specify certain requirements relating to missing persons (NRS 480.500 et. seq and NRS 432.200 et. Seq).

### **332.1.1**

#### **DEFINITIONS**

For purposes of this section the following definitions are provided:

**Missing Person** - A person 18 years old or older whose disappearance is possibly not voluntary.

**Missing Child** - A person under the age of 18 years who has run away or is otherwise missing from the lawful care, custody and control of a parent or guardian (NRS 432.150) (4).

### **332.2**

#### **REPORT ACCEPTANCE**

All personnel shall accept any report, including any telephone report, of a missing person, including runaways, without delay and shall give priority to the handling of these reports over the handling of reports relating to crimes involving property. Missing person reports shall be taken on missing persons regardless of jurisdiction (NRS 432.200(1)).

Patrol personnel should handle the initial missing person report. 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 under 14-years of age, the Detective Division will begin an investigation after an initial search by patrol personnel.

In all cases involving a person missing under suspicious circumstances or a child under 14-years of age, the handling employee shall ensure that the Watch Commander and appropriate Detective Division supervisor shall be notified. This Office shall not delay any reporting, investigation or action upon receipt of a report of a missing child under 14-years of age and shall evaluate all information and circumstances surrounding the disappearance of the child to determine whether immediate action is necessary (NRS 432.190).

### **332.2.1**

#### **INVESTIGATION DILIGENCE**

Members of this Office shall accept any report, including any telephonic report, of a missing person, including runaways, without delay and shall give priority to the handling of these reports over the handling of reports relating to crimes involving property. When conducting a missing report, the handling deputy shall (NRS 480.500(2) and NRS 432.200(1)):

- a) Notify immediately such persons and make inquiries concerning the missing person as necessary.
- b) Assess reasonable steps to be taken to locate the person.
- c) If the missing person is under 14 years of age, or there is evidence the person is missing under suspicious circumstances, Dispatch shall broadcast over the radio an "attempt to locate" transmission without delay.

In any case where a missing child or missing person has been missing for 30 days or more, the investigator handling the case shall request the written consent of the next of kin or guardian to obtain certain identifying information about the missing person that the National Crime Information Center recommends be provided from the appropriate providers of medical care. After receiving the written consent, the investigator shall obtain the identifying information from the providers of medical care and forward that information and any other relevant information to the National Crime Information Center for comparison with the identifying information that is on file concerning unidentified deceased persons (NRS 480.500(3)).

The investigator will make every attempt to collect items from the missing person for DNA reference and also DNA reference swabs from immediate blood relatives (i.e. natural mother, father, children and mother of children in common).

The agency having jurisdiction over the missing person's residence normally will handle the case after the initial report is taken, however Office members may assist in the investigation on a person who was last seen in this jurisdiction.

### **332.2.2**

#### **INVESTIGATION DUTY – MISSING CHILD**

Upon receiving and verifying a report of a missing child, other than a child who has run away, the Washoe County Sheriff's Office shall immediately transmit the full contents of the report by the fastest means available to the Attorney General's Clearinghouse (NRS 432.205).

In conducting an investigation of a missing child, the Washoe County Sheriff's Office shall:

- a) Conduct a preliminary investigation and classify the cause of the disappearance of the child as "runaway," "abducted by his/her parent," "abducted by a stranger," or "cause of disappearance unknown," and shall (NRS 432.200 et. seq):
  1. Transmit all available information about the child to the Attorney General's Clearinghouse and to the Central Repository for Nevada Records of Criminal History within 36 hours after the report is received.
  2. Immediately notify such persons and make such inquiries concerning the missing child as necessary.
  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.
  4. Enter into the National Crime Information Center's Missing Person File and the Repository for Information Concerning Missing Persons within the Central Repository for Nevada Records of Criminal History, 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.

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- b) Immediately provide the National Crime Information Center for the entry into the Center's 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.
  - 1. The suspect.
  - 2. As miscellaneous information, the missing child.
- c) Cross-reference all information entered pursuant with the National Crime Information Center's Missing Person File and with the Repository for Information Concerning Missing Persons within the Central Repository for Nevada Records of Criminal History.
- d) When a missing child is less than 16 years of age or has not been located within 30 days after a report is filed, the assigned investigator shall:
  - 1. Send to the child's parent or guardian a request for certain identifying information regarding the child that the National Crime Information Center recommends being provided.
  - 2. Request the child's parent or guardian provide such identifying information regarding the child.
  - 3. Upon receipt of identifying information, transmit all information to the Investigation Division of the Department of Public Safety and to the Central Repository for Nevada Records of Criminal History.
- e) Upon notice by a parent or guardian that a child reported as missing has been found or returned, the Office shall notify the National Crime Information Center, the Central Repository for Nevada Records of Criminal History and the Attorney General's Clearinghouse.

### **332.3**

#### **REPORT HANDLING**

Missing person reports require special handling and timely notifications. A reference chart is attached at the end of this section.

At any time, a missing report is made, the deputy shall complete a dental and medical release form that will be provided to the reporting party. If the form is properly endorsed, the completed form shall be attached to the missing person report.

Anytime dental or medical records are obtained, a copy of the records shall be sent to the Investigation Division of the Department of Public Safety and the medical examiner shall enter the information into the computer for the National Crime Information Center (NCIC) (NRS 480.500).

Information that is not immediately available and obtained at a later time shall be documented in a supplemental report to the original as required.

#### **332.3.1**

##### **TRANSMITTING REPORTS TO OTHER JURISDICTIONS**

When the Washoe County Sheriff's Office takes a missing person report on a person who lives outside of this jurisdiction, the Records Section shall promptly notify and forward a copy of the report to the agencies having jurisdiction over the missing person's residence and where the

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missing person was last seen. If the missing person is under 16 or there is evidence that the person may be at-risk, the reports must also be forwarded within no more than 24 hours to the jurisdiction of the agency where the missing person was last seen.

**332.3.2**

**TELETYPE NOTIFICATIONS**

When a missing person is under the age of 21, Records Section personnel shall enter the information into the National Crime Information Center (NCIC) within two hours or as soon as possible after accepting the report (42 U.S.C. § 5779(a) and 42 U.S.C. § 5780(3)).

**332.3.3**

**MISSING MORE THAN 45 DAYS**

If a person is still missing after 45 days, the detective should make inquiry with the medical examiner and obtain and forward medical records, photos, x-rays and DNA samples as appropriate.

**332.4**

**MISSING PERSONS LOCATED**

The investigation may be concluded when the missing person is located or when another agency accepts the case and formally assumes the investigative responsibilities.

When this Office discovers a missing person has been found the Records Section shall inform the National Crime Information Center when a missing person has been found (NRS 480.500(5)).

If a missing person under the age of 21 is located, the detective must ensure that a teletype is sent within 24-hours to the Department of Justice noting that information.

**332.5**

**REFERENCE CHART**

	DPS/NCIC	BOLO	TELETYPE	MEDICAL EXAMINER CHECK	CENTRAL REPOSITORY (SS 8567)	FORM	SEND DENTAL X-RAYS	SEND PHOTO	SEND REPORT
PERSON UNDER 21	Immediate	Without delay		After 30 days	Within 24 hours to Central Repository		Within 24 hours to Central Repository	Within 24 hours to Central Repository	Within 24 hours to Central Repository
PERSON UNDER 18 (Non Runaway)	Immediate, within 3 hours	Without delay		After 30 days	After 14 days, within 24 hours to Central		After 14 days, within 24 hours to Central Repository	After 14 days, within 24 hours to Central Repository	After 30 days to Central Repository
PERSON 21 OR OVER	Within 36 hours	Within 36 hours		After 30 days	After 45 days		After 45 days	Not mandated	After 30 days to Central Repository
SUSPICIOUS CIRCS	Immediate	Without delay		After 30 days	After 14 days, within 24 hours to Central Repository		Within 24 hours to Central Repository	Within 24 hours to Central Repository	Within 72 hours to Central Repository

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Information that is not immediately available and obtained at a later time shall be documented in a supplemental report to the original. Entry into the Attorney General's Clearinghouse database and the National Crime Information Center file shall be conducted as soon as possible.



## **334 Public Alerts**

### **334.1**

#### **PURPOSE AND SCOPE**

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

### **334.2**

#### **POLICY**

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

### **334.3**

#### **RESPONSIBILITIES**

#### **334.3.1**

##### **EMPLOYEE RESPONSIBILITIES**

Employees of the Washoe County Sheriff's Office shall notify their supervisor, Watch Commander or Detective Division Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and the public could assist in locating a missing person, apprehending a dangerous person or gathering information.

#### **334.3.2**

##### **SUPERVISOR RESPONSIBILITIES**

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

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- a) Updating alerts
- b) Canceling alerts
- c) Ensuring all appropriate reports are completed
- d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander
- e) Ensuring all appropriate notifications are completed to participating members of the Statewide Alert System (SAS) including, but not limited to:
  1. Media outlets
  2. Other communication centers established by the Department of Public Safety (DPS)



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3. Organizations that provide information relating to crimes to residents through the use of Internet-based technology
4. Any other public or private organizations that participate in the SAS

### **334.4**

#### **AMBER™ ALERTS**

The Nevada AMBER Alert is a voluntary partnership among law enforcement agencies and broadcasters to assist in the search for and safe return of abducted children (NRS 432.340).

#### **334.4.1**

##### **AMBER ALERT CRITERIA**

This Office may activate an AMBER Alert when (NRS 432.370):

- The Office confirms that the child has been abducted.
- The child is in danger of serious physical harm or death.
- The Office has sufficient descriptive information about the child or the person who is suspected of abducting the child, or other pertinent information, to warrant immediate broadcast of the information.
- Absent extenuating circumstances that indicate the AMBER Alert broadcast would endanger an abducted child, the AMBER Alert should be activated within two hours of the abduction or as soon as possible after the abduction is discovered.

There is no mandate for activation of the SAS for the Safe Return of Abducted Children (NRS 432.200).

#### **334.4.2**

##### **AMBER ALERT ACTIVATION REGIONS**

The Watch Commander or Detectives Supervisor will determine the area of coverage for the activation. Activations may cover a county, region, state or multiple states. Nevada is divided into three regions and two sub-regions of broadcast coverage:

- **Region 1** - Western Nevada/Eastern California
- **Region 2** - Southern Nevada/Inyo County, California, Arizona
- **Region 3** - Eastern Nevada
- **Sub-Region 4** - Winnemucca
- **Sub-Region 5** - Ely

Activating personnel should consider that the nature of the crime of child abduction can involve wide areas where broadcasting information can be helpful in the safe return of an abducted child.

AMBER Alert activations must be initiated by broadcasters in each of the state's three regions because no Nevada broadcast radio, television or cable operator provides statewide signal coverage. The discretion for statewide AMBER Alert activations will rest with the Office. The Watch Commander or Detectives Supervisor will notify DPS of the decision to activate the AMBER Alert on a statewide basis.

AMBER Alert activations may be requested in other states directly or through DPS. If requests are made directly to another state, DPS should be notified.

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The Office may not initiate an AMBER Alert activation based on a request from outside the State of Nevada. However, this does not prohibit the Office from otherwise assisting in the safe recovery of an abducted child.

The law enforcement agency with jurisdiction over the abducted child will be the only agency to determine if the AMBER Alert should be activated.

### **334.5**

#### **SILVER ALERT SYSTEM**

The Nevada Silver Alert System is a voluntary partnership among DPS, the Department of Transportation, state and local law enforcement agencies, media outlets and other public and private organizations to assist in the search for and safe return of missing endangered older persons (NRS 427A.867).

#### **334.5.1**

##### **CRITERIA**

This Office may activate a Silver Alert when it has (NRS427A.869):

- a) Confirmed that the whereabouts of a person 60 years of age or older are unknown
- b) Confirmed that the person:
  1. Has been diagnosed with a medical or mental health condition that places the person in danger of serious physical harm or death; or
  2. Is missing under suspicious or unexplained circumstances that places the person in danger of serious physical harm or death
- c) Received sufficient descriptive information about the person or other pertinent information to warrant dissemination of the information
- d) Considered and eliminated alternative explanations for the disappearance
- e) Confirmed that not more than 72 hours have elapsed since the time of discovery of the disappearance of the person
- f) Confirmed, if applicable, all descriptive information of a suspect and/or vehicle involved in the disappearance of the person, to sufficiently include for dissemination in the SAS
- g) Completed the activation form prescribed by DPS

#### **334.5.2**

##### **PROCEDURE**

The Watch Commander or Detective Supervisor activates the Silver Alert using DPS protocols (NRS 427A.868).

#### **334.5.3**

##### **SILVER ALERT ACTIVATION AREAS**

The Watch Commander or Detective Supervisor will determine the area of coverage for the activation. Activations may cover a neighborhood, county, region, state or multiple states (NRS 427A.869).



## **336 Victim Witness Assistance Program**

### **336.1**

#### **PURPOSE AND SCOPE**

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

### **336.2**

#### **POLICY**

The Washoe County Sheriff's Office is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Washoe County Sheriff's Office will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

#### **336.2.1**

##### **VICTIM CONFIDENTIALITY**

A sexual assault victim's identity is confidential. A victim may choose a pseudonym by filing a form that must be provided by the Office (NRS 200.3771, NRS 200.3772 and NRS 200.3773).

The reporting deputy shall document in his/her report that the victim was provided a pseudonym form, was properly informed regarding the completion and submission of the form and shall include any related response made by the victim.

### **336.3**

#### **VICTIM ADVOCATE**

The Sheriff may appoint a member of the Office to serve as the Victim Advocate. The Victim Advocate will be the point of contact for individuals requiring further assistance or information from the Washoe County Sheriff's Office regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

### **336.4**

#### **CRIME VICTIMS**

Deputies should provide all victims with the applicable victim information handouts or appropriate contact information for the Victim Advocate.

Deputies should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Deputies should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written office material or available victim resources.

### **336.5**

#### **VICTIM INFORMATION**

The Victim Advocate shall ensure that victim information handouts are available and current. These should include as appropriate:

- Shelters and other community resources for victims of domestic violence
- Community resources for victims of sexual assault
- Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams (42 USC § 3796gg)
- 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
- A clear explanation of relevant court orders and how they can be obtained
- Information regarding available compensation for qualifying victims of crime
- VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail
- Notice regarding U-Visa and T-Visa application processes
- Resources available for victims of identity theft
- A place for the deputy's name, badge number and any applicable case or incident number
- The specific statements and information to victims of domestic violence required by NRS 171.1225
- Information that certain victims may apply to the Secretary of State to have a fictitious address, designated by the State, serve as their actual address (NRS 217.462)
- How to request information regarding the release of a defendant, the bond amount, if any, and the final disposition of the case involving the victim or witness (NRS 178.5698)
- Information about the Nevada Victims of Crime Program (VOCP)

### **336.6**

#### **WITNESSES**

Deputies should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Deputies may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Deputies should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.



## **338 Hate or Prejudice Crimes**

### **338.1**

#### **PURPOSE AND SCOPE**

The Washoe 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, this 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 James Byrd, Jr. Hate Crimes Act and provide members of this Office with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

### **338.1**

#### **FEDERAL JURISDICTION**

The Federal Government also has the power to investigate and prosecute bias-motivated violence by providing the Justice Department with 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, gender, sexual orientation, gender identity or disability (18 USC 245).

### **338.2**

#### **DEFINITIONS**

**Hate or prejudice crime** - Willfully committing assault, battery, mayhem, kidnapping, sexual assault, robbery, stalking, any form of forced servitude or abuse, or neglect of children because the actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation, or gender identity or expression of the victim is different from that characteristic of the perpetrator (NRS 207.185; NRS 193.1675).

### **338.3**

#### **PREVENTING AND PREPARING FOR LIKELY HATE OR PREJUDICE CRIMES**

While it is recognized that not all crime can be prevented, this Office is committed to taking a proactive approach to preventing and preparing for likely hate or prejudice crimes by among other things:

- Deputies should make 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.
- Providing victim assistance and follow-up as outlined below, including community follow-up.
- Educate community and civic groups relating to hate crime laws.

### **338.4**

#### **PROCEDURE FOR INVESTIGATING HATE OR PREJUDICE CRIMES**

Whenever any member of this Office receives a report of a suspected hate or prejudice crime or other activity that reasonably appears to involve a potential hate or prejudice crime, the following should occur.

- Deputies will be promptly assigned to contact the victim, witness or reporting party to investigate the matter further as circumstances may dictate.
- A supervisor should be notified of the circumstances as soon as practicable.
- Once "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims or apprehension of present suspects), the assigned deputies will take all reasonable steps to preserve available evidence that may tend to establish that a hate or prejudice crime was involved.
- The assigned deputies will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate or prejudice crime. No victim of, or a witness to, a hate or prejudice 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.
- Depending on the situation, the assigned deputies or supervisor may request additional assistance from detectives or other resources to further the investigation.
- The assigned deputies will include all available evidence indicating the likelihood of a hate or prejudice crime in the relevant report(s). All related reports will be clearly marked as "Hate or Prejudice Crimes" and, absent prior approval of a supervisor, will be completed and submitted by the assigned deputies before the end of the shift.
- The assigned deputies and supervisor should take reasonable steps to provide information to victims on how to obtain possible Temporary Restraining Order through the courts or District Attorney.
- The assigned deputies will ensure proper notifications to the Records Section have been made.

### **338.5**

#### **DETECTIVE BUREAU RESPONSIBILITY**

If a case is assigned to the Detective Division, the assigned detective will be responsible for following up on the reported hate or prejudice crime as follows:

- a) Coordinate further investigation with the prosecuting attorney and other appropriate law enforcement agencies, as necessary.
- b) Maintain contact with the victims and other involved individuals as needed.
- c) Maintain statistical data on suspected hate or prejudice crimes and tracking as indicated.

### **338.5.1**

#### **STATE HATE CRIME REPORTING**

This Office shall report hate or prejudice crime offenses in the form and manner and at regular intervals as prescribed by rules adopted by the Nevada Department of Public Safety. This shall be conducted by the Records Manager or assigned to the Detective Division (NRS 179A.175).

### **338.5.2**

#### **FEDERAL HATE CRIME REPORTING**

The Records Manager 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 Section procedures and in compliance with 28 USC § 534(a).

### **338.6**

#### **TRAINING**

All members of this office will receive training on hate and prejudice crime recognition and investigation and attend periodic training as provided.



## **341 Discipline Policy**

### **341.1**

#### **PURPOSE AND SCOPE**

The purpose of this policy is to provide employees of the Washoe County Sheriff's Office with guidelines for their conduct in order that they may participate in meeting the goals of this Office in serving the community. This policy shall apply to all sworn and civilian members of this Office (including volunteer, part-time, auxiliary and reserve employees), hereinafter collectively referred to as "members." This policy is intended for internal use only and shall not be construed to increase or establish a member's civil or criminal liability. Nor shall it be construed to create or establish a higher standard of safety or care. A violation of any portion of this policy may only serve as the basis for internal disciplinary and/or administrative action (NRS 289.010(4)).

### **341.2**

#### **DISCIPLINE POLICY**

The continued employment of every member of the Washoe County Sheriff's Office shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any member to meet the guidelines set forth in this policy, whether on duty or off duty, may be cause for disciplinary action (NRS 289.057).

A member's off-duty conduct shall be governed by this policy to the extent that it is related to act(s) or omission(s) to act that may materially affect or arise from the member's ability to perform the member's official duties and responsibilities; that may be indicative of the member's unfitness for duty; or that brings discredit or embarrassment to the Washoe County Sheriff's Office or its members.

### **341.3**

#### **CONDUCT WHICH MAY RESULT IN DISCIPLINE**

The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of the Washoe County Sheriff's Office. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient Office service (NRS 289.057(1)).

Any of the major infractions listed as follows may be deemed sufficient cause for the discharge, suspension, demotion or removal of any employee:

### **341.3.1**

#### **CODE OF ETHICS**

Failure of a member to abide by the standards of ethical conduct, including but not limited to, loyalty, conduct unbecoming a law enforcement officer, respect for constitutional rights, integrity, endorsement of products and services, courtesy, contact with the public, outside employment, and financial obligations.



### **341.3.2**

#### **PROFESSIONAL CONDUCT**

- a) Violation of any of the rules, regulations, policies, procedures, orders or directives of the Washoe County Sheriff's Office governing the identification and elimination of rumors when they become harassing and/or impair the mission of this Office.
- b) Violation of any rules, regulations, policies, procedures, orders or directives of the Washoe County Sheriff's Office.
- c) Engaging in unbecoming conduct, on duty or off duty which affects the efficiency of the Washoe County Sheriff's Office; effects the member's personal efficiency; disrupts harmony or has an adverse effect in the workplace; or discredits the Washoe County Sheriff's Office in the public eye.
- d) Willful violation of any Federal statute, state law, or city or county ordinance.
- e) Knowingly visiting, entering or frequenting any establishment wherein statutes, laws or ordinances are frequently violated except in the performance of official duties and responsibilities.
- f) Abuse of official position and/or identification.
- g) Knowingly engaging in activity which is incompatible with a member's conditions of employment or otherwise corrupt.
- h) Assisting suspected or actual criminals to conceal evidence, escape arrest, detention or punishment.
- i) Engaging in any act(s) or omission(s) to act which interferes with or compromises the administration of criminal justice.
- j) Engage in conduct that appropriates or adversely affects the integrity of property and evidence obtained in connection with any arrest, booking, investigation or other law enforcement action.
- k) Except in the performance of official duties and responsibilities, knowingly or intentionally associating, without prior authorization, with persons under investigation for a crime; persons convicted of a felony or gross misdemeanor or presently serving a probationary or suspended sentence based on such a conviction; or persons who advocate the violent overthrow of the government.
- l) Failure to treat the official business of the Washoe County Sheriff's Office as confidential or to observe the rules, regulations, policies, procedures, orders or directives governing the collection and dissemination of information.
- m) Using the member's position as an employee of the Washoe County Sheriff's Office to seek free admission, meals, transportation or any other favor or gratuity not ordinarily available to the general public.
- n) Using a member's position as an employee of the Washoe County Sheriff's Office to solicit or accept any gift, gratuity or other goods or services of value where such acceptance might constitute an impropriety or the appearance of an impropriety or improper favoritism or treatment of the party providing the goods or services.



- o) Unauthorized permission to use a member's name, photograph or official title identifying the member as an employee of the Washoe County Sheriff's Office in connection with testimonials or advertisements of any commodity or commercial enterprise.
- p) Unauthorized consumption of any intoxicating beverages while in uniform and while on duty or reporting for duty after consumption of the same; while under the influence of intoxicating beverages to any degree; or to the extent that such consumption causes conduct that discredits the member or the Washoe County Sheriff's Office or causes the member to be unable to perform the member's assigned duties and responsibilities.
- q) Unauthorized possession or use of any controlled substance or to the degree that such possession and use makes the member incapable of properly performing the member's assigned duties and responsibilities.
- r) Constitutionally unprotected public comments or writings that criticize or ridicule personnel, policies, procedures, orders or directives of the Washoe County Sheriff's Office in regard to matters that are not of public concern.
- s) Unauthorized public appearances or publication of any document or other writing which represent the member as a representative of this agency and which releases or divulges investigation information or any other matter involving the Washoe County Sheriff's Office.
- t) Acting as a bailor for any person in custody when any fee, gratuity or reward is solicited or accepted by the member for that action.
- u) Borrowing money from or otherwise becoming indebted to a subordinate member of the Washoe County Sheriff's Office.

### **341.3.3**

#### **RESPONSIBILITIES**

- a) Failure of a commissioned member while on duty to take appropriate law enforcement action to protect life and property; preserve the peace; prevent crime; or perform any other law enforcement duties and responsibilities.
- b) Failure to perform the member's duties and responsibilities as required or directed by law, policy, rule, regulation, procedure, order or directive of the Washoe County Sheriff's Office.
- c) Failure of a commissioned member to take appropriate law enforcement action to assist a fellow peace officer exposed to potential or actual danger.
- d) Failure to establish and maintain a working knowledge of the laws, policies, rules, regulations, procedures, orders or directives of the Washoe County Sheriff's Office governing the member's assigned duties and responsibilities.
- e) Failure to maintain sufficient competency in the performance of a member's assigned duties and responsibilities or to assume and satisfactorily perform such tasks.
- f) Failure to promptly obey the lawful orders and directives given by or relayed from a supervisor.
- g) Failure to promptly advise a supervisor or command staff issuing an otherwise lawful and proper order or directive that such order is in conflict with a previous rule, regulation, policy, procedures, order or directive or to follow that order or directive in any instance where compliance does not require the member to commit any illegal act.
- h) Failure to truthfully answer all questions or account for the member's conduct, whether verbally or by written reports, when the subject of the inquiry concerns the member's act(s) and omission(s) to act in discharging the member's assigned duties and responsibilities with the Washoe County Sheriff's Office or in regard to the member's conduct which could

disqualify or impair the member's ability to perform all of the member's essential functions.

- i) Failure to comply with a lawful and proper order or directive to submit to a psychological examination and assessment when applying for appointment with the Washoe County Sheriff's Office or when based on the member's conduct.
- j) Failure to notify the member's on duty supervisor when unable to report for any scheduled assignment due to the member being sick or injured; whenever experiencing any temporary or permanent medical condition which impairs the member's ability to perform one or more of the essential functions of the member's assigned duties and responsibilities; and to provide, subject to confidentiality protections, relevant medical or psychological records upon request to verify the sick or injury.
- k) Failure to have possession of the member's official identification card at all times when on duty and away from the member's residence except in those situations when such possession is potentially dangerous to other persons due to an on-going investigation or otherwise impractical.
- l) Unauthorized failure to furnish the member's name, identification number, badge number or other similar identification to any person requesting that disclosure when the member is on duty or representing the Washoe County Sheriff's Office in an official capacity.
- m) Failure of a commissioned member to carry and use any weapon in accordance with the laws, rules, regulations, policies, procedures, orders and directive of the Washoe County Sheriff's Office or handling any such weapon in a careless or imprudent manner. A member shall not unnecessarily display or draw a weapon in any public setting except for necessary inspection or official use, nor carry, display or discharge a weapon while under the influence of intoxicating beverages or a controlled substance.
- n) Except for routine firearms qualifications and training, fail to properly report the member's discharge of a weapon while on duty or in the performance of the member's peace officer duties and responsibilities or where an on duty or off duty accidental discharge of the member's weapon results in property damage or personal injury.
- o) Failure of a member to register the description and serial number of any personal firearm carried while on duty, including any concealed such weapon and, upon order or directive of a superior, to surrender any such weapon for ballistics testing and/or safety inspection and testing.
- p) Failure to establish, maintain and report the member's place of residence in compliance with the rules, regulations, policies, procedures, orders or directives of the Washoe County Sheriff's Office, including prompt notification of any change of such residence.
- q) Failure to establish, maintain and report the residential or cellular, satellite or other personal mobile telephone contact information for the member in compliance with the rules, regulations, policies, procedures, orders or directives of the Washoe County Sheriff's Office, including prompt notification of any change in the contact information necessary in order to contact the member via such telephone.
- r) Failure to obtain prior approval by the Washoe County Sheriff's Office of any outside employment or participation in any private business enterprise or undertaking.
- s) Use of a choke hold on any other person in violation of, and not excepted by, NRS 289.810.
- t) Engaging in prohibited racial profiling in violation of NRS 289.820.
- u) Unauthorized attendance at official legislative sessions or political gatherings while on duty as an employee of the Washoe County Sheriff's Office.

### **341.3.4**

#### **GENERAL CONDUCT WHILE ON DUTY**

- a) Failure to report for duty physically and mentally fit at the time and place designated or directed, including but not limited to tardiness in reporting for work.
- b) Unauthorized absence from the member's assigned duty station with the exception of permitted scheduled rest and meal breaks.
- c) Engaging in any activity or personal business while on duty which causes, or has the potential to cause, the member to become neglectful or inattentive to the member's assigned duties and responsibilities.
- d) Falling asleep or otherwise becoming physically and mentally neglectful or inattentive in regard to the member's assigned duties and responsibilities.
- e) Failure of a commissioned member to remain immediately available for contact and assignment in regard to the performance of law enforcement duties and responsibilities while taking meal breaks during the member's tour of duty.
- f) Failure to observe the rules, regulations, policies, procedures, orders or directives of the Washoe County Sheriff's Office in performing a member's assigned duties and responsibilities in a civil and courteous manner and demeanor.
- g) Failure of a member, while on duty, to treat another member with respect and courtesy, including the use of the proper rank or title when addressing or referring to a superior.
- h) Failure to promptly obtain all pertinent information while acting in an official capacity from any person requesting the member's assistance or advice.
- i) Failure to promptly and courteously observe the rules, regulations, policies, procedures, orders or directives of the Washoe County Sheriff's Office in taking, processing and investigating any complaint from a citizen against another member of this agency.
- j) Recommending, or suggesting, in a member's official capacity, the employment or procurement of a particular product, professional service, or commercial service except as authorized by the rules, regulations, policies, procedures, orders or directives of the Washoe County Sheriff's Office when any such procurement is required in order to discharge the member's assigned duties and responsibilities.
- k) Engaging in abuse of process, including but not limited to, making false accusations in connection with any law enforcement duties and responsibilities or administrative activities.
- l) Making an arrest, search or seizure when the commissioned member knew, or should have known, that such law enforcement action is not in accordance with legal requirements or the rules, regulations, policies, procedures, orders or directives of the Washoe County Sheriff's Office.
- m) In the capacity of a commissioned member of the Washoe County Sheriff's Office, making an arrest of a traffic violator when not in uniform or on duty except where the commissioned member can articulate objective facts establishing the observed conduct was especially flagrant or endangers the person or property of other persons if the violator continues the operation of motor vehicle and the contact and arrest can be accomplished by the member without the use of any vehicle other than an agency vehicle.
- n) Failure to treat persons in a member's custody in accordance with legal requirements and the rules, regulations, policies, procedures, orders and directives of the Washoe County Sheriff's Office governing custody, including but not limited to use of force.
- o) Failure to promptly prioritize and respond to all calls from the public and fellow peace officers in accordance with the rules, regulations, policies, procedures, orders or

directives of the Washoe County Sheriff's Office, including immediately answering all telephone and radio calls directed to a member.

- p) Failure to promptly and fully account for the discharge of official duties and responsibilities pursuant to the rules, regulations, policies, procedures, orders or directives of the Washoe County Sheriff's Office.
- q) Failure to timely submit all required reports in accordance with the rules, regulations, policies, procedures, orders or directives of the Washoe County Sheriff's Office in a truthful and complete manner, including the documentation of all crimes reported to a member even if the victim or complainant refuses to press charges and completion of incident reports where clear or potential liability exists to this agency.
- r) Unauthorized access, removal, alternation, or stealing of any agency records, reports or citations maintained by the agency of any other criminal justice agency except as such access, removal or copying of any such record is allow by law or the rules, regulations, policies, procedures, orders or directives of the Washoe County Sheriff's Office.
- s) Failure to process any property or evidence discovered, gathered or received by a member of this agency in connection with an investigation, arrest or other law enforcement action except in accordance with the rules, regulations, policies, procedures, orders or directives of the Washoe County Sheriff's Office.
- t) Unauthorized undertaking of any investigation or other official law enforcement action outside of the member's official duties and responsibilities absent exigent circumstances that can be objectively demonstrated to require immediate action.
- u) Unauthorized interference with the duties or cases assigned to other members except in such instances where the member can demonstrate objective evidence that a manifest injustice would result from the failure to act and that the member reasonably believed beyond a reasonable doubt of the existence of such a circumstance.
- v) Failure of commissioned members to render full military honors to the national anthem at the appropriate time.
- w) Smoking or using tobacco products outside of official break and meal periods; outside of designated Washoe County facilities for such usage; or in any vehicle of this agency.
- x) Engaging in discrimination against, oppress of, or favoritism towards any person because of that person's age, race, color, creed, sex, sexual orientation, national origin, ancestry, marital status, physical or mental condition or harass or intentionally deny or impede another person in the exercise or enjoyment of any right, privilege, power or immunity in connection with the assigned duties and responsibilities of a member.

### **341.3.5**

#### **UNIFORMS, CLOTHING AND APPEARANCE**

- a) Failure to wear the prescribed uniform or civilian attire, including any jewelry by commissioned members except as prescribed or allowed by the rules, regulations, policies, procedures, orders or directives of the Washoe County Sheriff's Office.
- b) Unauthorized failure of commissioned members to observe the personnel appearance and grooming standards established by the rules, regulations, policies, procedures, orders or directives of the Washoe County Sheriff's Office.
- c) Unauthorized failure, when appearing in court or as a witness in connection with a member's official duties and responsibilities, to wear the prescribed uniform or civilian attire that meets the standards established by the court or to take such reasonable steps as shall be necessary so as not to display any weapons while so appearing.

### **341.3.6**

#### **FACILITIES AND MATERIAL**

- a) Failure to maintain all equipment issued to a member in proper order; utilize such equipment only for its intended purpose; and without causing any abuse of, damage to or loss of such equipment.
- b) Failure to immediately report orally and in writing on the designated forms, any loss of, damage to, or defective or hazardous condition in regard to any equipment assigned to the member or used by such persons in performing their assigned duties and responsibilities with this agency.
- c) Unauthorized use of any equipment or property of this agency for personnel business or pleasure, including, but not limited to unauthorized operation of a radio in a member's private automobile capable of transmitting on any of the radio frequencies used by the Washoe County Sheriff's Office.
- d) Failure to timely and successfully complete the required commissioned and civilian member's vehicle operation courses periodically required by this agency; obtain and maintain a valid Nevada driver's license; and to operate any agency vehicle in a careful and prudent manner as prescribed by the rules, regulations, policies, procedures, orders or directives of the Washoe County Sheriff's Office.
- e) Failure of commissioned members to observe the prescribed rules, regulations, policies, procedures, orders or directives of the Washoe County Code and the Washoe County Sheriff's Office governing the use of on call vehicles assigned to such personnel.
- f) Unauthorized transportation of non-members in an agency vehicle except when necessary to accomplish a function of this agency, which transportation, if necessary, shall be in conformance with such authorization and the operating standards for use of an agency vehicle.
- g) Unauthorized introducing or storing any intoxicating beverages, controlled substances or other contraband in any facilities of this agency, including vehicles and equipment.
- h) Use of the address of any facility of this agency for personal purposes, including, but not limited to, use of such address for personal mail delivery, driver's licensing or vehicle registration.
- i) Marking or defacing any surface in any facility owned or used by this agency or the unauthorized affixing of any material in any way to any wall or window in such facility.
- j) Marking, altering or defacing any posted notices in any facility owned or used by this agency or unauthorized posting on prescribed bulletin boards of any personal notices or announcements.
- k) Failure to maintain any manuals or binders issued to a member in regard to the rules, regulations, policies, procedures, orders or directives of the Washoe County Sheriff's Office.
- l) Failure to surrender issued equipment or property when directed to do so or to return all issued equipment and property when a member retires, resigns or otherwise terminates the member's employment with this agency.

### **341.3.7**

#### **COURT AND HEARINGS**

- a) Unauthorized failure to attend court or administrative hearings when under subpoena.
- b) Failure to prepare for such attendance and to present a neat and clean appearance while adopting mannerisms that convey respect and decorum to the tribunal and proceedings.

- c) Failure to promptly notify a member's immediate supervisor upon receipt of a subpoena to testify for the defense in any hearing or trial regarding a case investigated by the Washoe County Sheriff's Office or against said Office or Washoe County.
- d) Volunteering to testify in civil actions arising from cases investigated by the Washoe County Sheriff's Office or failing to promptly notify their chief deputy if they are named as a party to any civil action arising out of their employment by the Washoe County Sheriff's Office.
- e) Unauthorized financial agreement for the appearance of the member as a witness in any trial or hearing.
- f) Failure to notify the Washoe County Sheriff's Office of the member's commencement of any civil action for the recovery of any damages for property loss or person injury claimed to have occurred during the member's employment with this agency or using the resources of this agency in furtherance of that private civil action.
- g) Using the resources of the Washoe County Sheriff's Office in furtherance of a member's private civil action.

### **341.3.8**

#### **SUPERVISOR RESPONSIBILITY**

If a member's conduct is a cause of action for discipline, the supervisor shall inform the member promptly and specifically of the improper conduct. 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 members adhere to the policies and procedures of this Office and the actions of all personnel comply with the laws, rules, regulations, policies, procedures, orders or directives of the Washoe County Sheriff's Office.
- b) Failure of a supervisor to timely report known misconduct of a member to his/her or 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 member for malicious or other improper purpose.

### **341.4**

#### **INVESTIGATION OF DISCIPLINARY ALLEGATIONS**

Regardless of the source of any allegation of misconduct by a member of the Washoe County Sheriff's Office, all such matter will be investigated pursuant to NRS 289.057 and in accordance with the Personnel Complaint Manual § 1020.

Preliminary investigation of work performance and attendance-based deficiencies and similar review of factual issues that may result in potential disciplinary grounds do not need to be noticed to an employee so long as the interview of the employee is not included in such preliminary investigation of such underlying factual matters. The investigation should be completed within six months of the discovery of the allegation of misconduct or within a reasonable time thereafter based upon the complexity of the investigation and any other extenuating circumstances that justify a reasonable delay in the completion of the investigation.

Any formal investigation referred to the Office of Professional Integrity will be conducted in accordance with the requirements set-forth in NRS Chapter 289. The investigative report shall determine the facts surrounding the alleged act(s) or omission(s) to act upon which the alleged

misconduct is based and make findings and recommendations in accordance with the General Orders of this Office.

In compliance with the requirements of NRS Chapter 289 any employee who is the subject of an internal investigation shall be provided access to and copies of any documentary or other evidence obtained and considered by the Office of Professional Integrity during the course of its investigation unless otherwise made privileged by law.

### **341.5**

#### **PROGRESSIVE DISCIPLINE**

This Office shall not suspend, demote, terminate or take any other disciplinary action against a member without just cause and be based on progressive discipline.

Any discipline imposed on a member of this Office shall be subject to formal appeal by the member disciplined in accordance with the time limits and procedural requirements set-forth in the collective bargaining agreement covering the member. In the absence of coverage by a collective bargaining agreement, such appeal shall be subject to the time limits and procedural requirements set-forth in the applicable Washoe County Code.

No documentary or other evidence of past deficient work performance or misconduct by the member resulting in progressive discipline shall be used against an member in a suspension, demotion, termination or other disciplinary action unless the member has been notified in writing of the disciplinary action being imposed, with a copy placed in the member's personnel file. In the event that there has been such a notification at a level of a warning letter or written reprimand, that notification shall not be used against a member in future disciplinary actions if it has been in the member's personnel file for a period of eighteen (18) months or more, discounting periods of leaves of absence in excess of thirty (30) days, provided that there have been no notification for the same or similar conduct during that eighteen (18) month period. This eighteen (18) month limitation does not apply to any disciplinary action taken against a member arising out of a matter covered under Title VII of the Civil Rights Act of 1964. The purpose of this policy exception is to allow consideration of both the seriousness of the member's proven offense and the record of the member with this Office in determining the degree of discipline administered given this Office's specific legal obligations under Title VII.

### **341.6**

#### **POST INVESTIGATIVE PROCEDURES**

Upon receipt of any completed investigation, the division chief deputy of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The division chief deputy may make recommendations regarding the disposition of any allegations and the nature and extent of discipline, if any, to be imposed prior to forwarding recommendations to the captain or manager supervising the division for that supervisor's review and recommended action.

At any step of the review process the division chief deputy or the reviewer in the chain-of-command may direct the return of the entire investigation to the assigned investigator for further investigation or action.

The recommendations of the chief deputy shall be reviewed by the Sheriff or his/her designee. Any progressive discipline imposed shall be subject to appeal pursuant to the time limits and procedural requirements as set-forth in the collective bargaining agreement covering the member. In the absence of coverage by a collective bargaining agreement, such appeal shall be subject to the time limits and procedural requirements set-forth in the applicable Washoe County Code.

**341.7**

**RESIGNATIONS OR RETIREMENTS PRIOR TO DISCIPLINE**

In the event that a member tenders a written retirement or resignation prior to the completion of an investigation or the imposition of progressive discipline, such personnel action shall be noted in the employee's personnel file. The tender of such retirement or resignation paperwork shall not, by itself, serve as grounds for the termination of any pending investigation or progressive discipline.

**341.8**

**POST-DISCIPLINE APPEAL PROCEDURE**

Any progressive discipline imposed shall be subject to appeal pursuant to the time limits and procedural requirements as set-forth in the collective bargaining agreement covering the member. In the absence of coverage by a collective bargaining agreement, such appeal shall be subject to the time limits and procedural requirements set-forth in the applicable Washoe County Code. After exhaustion of any grievance procedure a member covered by a collective bargaining agreement, or the Washoe County Code in the absence of such contractual coverage, may have the right to appeal any progressive discipline in accordance with the provisions of NRS Chapter 233B.





## **342 Office Technology Use**

### **342.1**

#### **PURPOSE AND SCOPE**

This policy describes the use of Office computers, software and systems.

### **342.1.1**

#### **PRIVACY POLICY**

In accordance with Washoe County Code 5.340, Washoe County Internet and Intranet Acceptable Use Policy and Washoe County Information Security Policy, any employee utilizing any computer, electronic storage device or media, Internet service, phone service, information conduit, system or other wireless service provided by or funded by the Office expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication. The 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 service.

### **342.2**

#### **DEFINITIONS**

The following definitions relate to terms used within this policy:

**Computer System** - Includes all computers (on-site and portable), hardware, software and resources owned, leased, rented or licensed by the Washoe County Sheriff's Office, which are provided for official use by Office employees.

**Hardware** - Includes, but is not limited to, computers, 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 or Permanent File or File** - Includes any electronic document, information or data residing or located, in whole or in part, on the system, including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports or messages.

### **342.3**

#### **SYSTEM INSPECTION OR REVIEW**

There is no expectation of privacy regarding files contained in or on Office computers or systems. An Office designee has the express authority to inspect, audit or review the system, any and all

temporary or permanent files and related electronic systems or devices and any contents thereof when such inspection or review is in the ordinary course of his/her supervisory duties.

When requested by an employee's supervisor, or during the course of regular duties requiring such information, a member(s) of the agency's information systems staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the system.

Reasons for inspection, audit 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 an Office policy, request for disclosure of public information, or a need to perform or provide a service when the employee is unavailable.

#### **342.4**

##### **AGENCY PROPERTY**

All information, data, documents and other entries initiated on any of the agency's computers, whether downloaded or transferred from the original agency computer, shall remain the exclusive property of the Office and shall not be available for personal or non-Office use without the expressed authorization of an employee's supervisor.

#### **342.5**

##### **UNAUTHORIZED DUPLICATION OF SOFTWARE**

Employees shall not copy or duplicate any copyrighted and/or licensed software except for a single copy for backup purposes. To reduce the risk of an agency computer virus infection, employees are not permitted to install personal copies of any software onto the computers owned or operated by the Office. If an employee must copy data onto a disk and download it on a non-Office computer, the employee shall scan the disk for viruses before reloading the data on an Office computer system.

No employee shall knowingly make, acquire or use unauthorized copies of computer software not licensed to the Office while on Office premises or on an Office computer system. The Office and individuals can be subject to civil damages per title copied, along with criminal penalties including fines and imprisonment.

#### **342.6 PROHIBITED AND INAPPROPRIATE USE**

Access to Office technology resources including Internet access provided by, or through, the Office shall be strictly limited to Office-related business activities. Data stored on, or available through, 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 Office business related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

An Internet site containing information that is not appropriate or applicable to Office use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, chat rooms, playing of games and similar or related web sites. Certain exceptions may be permitted with the approval of a supervisor as a function of an assignment.

Downloaded information shall be limited to messages, mail and data files. 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 a supervisor.

Employees will not install software onto any computer terminal without direct consent from Washoe County TS or through their division chief deputy/Manager. Only active Information Technology Coordinators (ITC) shall be granted permission to create and/or edit folders and/or e-mail groups within OUTLOOK.

Members are prohibited from using county computers, email or internet for:

- Interdepartmental emails to groups of persons regarding non-county community-wide projects or events or non-county social events
- Non-county business uses which violate county policies on sexual harassment, discrimination and harassment, workplace violence or other county policies
- Unlawful activities, including violations of copyright law or activities that are malicious or have the effect of harassing other users
- Attempting to gain access to computers or networks to which they do not have legitimate access or violating the acceptable use policies of any network to which they connect
- Improperly accessing, reading, copying, misappropriating, altering, misusing, or destroying the information/files of other users
- Misrepresenting the County’s programs or policies in their communications
- Violating security procedures (e.g., by sharing passwords with others, or by allowing non-employees to have access to “staff-only” functions, resources, or equipment)
- Installing or operating software that compromises computer security or introduces viruses into County Systems
- Using applications requiring excessive bandwidth such as Internet radio, music and video streaming unless such use is essential to the job function of the employee and is specifically approved by that employee’s division chief deputy or manager and Technology Services
- Operating a server program without prior clearance from the Internet Working Group

**342.6.1**

**DE MINIMUS USE**

Personal use of county computers including internet access is authorized on a limited and restricted basis. Member use may not exceed 30 minutes per workweek which may not occur during the employee's work time (WCC 5.340).

**342.7**

**PROTECTION OF OFFICE SYSTEMS AND FILES**

All employees have a duty to protect the system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the system.

It is expressly prohibited for an employee to allow an unauthorized user to access the system at any time or for any reason.

### **342.8**

#### **USE OF MUGSHOT ADULT SUSPECT DATABASE**

Sworn personnel and others approved by the Forensic Science Division may access the Mugshot Adult Suspect Database by using the Internet Browser.

All dissemination of photographs either printed or electronically transferred must be documented whether it was used for internal use or an outside agency. All requests for photographs from outside agencies are to be directed to the Records section.

Records must maintain a log for at least one year after the information is disseminated and it must contain:

- What agency or person the information was provided to
- Date the information was provided
- The person who is the subject of the information, and
- A brief description of the information provided.

No member will be permitted to change software setup (home page settings) on the computers including downloading of internet upgrades without prior approval.



## **344 Report Preparation**

### **344.1**

#### **PURPOSE AND SCOPE**

Report preparation is an important part of each deputy's job. A deputy's report documents sufficient information for potential prosecution, additional investigation and can be used to refresh a deputy's recollection. Report writing is the subject of substantial formalized training and on-the-job training.

### **344.1.1**

#### **REPORT PREPARATION**

A deputy should ensure that each report is sufficiently detailed for its purpose and is free from errors prior to submission. A deputy must complete and submit all reports taken during a shift before going off-duty unless a supervisor gives prior approval to delay a report. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting deputy will be required by the reviewing supervisor to promptly make corrections and resubmit the report. A deputy who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Deputies who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. A deputy 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, a deputy's opinions should not be included in reports unless specifically identified as such.

### **344.2**

#### **REQUIRED REPORTING**

Written reports are required in all of the following situations on the appropriate Office-approved form unless otherwise approved by a supervisor.

### **344.2.1**

#### **CRIMINAL ACTIVITY REPORTING**

When an employee responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the employee is required to document the activity. The fact that a victim is not desirous of prosecution is not an exception to documenting a report. The following are examples of required documentation:

- a) In every instance where a felony has occurred, the documentation shall take the form of a written crime 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 Computer Aided Dispatch (CAD) log.
- c) In every case where any force is used against any person by sheriff's personnel.
- d) All incidents involving family violence.
- e) All arrests.

### **344.2.2**

#### **NON-CRIMINAL ACTIVITY**

Incidents that shall be documented using the appropriate approved report include:

- a) Any time a deputy points a firearm at any person.
- b) Any use of force against any person by a member of this Office (see the Use of Force Policy).
- c) Any firearm discharge (see Firearms Policy). With this policy we are to document all firearms discharges including dispatching an injured animal (312.6.2). This would be where we could add an exception to report writing regarding the dispatching of an animal in policy 312.6.2.
- d) Any time a person is reported missing, regardless of jurisdiction (see Policy 332 Missing Persons Reporting Policy).
- e) Any found property or found evidence.
- f) Any traffic collision above the minimum reporting level (see Policy 502 Traffic Collision Response and Reporting Policy).
- g) Any suspicious incident that may indicate a potential for crimes against children or that a child's safety is in jeopardy.
- h) Any protective custody detention with the use of the CPC form only.
- i) Suspicious incidents that may place the public or others at risk.
- j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor.

### **344.2.3**

#### **DEATH CASES**

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with Policy § 360 Death Investigations. A deputy handling a death investigation should notify and apprise a supervisor of the circumstances surrounding the incident and a determination will be made on how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

- a) Sudden or accidental deaths
- b) Suicides
- c) Homicide or suspected homicide
- d) Unattended deaths (no physician or qualified hospice care during the period immediately preceding death)
- e) Found dead bodies or body parts

### **344.2.4**

#### **INJURY OR DAMAGE BY COUNTY PERSONNEL**

Reports shall be taken if an injury occurs that is a result of an act of a County employee. Additionally, reports shall be taken involving damage to County property or County equipment.

### **344.2.5**

#### **MISCELLANEOUS INJURIES**

Any injury that is reported to this Office shall require a report when:

- a) The injury is a result of drug overdose.
- b) Attempted suicide.
- c) The injury is major/serious, whereas death could result.
- d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

### **344.2.6**

#### **SEXUAL ASSAULT CASES**

Sexual Assault cases may require specific investigation methods depending on circumstances and should be handled in accordance with Policy 602. The reporting deputy should ensure the following documentation is included for sexual assault cases:

- a) Obtain a brief statement from the victim regarding the basic circumstances of the crime and suspect information.
- b) If the victim requests a pseudonym, the reporting deputy will create an appropriate pseudonym to be used on all written reports.
  1. The Declaration of Pseudonym form will be used for this purpose and shall be disseminated as designated on the form no later than the end of the shift in which the report was generated.

### **334.3**

#### **GENERAL POLICY OF EXPEDITIOUS REPORTING**

In general, all deputies and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

The supervisors will review the automated delivery pending reports for their area of assignment for action and follow-up.

### **344.3.1**

#### **GENERAL POLICY OF HANDWRITTEN REPORTS**

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for Office consistency.

**344.3.2**

**GENERAL USE OF OTHER HANDWRITTEN FORMS**

County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

**344.4**

**REPORT CORRECTIONS**

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should notify the originating deputy of the reasons for rejection and the necessary corrections. The original should be returned to the reporting deputy for correction as soon as practicable. It shall be the responsibility of the originating deputy to ensure that any report returned for correction is processed in a timely manner.

**344.5**

**REPORT CHANGES OR ALTERATIONS**

A report that has been approved by a supervisor and submitted to the Records Section for filing and distribution shall not be modified or altered except by way of a supplemental report. A reviewed report that has not yet been submitted to the Records Section may be corrected or modified by the authoring deputy only with the knowledge and approval of the reviewing supervisor.

**344.6**

**ELECTRONIC SIGNATURES**

The Washoe County Sheriff's Office has established an electronic signature procedure for use by all employees of the Washoe County Sheriff's Office. The Operations Division Commander shall be responsible for maintaining the electronic signature system, for ensuring that each deputy creates a unique, confidential password for his/her electronic signature, and that the use of electronic signatures otherwise complies with NRS 719.350.

- a) A deputy may only use their electronic signature for official reports or other official communications.
- b) Each deputy shall be responsible for the security and use of his/her electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.





## **346 News Media Relations**

### **346.1**

#### **PURPOSE AND SCOPE**

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

### **346.2**

#### **RESPONSIBILITIES**

The ultimate authority and responsibility for the release of information to the media shall remain with the Sheriff or reviewing authority, however, in situations not warranting immediate notice to the Sheriff and in situations where the Sheriff has given prior approval, Division Commanders, Watch Commanders and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

### **346.2.1**

#### **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, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this Office. This Office will only release investigative information when the Sheriff's Office has primary jurisdiction and responsibility unless the respective agency has requested assistance. This will be approved by the Division Commander. Request for information involving another agency's case will always be referred to that agency.
- c) Under no circumstances should any member of this Office make any comment(s) to the media regarding any law enforcement incident not involving this Office without prior approval of the Sheriff or his/her designee.

### **346.3**

#### **MEDIA ACCESS**

Authorized and bona fide members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions:

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

- b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
  - 1. In situations where media access would reasonably appear to interfere with emergency operations and/or a criminal investigation, every reasonable effort should be made to provide media representatives with access to a command post at the nearest location that will not interfere with such activities.
  - 2. Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for TFR should be routed through the Watch Commander. A TFR, either for a pre-planned operation or an unplanned incident, should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate controlling tower. If the controlling tower is not known, the Federal Aviation Administration should be contacted (Federal Aviation Regulations § 91.137).
- c) No member of this Office shall be subjected to media visits or interviews without the consent of the involved employee.
- d) Media interviews with individuals who are in custody shall not be permitted without the approval of the Division Commander and the expressed consent of the person in custody.

#### **346.3.1**

##### **PROVIDING ADVANCED INFORMATION**

To protect the safety and rights of deputies and other persons, advanced information about planned actions by law enforcement personnel such as movement of persons in custody or the execution of an arrest or search warrant should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Sheriff or his/her designee.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Sheriff will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

#### **346.4**

##### **SCOPE OF INFORMATION SUBJECT TO RELEASE**

The Office will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the Watch Commander. This log will generally contain the following information:

- a) The date, time, approximate location, case number, type of crime, extent of injury or loss and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.
- b) The date, time, approximate location, case number, booking number (if arrested), name, age, and charges for each person arrested by this office unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

- c) The time and approximate location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

All personal information which pertains to a victim, relative, witness or other person against whom a crime has been committed or who has been injured or killed as a direct result of the commission of a crime is confidential (NRS 178.5691).

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Medical Examiner's Office.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the Cases Unit within the Records Section, or if unavailable, to the Watch Commander. Such requests will be processed in accordance with the provisions of Public Records Law (NRS Chapter 179A, 239).

#### **346.4.1**

##### **STATE RESTRICTED INFORMATION**

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this Office (See Policy Manual §§ 810 and 1026). When in doubt, authorized and available legal counsel should be obtained. Examples of such restricted information include, but are not limited to:

- a) Confidential peace officer personnel information (NRS 289.025).
  - 1. The identities of deputies involved in shootings or other major incidents may only be released to the media pursuant to consent of the involved deputy or upon a formal request filed and processed in accordance with Public Records Law.
- b) Copies of traffic accident reports, except to those authorized pursuant to NRS 239.0115 (NRS 484.225(5)).
- c) Criminal history information.
- d) Information that would tend to endanger the safety of any individual or jeopardize the successful competition of any ongoing investigation.
- e) Information pertaining to pending litigation involving this Office.
- f) Information obtained in confidence.
- g) Any information that is otherwise privileged or restricted under state or federal law.

#### **346.4.2**

##### **ADVANCE INFORMATION TO MEDIA**

To protect the safety and rights of deputies and other persons, advance information should not be provided to the news media regarding search warrant or arrest warrant actions planned by law enforcement personnel, nor should media representatives be solicited or invited to be present. Any exceptions require prior approval of the Sheriff.



## **348 Court Appearance and Subpoenas**

### **348.1**

#### **PURPOSE AND SCOPE**

This procedure has been established to provide for the acceptance of subpoenas and to ensure that employees appear when subpoenaed or are available to appear in court when requested and present a professional appearance (NRS 289.027).

### **348.1.1**

#### **DEFINITIONS**

**Stand-by** - When an employee receives a subpoena of a type which allows him or her to not appear in court but remain available by phone or pager so that he/she may be directed to appear in court within a reasonable amount of time.

**Mandatory Appearance** - Subpoenas require an employee's physical appearance in the specified court. Failure to timely appear in the specified court, either intentionally or by negligence, may result in disciplinary action.

### **348.2**

#### **COURT SUBPOENAS**

Employees who receive subpoenas related to their employment with this Office are subject to the provisions of this policy. Employees' compliance is mandatory on all cases for which they have been properly subpoenaed, or properly notified. This policy applies to civil and criminal subpoenas. Employees are expected to cooperate with the judicial process to ensure the successful conclusion of a case (NRS 174.315 and, generally, NRS 289.580).

### **348.2.1**

#### **SERVICE OF SUBPOENA**

Service of a subpoena requiring the appearance of any Office employee in connection with a matter arising out of the employee's course and scope of official duties may be accomplished by:

- a) Delivering a copy of the subpoena to the member (Nev. R. Civ. Pro. 45(b)).
- b) Delivering a copy of the subpoena to the subpoena clerk or designee.
- c) Reading the subpoena in the hearing or case where the member is present.
- d) Electronically transmitting a copy of the subpoena to the member requiring an acknowledgment of receipt (Nev. Elec Filing Rules, Rule 9(c)).
- e) Oral delivery, including telephonic communications, with proper proof of service (NRS 174.315(3)).
- f) If a misdemeanor trial, by mailing a copy of the subpoena to the member by registered or certified mail within 10 days of court appearance date (NRS 174.345(2)).

### **348.2.2**

#### **VALID SUBPOENAS**

No subpoena shall be accepted for an employee of this Office unless it has been properly served and verified to have originated from a recognized legal authority.

**348.2.3**

**ACCEPTANCE OF SUBPOENA**

When at all possible, subpoenas will be served directly to the person so named. In lieu of personal service, the Civil Section will make certain that the person so named in the subpoena will receive said paper prior to the required appearance date. This can usually be accomplished by conversation with the named person's supervisor or Division secretary.

In no instances will subpoenas be left in a Division without the assurance that the person so named will logically receive notice prior to date scheduled to appear.

**348.2.4**

**REFUSAL OF SUBPOENA**

Except where previous arrangements with the issuing court exist, 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, he/she shall, at least one hour before the appointed date and time, inform the District Attorney's Office or the issuing authority, and the Watch Commander or designee of his/her absence.

**348.2.5**

**PRETRIAL CONFERENCE APPEARANCE**

Appearance at a pretrial conference scheduled by the prosecutor, although not identified in a subpoena, requires the appearance and participation by the member receiving a subpoena as directed by the prosecutor.

**348.2.6**

**OFF-DUTY RELATED SUBPOENAS**

Employees receiving valid subpoenas for actions taken off-duty not related to their employment with Washoe County Sheriff's Office shall comply with the requirements of the subpoena. Employees receiving these subpoenas are not compensated for their appearance and arrangements for time off shall be coordinated through their immediate supervisor.

**348.2.7**

**FAILURE TO APPEAR**

Any employee who fails to comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court imposed civil and/or criminal sanctions if the failure to appear is duty related (NRS 50.205).

**348.2.8**

**PERSONNEL UNDER SUBPOENA**

Upon receipt of a subpoena, personnel will read and note the date, time and location of appearance.

Should some situation arise that may conflict with the appearance date, personnel will immediately contact the issuing authority and fully explain the circumstances. Should the issuing authority not be able to excuse the subpoena, personnel will forego any and all personal business and appear as directed.

Under no circumstances will a member of this Office depart for vacation, or for any other reason, while under subpoena unless contact was made with the issuing authority and an excuse from appearance personally received.

Personnel who violate the above will be subject to disciplinary action, as well as being in violation of NRS 174.385.

### **348.3**

#### **CIVIL SUBPOENAS**

The Office will compensate employees who appear in their official capacity on civil matters arising out of the employee's official duties as directed by the current collective bargaining agreement. In such situations, the Office will also reimburse any member for reasonable and necessary travel expenses.

The Office will receive reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member. Any reimbursement received directly by the member shall be promptly turned over to the Office.

### **318.3.1**

#### **PROCEDURE**

To ensure that the member is able to appear when required, that the member is compensated for such appearance, and to protect the Office's right to reimbursement, members shall follow the established procedures for the receipt of a civil subpoena.

### **348.3.2**

#### **PARTY MUST DEPOSIT FUNDS**

The party in the civil action who seeks to subpoena a member must deposit the statutory fee of \$25 for each day's appearance before such subpoena will be accepted (NRS 50.225(a)). Parties seeking to have the member make multiple appearances must make an additional deposit in advance to include mileage reimbursement and per diem allowed by law (NRS 50.225(b)).

### **348.4**

#### **OVERTIME APPEARANCES**

If the member appeared on his/her off-duty time, he/she will be compensated in accordance with the current collective bargaining agreement.

Employees will not cash checks from any court for required criminal court appearance. Any reimbursement received directly by the member shall be promptly turned over to the Office.

## Policy 348 - Court Appearance and Subpoenas

Time will be computed from the time the member is directed to appear as indicated on the subpoena, until the time the member is released from further responsibility as a witness; this will include "waiting time" and pursuant to the current Members' contract.

Personnel who appear in court during "on duty" time will not submit any claim for such appearance. Personnel will then return to their shift immediately after they are excused from the courthouse.

### **348.5**

#### **COURTROOM PROTOCOL**

Members must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are subpoenaed.

Members are urged to contact the Washoe County District Attorney's Office if they have knowledge of any facts which may be relevant to a pending claim or lawsuit. Information that could lead to a potential lawsuit shall not be disclosed to any person other than a Washoe County deputy district attorney.

### **348.5.1**

#### **PREPARATION FOR TESTIMONY**

Before the date of testifying, the subpoenaed member shall obtain a copy of relevant reports and become familiar with their content in order to be prepared for court.

### **348.5.2**

#### **COURTROOM ATTIRE**

- Employees shall dress in uniform or appropriate business attire.
- Employees who appear in court will be well groomed and neat in personal appearance. Exceptions will be made for personnel who are assigned to an undercover assignment and not required to follow uniformed grooming standards.
- All commissioned personnel will follow the established Joint Administrative Order prohibiting weapons in the court buildings of Washoe County during normal operations.
- At no time will a law enforcement officer be permitted into a courtroom with a weapon if he/she is a party to a matter before the court.
- Members of this Office shall not attend personal court appearances in uniform, or display identification cards that would indicate their affiliation with this Office. Members of this Office shall relinquish any and all weapons, to include knives, aerosol OC/CS and any other item deemed to be a weapon by Court Security Personnel.

### **348.6**

#### **COURTHOUSE DECORUM**

Employees shall observe all rules of the court in which they are appearing, refrain from smoking or chewing gum in the courtroom and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

### **348.7**

#### **TESTIFYING AGAINST THE INTEREST OF THE PEOPLE OF THE STATE**

## Policy 348 - Court Appearance and Subpoenas

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 People of the State of Nevada, any county, any city or any of their officers and employees in which any of those entities are parties, will notify their immediate supervisor without delay. The supervisor will then notify the Sheriff, District Attorney's Office in criminal cases, county counsel or city attorney, as may be indicated by the case.

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, any city or their officers and employees.
- c) Providing testimony or information on behalf of or at the request of any party other than any county, city or any county or city official in any administrative proceeding, including but not limited to personnel and/or disciplinary matters.

### **348.7.1**

#### **DISCUSSING CIVIL LAWSUITS WITH PRIVATE ATTORNEYS AND THEIR INVESTIGATORS OR EMPLOYEES**

The Washoe County Sheriff's Office and its members are frequently targeted as defendants in civil lawsuits. Most of these lawsuits, whether against the Office or individual employees, are defended by the Civil Division of the Washoe County District Attorney's Office. In order to protect this Office, deputies and other employees from undue exposure to liability in civil lawsuits, it is imperative that personnel do not voluntarily discuss the case with any person who represents the plaintiff.

Any member who is approached by a person eliciting information about a pending claim or lawsuit filed against this Office or any of its personnel, or information about a potential claim or lawsuit, should:

- a) Verify the person's occupation and the purpose of his/her questions.
- b) Remind the attorney or investigator of the Nevada Supreme Court Rule violation when information is elicited without prior authorization or representation from this Office's attorney and report the "expert" contact to your supervisor.

### **348.8**

#### **FEDERAL SUBPOENAS, SUMMONS, AND LAWSUITS**

The Office of Professional Integrity (OPI) will facilitate all federal summons/subpoena and lawsuits addressed to employees, divisions/units or this agency in order to provide a uniform method of process or service.

### **348.8.1**

#### **FEDERAL SUBPOENAS, SUMMONS, OR NOTICE OF COMPLAINT IN FEDERAL ACTION**

When at all possible, subpoenas will be served directly to the person so named. The Office of Professional Integrity will be the contact point for the United States Marshals Office in order to expedite service. In lieu of personal service, the Office of Professional Integrity will make certain that the person so named in the subpoena will receive said paper prior to the required appearance



## Policy 348 - Court Appearance and Subpoenas

date. This can usually be accomplished by conversation with the named person's supervisor or Division secretary.

In no instances will subpoenas be left in a Division without the assurance that the person so named will logically receive notice prior to date scheduled to appear.

In the event the Washoe County Sheriff's Office or a Sheriff's Office employee is served with either a summons or notice of Complaint in Federal action, the person receiving the legal document shall notify the Office of Professional Integrity as soon as reasonably possible and furnish a copy of all documentation issued by the U.S. Marshals Office.

### **348.9**

#### **LAWSUITS INVOLVING THE WASHOE COUNTY SHERIFF'S OFFICE AND/OR ITS EMPLOYEES**

In the event that the legal documentation is served by dropping it off at the front desk, Civil Division, Patrol Division or Detention Bureau, the person receiving the legal document shall notify the Office of Professional Integrity immediately and/or direct the federal process server to the Office of Professional Integrity for service.

The Office of Professional Integrity will ensure that the involved parties are served and that the request for legal representation is submitted within statutory requirement of 10 days.

Requests for legal representation shall be made within the 10-day statutory requirement. Failure to do so may result in member(s) being liable for the cost of defense litigation.

- a) The U.S. Marshals will contact OPI via telephone and give OPI the name of the employee.
- b) The OPI Lieutenant or Sergeant will coordinate with the US Marshal and the employee to set a date, time and place when the legal documentation is to be served.
- c) In the event the party named in the action is not available at work, the Lieutenant or Sergeant will give the deputy marshal the employee's telephone number. However, every reasonable effort will be made to complete service at a designated WCSO facility, during the members regularly scheduled tour of duty.
- d) If the U.S. Marshals Office does not contact OPI prior to attempting service and attempts to serve the document directly to the front desk, patrol, detention or any other unit in the Sheriff's Office, the person in contact with the deputy marshal will call the Office Support Specialist in the Office of Professional Integrity immediately.
- e) The Office Support Specialist will immediately notify the Lieutenant or Sergeant, if they are in the office, of the impending service.
- f) The Lieutenant, Sergeant, or in their absence Office Support Specialist, will ask the deputy marshal to come to the Office of Professional Integrity. The Lieutenant or Sergeant will get the name of the person named and determine if the employee is on duty.
- g) If the employee is on duty, the Lieutenant or Sergeant will coordinate the service of the legal document with the employee and the deputy marshal.
- h) If the employee is off duty or on leave, the Lieutenant or Sergeant will call Payroll/Personnel to get the telephone number and give this information to the deputy marshal.



## **350 Reserve Deputies**

### **350.1**

#### **PURPOSE AND SCOPE**

The Washoe County Sheriff's Office Reserve Unit was established to supplement and assist regular sworn Sheriff's deputies in their duties. This unit provides professional, sworn volunteer reserve deputies who can augment regular staffing levels (NAC 289.065).

### **350.2**

#### **SELECTION AND APPOINTMENT OF SHERIFF'S RESERVE DEPUTIES**

The Washoe 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.

Reserve deputies who work part-time and hold certification by the Nevada Peace Officers' Standards and Training under NRS 289.550 are considered "Peace Officers" under NRS 289.150.

#### **350.2.1**

##### **PROCEDURE**

All applicants shall be required to meet and pass the same pre-employment procedures as regular Sheriff's deputies before appointment.

Before appointment to the Sheriff's Reserve Unit, an applicant must have completed, or be in the process of completing, a state approved basic academy or extended basic academy.

#### **350.2.2**

##### **APPOINTMENT**

Applicants who are selected for appointment to the Sheriff's Reserve Unit shall, on the recommendation of the Sheriff, be sworn in by the Sheriff or designee, and take the Oath of Office as required for regular deputies. Members of the reserve unit serve at the Sheriff's discretion.

A reserve deputy may not perform any law enforcement function without completing the minimum 120 hours of training required by NAC 289.170 and possessing Nevada Peace Officers' Standards and Training certification (NAC 289.210).

#### **350.2.3**

##### **COMPENSATION FOR SHERIFF'S RESERVE OFFICERS**

Compensation for reserve deputies is provided as follows:

- a) All "reserve" deputy appointees are issued two sets of uniforms and all designated attire and safety equipment. All property issued to the reserve deputy shall be returned to the Office upon termination or resignation.
- b) When in an on-going or activated status, reserve deputies and auxiliaries shall receive the same workman's compensation benefits and protection for liability related to their actions as is afforded to full-time employees of Washoe County.

### **350.3**

#### **DUTIES OF RESERVE DEPUTIES**

Reserve deputies assist regular deputies in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve deputies will usually be to augment the Operations Bureau. Reserve deputies may be assigned to other areas within the Office as needed. Reserve deputies are required to work a minimum of 16 hours per month.

Reserve deputies may act only in a supplementary capacity to the regular force.

#### **350.3.1**

##### **POLICY COMPLIANCE**

Sheriff's reserve deputies shall be required to adhere to all Office policies and procedures. A copy of the policies and procedures will be made available to each reserve deputy upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation or guideline in this manual refers to a sworn regular full-time deputy, it shall also apply to a sworn reserve deputy unless by its nature it is inapplicable.

#### **350.3.2**

##### **RESERVE DEPUTY ASSIGNMENTS**

All reserve deputies will be assigned to duties by the Reserve Coordinator or his/her designee.

#### **350.3.3**

##### **RESERVE COORDINATOR**

The Sheriff shall delegate the responsibility for administering the Reserve Deputy Program to a Reserve Coordinator.

The Reserve Coordinator shall have the responsibility of, but not be limited to:

- Assignment of reserve personnel
- Conducting reserve meetings
- Establishing and maintaining a reserve call-out roster
- Maintaining and ensuring performance evaluations are completed
- Monitoring individual reserve deputy performance
- Monitoring overall Reserve Program
- Maintaining liaison with other agency Reserve Coordinators

### **350.4**

#### **FIELD TRAINING**

All reserve deputies are required to complete field training.

#### **350.4.1**

##### **TRAINING OFFICERS**

Deputies of this office, who demonstrate a desire and ability to train reserve deputies, may train the reserves subject to approval of the Shift Sergeant, Reserve Coordinator and/or the Training Sergeant.

Upon completion of the Reserve Academy, Deputies may be assigned to a Training Officer. The Training Officer will be selected by the Shift Sergeant and/or Training Sergeant. Until training is complete, the Reserve Deputy will be assigned to work with his/her Training Officer.

#### **350.4.3**

##### **COMPLETION OF THE PRIMARY TRAINING PHASE**

At the completion of each Training Phase, the training officer(s) will meet with the Reserve Coordinator, the Training Sergeant, and/or designee. The purpose of this meeting is to discuss the progress of the reserve deputy in training.

If the reserve deputy has been progressed satisfactorily, he/she will then proceed to the next training phase. If he/she has not progressed satisfactorily, the Reserve Coordinator and the Training Sergeant, and/or designee will determine the appropriate action to be taken.

#### **350.4.4**

##### **COMPLETION OF THE FORMAL TRAINING PROCESS**

When a reserve deputy has satisfactorily completed all formal training, he/she will no longer be required to ride with a reserve training officer.

#### **350.5**

##### **SUPERVISION**

Reserve deputies perform some of the duties of a peace officer and shall be under the immediate supervision of a certified peace officer and may not be employed as a full-time deputy (NAC 289.065).

#### **350.5.1**

##### **RESERVE DEPUTY MEETINGS**

All reserve deputy meetings will be scheduled and conducted by the Reserve Coordinator. All reserve deputies are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Reserve Coordinator.

#### **350.5.2**

##### **IDENTIFICATION OF DEPUTIES**

All reserve deputies will be issued a uniform badge and an Office identification card. The uniform badge shall be the same as that worn by a regular full-time deputy. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.

#### **350.5.3**

##### **UNIFORM**

Reserve deputies shall conform to all uniform regulation and appearance standards of this Office.

#### **350.5.4**

##### **INVESTIGATIONS AND COMPLAINTS**

If a reserve deputy has a complaint made against him/her or becomes involved in an internal

investigation, that complaint or internal investigation may be investigated by a Reserve Supervisor designated at the discretion of the Special Operations Division Commander.

### **350.5.5**

#### **RESERVE DEPUTY EVALUATIONS**

While in training, reserves will be continuously evaluated using standardized daily observation reports. The reserve will be considered a trainee until all of the training phases have been completed. Reserves having completed their field training will be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve.

### **350.6**

#### **FIREARMS REQUIREMENTS**

An appointment to the reserve force must be approved by the Sheriff or his/her designee before the person appointed may carry a weapon or otherwise act as a peace officer.

#### **350.6.1**

##### **CONCEALED FIREARMS PROHIBITED**

No reserve deputy will be permitted to carry a concealed firearm while in an off-duty capacity, other than to and from work, except those reserve deputies who possess a valid concealed firearm permit.

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 may do so only after verifying that the weapon conforms to Office standards as outlined in Policy 312.

Before being allowed to carry any optional firearm during an assigned tour of duty, the reserve deputy shall have demonstrated his/her proficiency with said weapon.

#### **350.6.2**

##### **RESERVE DEPUTY FIREARM TRAINING**

All reserve deputies are required to maintain proficiency with firearms used in the course of their assignments. Reserve deputies shall comply with all areas of the firearms training section of the Policy Manual.

Should a reserve deputy fail to qualify, that reserve deputy will not be allowed to carry a firearm until he/she has re-established his/her proficiency.

### **350.7**

#### **EMERGENCY CALL-OUT FOR RESERVE PERSONNEL**

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.



## **352 Outside Agency Assistance**

### **352.1**

#### **PURPOSE AND SCOPE**

The purpose of this policy is to provide guidance to deputies in the request of or answering the request for assistance involving another law enforcement agency.

It is the policy of this office to provide assistance whenever possible, consistent with the applicable laws of arrest and detention policies of this Office, when another law enforcement agency requests assistance with an arrest or detention of any person. This Office may also request an outside agency to provide assistance.

#### **352.1.1**

##### **ASSISTING OUTSIDE AGENCIES**

Generally, calls for non-emergency service from other agencies are routed to the Watch Commander or Shift Sergeant for approval. Any such response to assist an outside agency may be considered for authorization regardless of whether an agreement for reciprocal aid under NRS 414.100 exists.

Deputies may respond immediately to emergency requests for outside agency assistance. Those units will ensure that the on-duty supervisor has been notified of their response to assist an outside agency.

Requests to assist outside agencies in future, pre-planned actions will be approved by appropriate division chief deputy based on the type of assistance requested.

When appropriate, considering the level of assistance rendered and Washoe County policies related to required reporting, a case number will be issued to report action taken by Washoe County Sheriff's Office personnel.

#### **352.1.2**

##### **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.

**352.2**

**HAZARDOUS MATERIAL TRANSPORTATION EMERGENCIES**

Under authority of NRS 414.020 to NRS 414.160, the State of Nevada Hazardous Materials Emergency Response Plan identifies on-scene command and control as the responsibility where the incident occurs. The Incident Commander is charged with making an immediate appraisal of the situation and its potential. Responders should:

- Establish scene management.
- Detect the presence of hazardous materials.
- Begin identification of hazardous materials.
- Begin evacuation or direct in-place sheltering.
- Consider personal protection/decontamination.
- Isolate incident and identify zones of activity.
- Contain incident without risking exposure.
- Perform firefighting, rescue, emergency medical and other critical life-saving response activities in accordance with the County Emergency Plan Manual.
- Seek additional appropriate resources if the event exceeds, or is expected to exceed, the capability of local resources, including mutual aid and state or federal assistance. When requesting local, state or federal assistance, the Office should clarify if they are requesting assistance only or complete scene management.

**352.2**

**MANDATORY SHARING**

Equipment and supplies purchased with federal funds or grants with contingent sharing requirements, should be documented and updated as necessary by the Training Section. The conditions relative to sharing, the training requirements connected to the use of the supplies and equipment and those trained in the use of the supplies and equipment should be included in the documentation. Copies of the list should be provided to Dispatch and the Watch Commander to ensure proper use in compliance with agreements.



## **356 Registered Sex Offender**

### **356.1**

#### **PURPOSE AND SCOPE**

This policy establishes guidelines by which the Washoe County Sheriff's Office will address issues associated with certain offenders who are residing in the jurisdiction and how the Office will disseminate information and respond to public inquiries for information about registered sex offenders.

### **356.1.1**

#### **DEFINITIONS**

**Tier 1 Offender** - Means an offender convicted of a crime against a child or a sex offender other than a Tier 2 or Tier 3 (NRS179D.113). These offenders, if the victim is a child, will be posted on the state website or office website and are subject to community notification to include schools, religious and youth organizations that are likely to encounter the sex offender. (NRS 179D.475). These offenders are required to check in with law enforcement once a year.

**Tier 2 Offender** - Means an offender convicted of a crime against a child or a sex offender other than a Tier 3 whose crime against a child is punishable by imprisonment for more than 1 year or whose sexual offense; if committed against a child constitutes:

- a) Luring a child (Felony)
- b) Abuse of a child involving sexual abuse or child exploitation
- c) Sex trafficking
- d) Child Pornography (NRS179D.115)

These offenders are subject to community notification to include schools, religious and youth organizations that are likely to encounter the sex offender (NRS179D.730). All Tier 2 offenders are posted on the State of Nevada web site. These offenders are required to check in with law enforcement 2 times a year.

**Tier 3 Offender** - Means an offender convicted of a crime against a child or a sex offender who has been convicted of:

- a) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or sexual abuse or sexual molestation of a child less than 14 years of age
- b) Sexual Assault
- c) Battery with intent to commit sexual assault
- d) Sexual abuse or sexual exploitation and if the child was less than 13 years of age when the offense was committed
- e) Kidnapping of a child under the age of 18
- f) Any sexual offense or crime committed against a child after the person becomes a Tier 2 offender.

These offenders are subject to community notification to include schools, religious and youth organizations that are likely to encounter the sex offender (NRS179D730). All Tier 3 offenders are posted on the Nevada State web site. These offenders are required to check in with law enforcement 4 times a year.



### **356.2**

#### **POLICY**

It is the policy of the Washoe County Sheriff's Office to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

### **356.3**

#### **REGISTRATION**

The Detective Division Supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Employees assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the Records Division shall ensure that the registration information is provided to the Nevada Central Repository.

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation through the Regional Sex Offender Notification Unit (RSONU) for failure to register.

### **356.4**

#### **MONITORING OF REGISTERED OFFENDERS**

The Detective with RSONU 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:

- Efforts to confirm residence using an unobtrusive method, such as an Internet search or contact with the offender at his/her registered address or contact with a person they reside with that can confirm residency.
- Review of information on the Nevada Sex Offender Registry.
- Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to the Nevada Department of Public Safety, and RSONU.

RSONU is responsible for routinely disseminating information regarding registered sex offenders who reside in Washoe County.

### **356.5**

#### **DISSEMINATION OF PUBLIC INFORMATION**

Information regarding registered sex offenders can be obtained on the Nevada State Sex Offender web site. RSONU disseminates community notifications for all offenders that are published on the Nevada State web site, to include Tier 1, 2 and 3. Offenders Tier levels are no longer based on a "risk" assessment. However, RSONU can make a determination based on an offender's history and crime that they may be considered a significant risk to the public. With this determination, RSONU shall notify a supervisor and take the appropriate action, which can include door to door notifications (flyers).

Members of the public requesting information on registrants should be provided the Nevada Department of Public Safety Sex Offender Registry website.

### **356.5.1**

#### **RELEASE NOTIFICATIONS**

Registrant information that is released is the same information that can be found on the Nevada State Sex Offender registry:

- 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.
- Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- The crime for which a person is convicted may not accurately reflect the level of risk.
- Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

### **356.5.2**

#### **INFORMATION PROHIBITED FROM INTERNET RELEASE**

The following information shall not be released over the Office internet website:

- Any information identifying the victim.
- The offender's social security number, driver's license number or telephone number.

### **356.5.3**

#### **MANDATORY DISSEMINATION**

The Office shall provide community notification regarding sex offenders in accordance with the offender's designated tier level.

RSONU shall notify the Central Repository and the appropriate campus police department of an institution of higher learning whenever the Office learns that a sex offender is, or expects to be, a worker or enrolled as a student.

### **356.5.4**

#### **INFORMATION PERMITTED FOR INTERNET RELEASE**

The following information may be included on the Office internet website. This information can only be released on Tiers 1, 2 and 3 who are subject to internet posting by SOR.

- a) The offender's full name and any aliases.
- b) The offender's gender.
- c) The offender's race.
- d) The offender's physical description and shoe size.
- e) The offender's photograph.
- f) The offender's year of birth.
- g) Type of offense the offender was convicted of, the date of conviction and the punishment received.
- h) The offender's block number of home address, block number of the address of the employer or block number of the address of the school of the offender.
- i) Any other information which the Office deems relevant, such as:
  1. Description of the offender's vehicle(s) or vehicle(s) the offender is known to drive.

2. Type of victim targeted by the offender, i.e. age and gender.
3. Parole or Probation status if being supervised.
4. Dates of crimes resulting in current classification.
5. Dates of release from confinement.
6. Assigned Risk Level (Tier).

Prior to the address being placed on the internet, it should be verified by the Sex Offender Notification Unit. An address can only be released if the offender is subject to community notification or if exigent circumstances exist.

### **356.6**

#### **UPDATING REGISTRATION**

Upon receiving a change of address from an offender, the Office member receiving such information shall ensure the new address and any updated information is forwarded to the Nevada Central Repository immediately.



## **358 Major Incident Notification**

### **358.1**

#### **PURPOSE AND SCOPE**

The purpose of this policy is to provide guidance to members of this Office in determining when, how and to whom notification of major incidents should be made.

### **358.2**

#### **POLICY**

The Washoe County Sheriff's Office recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this office to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

### **358.3**

#### **MINIMUM CRITERA FOR NOTIFICATION**

Most situations where the media show a strong interest are also of interest to the Sheriff and the affected Division Commander. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Homicides
- Traffic accidents with fatalities
- Officer-involved shooting, whether on- or off-duty (see Peace Officer-Involved Shooting Policy for special notifications)
- Significant injury or death to employee, whether on- or off-duty
- Death of a prominent Washoe County official
- Arrest of Office employee or prominent Washoe County Official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths

### **358.4**

#### **WATCH COMMANDER RESPONSIBILITY**

The Watch Commander is responsible for making the appropriate notifications. The Watch Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Watch Commander shall attempt to make the notifications as soon as practicable. Notification should be made by using the call notification protocol posted in Dispatch.

### **358.4.1**

#### **STAFF NOTIFICATION**

In the event an incident occurs as described in Policy Manual § 358.2, the Sheriff shall be notified along with the affected Division Commander and the Detective Lieutenant if that bureau is affected.

**358.4.2**

**DETECTIVE NOTIFICATION**

If the incident requires that a detective respond from home, the immediate supervisor of the appropriate detail shall be contacted who will then contact the appropriate detective.

**358.4.3**

**TRAFFIC DIVISION NOTIFICATION**

In the event of a traffic fatality or major injury, the Traffic Lieutenant shall be notified who will then contact the appropriate accident investigator. The Traffic Lieutenant will notify the Traffic Sergeant.

**358.4.4**

**PUBLIC INFORMATION OFFICER (PIO)**

The Public Information Officer shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.



## **360 Death Investigation**

### **360.1**

#### **PURPOSE AND SCOPE**

The investigation of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent, and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

### **360.2**

#### **INVESTIGATION CONSIDERATIONS**

Death investigation cases require certain actions be taken. Emergency Medical Services shall be called in all suspected death cases unless the death is obvious (e.g., decapitated or decomposed). Peace officers are not authorized to pronounce death unless they are also Medical Examiners or deputy medical examiners or the death is obvious (e.g., decapitated or decomposed). A supervisor shall be notified in all death investigations.

#### **360.2.1**

##### **MEDICAL EXAMINER REQUEST**

The Medical Examiner shall be called in any of the following cases:

- Any unattended deaths when no physician was in attendance at the time of death, outside of a medical facility.
- Any accidental death to include vehicular, industrial, drowning, fire, falls, etc.
- Any death suspected to be related to abuse or neglect.
- Known or suspected homicide.
- Known or suspected suicide.
- Any death occurring under circumstances which do not appear to be natural.
- Any death occurring while incarcerated, to include during arrest or while in any City, County, or State facility.
- Any death suspected to be related to the overdose use of illegal or prescribed drugs.
- Any death resulting from the criminal or self-induced abortion.
- Any death occurring within 24 hours of admittance to a medical facility or during surgery is investigated and a determination made as to whether to involve the Medical Examiner.

#### **360.2.2**

##### **SEARCHING DEAD BODIES**

The Medical Examiner is generally the only person permitted to search a body known to be dead. The only exception is that a deputy is permitted to search the body of a person killed in a traffic collision for the limited purpose of locating an anatomical donor card. If such a donor card is located, the Medical Examiner shall be promptly notified. Should exigent circumstances indicate to a deputy that any search of a known dead body is warranted prior to the arrival of the Medical Examiner; the investigating deputy shall first obtain verbal consent from the Medical Examiner. Whenever possible, a witness, preferably a relative to the deceased or a member of the household,

should be requested to remain at the scene with the deputy pending the arrival of the Medical Examiner. The name and address of this person shall be included in the narrative of the death report. Whenever personal effects are removed from the body of the deceased by the Medical Examiner, a receipt shall be obtained. This receipt shall be attached to the death report.

### **360.2.3**

#### **DEATH NOTIFICATION**

When 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 detectives may need to talk to the next-of-kin.

### **360.2.5**

#### **UNIDENTIFIED DEAD BODIES**

If the identity of a dead body cannot be established after the Medical Examiner arrives, he or she will issue a "John Doe" or "Jane Doe" number for the report.

### **360.2.5**

#### **UNIDENTIFIED BODIES AT DATA ENTRY**

No later than 10 working days after the date a death is reported to the 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 shall be entered into the Missing Children and Missing Persons Information Clearinghouse and the NCIC file (NRS 480.500(3)).

### **360.2.6**

#### **DEATH INVESTIGATION REPORTING**

All incidents involving a death shall be documented on the appropriate form.

### **360.2.7**

#### **SUSPECTED HOMICIDE**

If the initially assigned deputy suspects that the death involves a homicide or other suspicious circumstances, the Detectives Division shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

### **360.2.8**

#### **EMPLOYMENT-RELATED DEATHS OR INJURIES**

Any member of this agency who responds to and determines that a death, serious illness or serious injury has occurred as a result of an accident at or in connection with the victim's employment shall ensure that the nearest office of the Nevada Division of Industrial Relations is notified by telephone or teletype with all pertinent information.

**360.2.9**

**FORENSIC INVESTIGATION REQUEST**

The Forensic Investigation Division shall be called in any of the following cases:

- Homicide
- Attempted Homicide
- Officer-Involved Shootings
- Questionable deaths with detective on scene
- Kidnapping
- Child Abuse
- Sexual Assault with substantial bodily injury
- Armed Robbery with substantial bodily injury
- Bank Robbery with substantial bodily injury
- Robbery, strong armed, with substantial bodily injury
- Fatal traffic accidents when vehicular homicide is suspected
- Homicide autopsy





## **362 Identity Theft**

### **362.1**

#### **PURPOSE AND SCOPE**

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

### **362.2**

#### **REPORTING**

In an effort to maintain uniformity in reporting, deputies presented with the crime of identity theft (NRS 205.463) shall initiate a report for victims residing within the local county. For incidents of identity theft occurring outside the local county, deputies should observe the following:

- a) For any victim not residing within the local county, the deputy may either:
  1. Complete a courtesy report to be forwarded to the victim's residence agency.
  2. The victim should be encouraged to promptly report the identity theft to the law enforcement agency where he/she resides.

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 which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and is reported in this jurisdiction).

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).

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 Public Safety, Driver License Division) with all known report numbers.

Following supervisory review and Office processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

### **362.3**

#### **IDENTITY THEFT PROGRAM CARD**

After filing a written report with a law enforcement agency, a victim of identity theft may apply for an identity theft program card (NRS 205.4651(1)). The member completing the report shall submit the application and a copy of the written report to the Attorney General for review (NAC 205 et seq.).

Applications for an identity theft program card and any supporting documentation are not a public record and may only be released to a law enforcement agency (NRS 205.4651(6)).

A person may present an identity theft program card in an effort to prevent arrest or detention for an offense committed by another using the individual's personal information. Deputies have

sole discretion to accept or reject the program card based upon the surrounding circumstances and information currently available regarding the identity theft (NRS 205.4651(5)).

**362.4  
INFORMATION**

The victim should also contact the Federal Trade Commission who is responsible for receiving and processing complaints under the Identity Theft and Assumption Deterrence Act. The victim can contact the FTC online at <http://ftc.gov> or by telephone at 1-877-ID Theft (877-438-4338). Additional information may be found at the United States Department of Justice (USDOJ) website, <http://www.usdoj.gov>



## **368**<sup>[PR2]</sup> Limited English Proficiency Services

### **368.1 PURPOSE AND SCOPE**

Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency (LEP) from gaining meaningful access to, or an understanding of important rights, obligations and services. It is therefore the policy of this office to take all reasonable steps to ensure timely and equal access to all individuals, regardless of national origin or primary language (Title VI of the Civil Rights Act of 1964, § 601; 42 USC § 2000d).

#### **368.1.1 DEFINITIONS**

Definitions related to this policy include:

**Authorized interpreter** - Any employee who is bilingual.

**Bilingual** - The ability to communicate in two languages fluently, including the ability to communicate technical and law enforcement terminology. Bilingual includes a variety of skill levels. For example, some bilingual individuals may be fluent enough to engage in direct communications in a non-English language, but insufficiently fluent to interpret or translate from one language into another. For example, a bilingual individual, depending on his/her skill level, could be utilized to communicate fluently in a non-English language, but not to interpret between two languages if he/she does not possess the specialized skills necessary to interpret between two languages effectively. In order to be utilized to interpret or translate from one language into another, an individual must possess the skill, training and demonstrated competence to do so. For purposes of this policy, employees, in order to be identified as bilingual, must initially and periodically demonstrate, through a procedure to be established by the Office, their level of skill and competence such that the Office is able to determine the purposes for which an employee's language skills may be used.

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

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

**Translation** - The replacement of written text from one language (source language) into an equivalent written text (target language).

### **368.2 FOUR FACTOR ANALYSIS**

Since there are potentially hundreds of languages Office personnel could encounter, the Office will utilize the four-factor analysis outlined in the Department of Justice LEP *Guidance to Federal Financial Assistance Recipients* available at the USDOJ website, <http://www.usdoj.gov>, in determining which measures will provide reasonable and meaningful access to various rights, obligations, services and programs to everyone. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and requires an ongoing balance of the following four factors:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by Office personnel 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 personnel, programs or services.
- (c) The nature and importance of the contact, program, information or service provided. (d) The cost of providing LEP assistance and the resources available.

As indicated above, the intent of this analysis is to provide a balance that reasonably ensures meaningful access by LEP individuals to critical services while not imposing undue burdens on the Office or its personnel. While this office will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right, the above analysis will be utilized to determine the availability and level of assistance provided to any LEP individual or group.

### **368.2.1 IDENTIFICATION OF LEP INDIVIDUAL'S LANGUAGE**

The 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 misidentifying that language.

### **368.3 TYPES OF LEP ASSISTANCE AVAILABLE**

Depending on the balance of the above four factors, this office will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services, where available. LEP individuals may elect to accept interpreter services offered by the Office at no cost or choose to provide their own interpreter services at their own expense.

Office personnel should document in any related report whether the LEP individual elected to use interpreter services provided by the Office or some other source. Office-provided interpreter services may include, but are not limited to, the assistance methods described in this section.

#### **368.3.1 BILINGUAL PERSONNEL**

Personnel utilized for LEP services need not be certified as interpreters, but must have demonstrated, a level of competence to ascertain whether his/her language skills are best suited to monolingual communications, interpretation, translation or all or none of these functions. All personnel used for communication with LEP individuals must demonstrate knowledge of the functions of an interpreter and the ethical issues involved when functioning as a language conduit. In addition, employees who serve as interpreters and/or translators must have demonstrated competence in both English and the non-English language. When bilingual personnel from this office are not available, personnel from other city departments may be requested.

### **368.3.2 WRITTEN FORMS AND GUIDELINES**

This 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 Office will arrange to make these translated forms available to office personnel and other appropriate individuals.

### **368.3.3 AUDIO RECORDINGS**

The Office may develop audio recordings of information that is either important to or frequently requested by LEP individuals for broadcast in a language most likely to be understood by involved LEP individuals.

### **368.3.4 TELEPHONE INTERPRETER SERVICES**

The Sheriff's Office will maintain a list of qualified interpreter services. These services shall be available, with the approval of a supervisor, to assist office personnel in communicating with LEP individuals via official cellular telephones.

### **368.3.5 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF INTERPRETATION**

Where competent bilingual office personnel or other County-certified staff are unavailable to assist, responsible members of the community who have demonstrated competence in either monolingual (direct) communication and/or in interpretation and translation (as noted above) may be called upon to assist in communication efforts. Sources for these individuals may include neighboring police departments, university languages and linguistics departments, local businesses, banks, churches, neighborhood leaders and school officials. 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, are generally not recommended and 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 USDOJ website, <http://www.usdoj.gov>).

### **368.4 LEP CONTACT SITUATIONS AND REPORTING**

While all law enforcement contacts, services and individual rights are important, this office will utilize the four-factor analysis to prioritize language services so that they may be targeted where they are most needed.

Whenever any member of this office is required to complete a report or when other documentation and interpretation or translation services are provided to any involved LEP individual, such services should be noted in the related report.

#### **368.4.1 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE**

In order to provide LEP individuals with meaningful access to police services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this office has designated its 9-1-1 lines as its top priority for language services. Office personnel will make every reasonable effort to promptly accommodate such LEP individuals utilizing 9-1-1 lines through any or all of the above resources. While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

#### **368.4.2 EMERGENCY CALLS TO 9-1-1**

When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker should quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in Dispatch, 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 available.

The Washoe 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 Dispatch by hiring qualified personnel with specific language skills.

#### **368.4.3 FIELD ENFORCEMENT AND INVESTIGATIONS**

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts which may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Office personnel must assess each situation to determine the need and availability for translation services to all involved LEP individuals and utilize the methods outlined in this policy to provide appropriate language assistance.

Although not every situation can be addressed in this policy, it is important that 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. It would, for example, be meaningless to request consent to search if the person requesting is unable to effectively communicate with an LEP individual.

#### **368.4.4 INVESTIGATIVE INTERVIEWS**

In any situation where the translation of an interview may contain information that might be used in a criminal trial, it is important to take certain steps to improve the chances of admissibility. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

Any person selected as an interpreter and/or translator must have demonstrated competence in both English and the non-English language involved and knowledge of the functions of an interpreter that allows for correct and effective translation. The person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation to the court.

#### **368.4.5 CUSTODIAL INTERROGATIONS AND BOOKINGS**

In an effort to ensure the rights of LEP individuals are protected during arrest and custodial interrogation, this 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, Office personnel providing interpretation services or translated forms in these situations will have demonstrated competence in interpretation/translation and make every reasonable effort to accurately interpret/translate all communications with LEP individuals.

In order to ensure that translations during criminal investigations are documented accurately and are admissible as evidence, audio recordings of interrogations, victim interviews and witness interviews should be used whenever reasonably possible.

Employees providing 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 within the control of 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, resulting symptoms upon withdrawal from certain medications or the need to segregate the arrestee from other prisoners. Therefore, it is important for members of this office to make every reasonable effort to provide effective language services in these situations.

#### **368.4.6 INTERPRETER REQUIRED IN ARRESTS**

A deputy who arrests a person who, due to deafness or a physical speaking impairment, cannot readily understand or communicate in the English language or cannot understand the proceedings, and before an interrogation or the taking of a statement, shall inform their supervisor of the arrest and ensure an interpreter as specified by law is available at public expense to the arrestee (NRS 171.1536).

#### **368.4.7 COMPLAINTS**

The Office shall ensure access to LEP persons who wish to file a complaint regarding the discharge of office duties. The Office may do so by providing interpretation assistance or translated forms to such individuals. If the Office responds to complaints filed by LEP individuals, the Office shall attempt to communicate its response in an accessible manner.

#### **368.4.8 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this office have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. As such, this office will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services to Limited English Proficiency (LEP) individuals and groups.

#### **368.5 TRAINING**

In an effort to ensure that all personnel in public contact positions or having contact with those in custody are properly trained, the Office will provide periodic training to personnel about LEP policies and procedures, including how to access office-authorized telephonic and in-person interpreters and other available resources.

The Training Sergeant shall be responsible for ensuring all new personnel receive LEP training. The Training Sergeant shall maintain records of all LEP training provided, with a copy in each member's training file, in accordance with established records retention schedules.

#### **368.6 SUPPLEMENTAL MATERIALS PROVIDED TO OFFICE EMPLOYEES**

The following materials will be made available to employees to assist in providing access and service to LEP individuals:

- (a) A list of office bilingual employees, languages spoken and contact and shift information
- (b) A list of office-certified interpretation services, bilingual interpreters, languages spoken and contact and availability information
- (c) The telephone number and access code of telephonic interpretation services
- (d) Language identification cards
- (e) Translated *Miranda* warning cards and other frequently used documents
- (f) Audio recordings/warnings that are developed in non-English languages





## **370 Hearing Impaired/Disabled Communications**

### **370.1**

#### **PURPOSE AND SCOPE**

Individuals who suffer from deafness, hearing impairment, blindness, impaired vision, mental or other disabilities may encounter difficulties in gaining meaningful access to, or an understanding of important rights, obligations and services. In accordance with the Americans with Disabilities Act (ADA), 42 USC § 12101 et seq., it is therefore the policy of this Office to take all reasonable steps to accommodate such individuals in any law enforcement contact.

### **370.2**

#### **FACTORS TO CONSIDER**

Because the nature of any law enforcement contact may vary substantially from one situation to the next, employees of this Office should consider all information reasonably available to them when determining how to communicate with an individual suffering from any disability. These factors may include, but are not limited to:

- The extent to which a disability is obvious or otherwise made known to the involved employee. Impaired or disabled individuals may be reluctant to acknowledge their condition and may even feign a complete understanding of a communication despite actual confusion.
- The nature of the disability (e.g., total deafness or blindness vs. impairment).
- The nature of the law enforcement contact (e.g. emergency vs. non-emergency, custodial vs. consensual contact).
- Availability of resources to aid in communication.

When considering these and other available information, the involved employee(s) should carefully balance all factors in an effort to reasonably ensure meaningful access by individuals suffering from apparent disabilities to critical services while not imposing undue burdens on the Office or its deputies.

### **370.2.1**

#### **INITIAL AND IMMEDIATE CONSIDERATIONS**

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, Office employees should remain alert to the possibility of communication problems and exercise special care in the use of all gestures, and verbal and written communication in an effort to minimize initial confusion and misunderstanding when dealing with any individual(s) with known or suspected disabilities or communication impairments.

### **370.3**

#### **TYPES OF ASSISTANCE AVAILABLE**

Depending on the balance of the factors available for consideration at the time, this Office will make every reasonable effort to provide meaningful and timely assistance to disabled individuals through a variety of services, where available.

Disabled individuals may elect to accept such assistance at no cost, choose to provide their own communication services at their own expense or any combination thereof. In any situation, the individual's expressed choice of communication method shall be given primary consideration and honored unless the employee can adequately demonstrate that another effective method of communication exists under the circumstances.

Deputies should document the type of communication utilized in any related report and whether a disabled or impaired individual elected to use services provided by the Office or some other identified source. Office-provided services may include, but are not limited to the following:

### **370.3.1**

#### **FIELD RESOURCES**

Individual deputies and employees are encouraged to utilize resources immediately available to them in any contact with a known or suspected disabled or impaired person. Examples of this would include such simple methods as:

- Hand gestures or written communications exchanged between the employee and a deaf or hearing-impaired individual.
- Facing an individual utilizing lip reading and speaking slowly and clearly.
- Slowly and clearly speaking or reading simple terms to any visually or mentally impaired individual.

### **370.3.2**

#### **AUDIO RECORDINGS AND ENLARGED PRINT**

From time to time, the 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 an Office form or document such as a citizen complaint form to a visually impaired individual or utilize a photocopier to enlarge printed forms for a visually impaired individual.

### **370.3.3**

#### **TELEPHONE INTERPRETER SERVICES**

The Booking Supervisor in Detention will maintain a list of qualified interpreter services. Qualified interpreters are obtained through contacting "Network Interpretive Services" and the contact information is maintained in Central Control or Classification. This service is to be contacted at Office expense to assist deaf or hearing-impaired individuals upon approval of a supervisor. When utilized, notification to such interpreters shall be made at the earliest reasonable opportunity and the interpreter should be available to respond within a reasonable time, generally not to exceed three hours.

### **370.3.4**

#### **TTY AND RELAY SERVICES**

Individuals who are deaf or hearing impaired must be given the opportunity to use available text

telephones (TTY or TDD). Auxiliary aid telephones are available for hearing impaired individuals in detention visiting, intake and in the area controls. All calls placed by such individuals through such services shall be accepted by this Office.

### **370.3.5**

#### **COMMUNITY VOLUNTEERS**

Depending on the circumstances, location and availability, responsible members of the community may be available to provide qualified interpreter services, such as those who are proficient in American Sign Language (ASL). Sources for these individuals may include local businesses, banks, churches, neighborhood leaders and school officials. In addition to such sources developed by individual deputies, the Office will attempt to maintain and update a list of qualified community volunteers who may be available to respond within a reasonable time.

An employee should not be allowed to interpret if their presence poses a conflict of interest or raises confidentiality and privacy concerns.

### **370.3.6**

#### **FAMILY AND FRIENDS OF DISABLED OR IMPAIRED INDIVIDUAL**

While family and friends of a disabled or impaired individual may frequently offer to assist with interpretation, employees should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in emergency or critical situations. Further, the nature of the contact and relationship between the disabled individual and the individual offering services must be carefully considered (e.g., victim/suspect).

### **370.4**

#### **CONTACT SITUATION AND REPORTING**

While all contacts, services and individual rights are important, this 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 most needed because of the nature and importance of the particular law enforcement activity involved.

Whenever any member of this Office is otherwise required to complete a report or other documentation, and communication assistance is provided to any involved disabled or impaired individual(s), such services should be noted in the related report.

### **370.4.1**

#### **RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE**

In order 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, this Office has designated its 9-1-1 lines as its top priority for assistance with such services. Office personnel will make every reasonable effort to promptly accommodate such 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 this office.

### **370.4.2**

#### **CUSTODIAL INTERROGATIONS AND BOOKINGS**

In an effort to ensure the rights of all disabled and impaired individuals are protected during arrest and custodial interrogation, this 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, Office 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 communication 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 within the control of Office personnel. Medical screening questions are commonly used to elicit information on individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal from certain medications or the need to segregate the arrestee from other prisoners, therefore it is important for this Office to make every reasonable effort to provide effective communication assistance in these situations.

- Individuals who require communication aids (e.g., hearing aids) should be permitted to retain such devices while in custody.
- 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.
- Whenever a deaf or hearing-impaired individual is detained, or arrested, and placed in handcuffs, deputies should consider, safety permitting, placing the handcuffs in front of the body in order to allow the individual to sign or write notes.

### **370.4.3**

#### **FIELD ENFORCEMENT AND INVESTIGATIONS**

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts which may involve disabled or impaired individuals. The scope and nature of these activities and contacts will inevitably vary, therefore the Office recognizes that it would be virtually impossible to provide immediate access to complete communication services to every deputy in the field. Each deputy and/or supervisor must, however, assess each such situation to determine the need and availability for 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 taken with a disabled or impaired individual. For example, it would be meaningless to verbally request consent to search if the deputy is unable to effectively communicate with a deaf individual.

#### **370.4.4**

##### **COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this office have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. As such, this Office will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services to disabled individuals and groups.

#### **370.5**

##### **TRAINING**

In an effort to ensure that all employees in public contact positions, or having contact with those in custody, are properly trained, this Office will provide periodic training in the following areas:

- Employee awareness of related policies, procedures, forms and available resources.
- Employees having contact with the public, or those in our custody, are trained to work effectively with in-person and telephone interpreters and related equipment.
- Training for management staff, even if they may not interact regularly with disabled individuals, in order that they remain fully aware of, and understand this policy, so they can reinforce its importance and ensure its implementation by staff.



## **372 School Employee Arrest Reporting**

### **372.1**

#### **PURPOSE AND SCOPE**

The purpose of this policy is to describe the procedures to follow when a public or private school employee, teacher and non-teacher, has been arrested under certain circumstances.

### **372.2**

#### **SCHOOL EMPLOYEE ARREST REPORTING**

In the event a school employee is arrested for any controlled substance offense, felony involving moral turpitude, child abuse or sexual abuse offense, the Sheriff or his/her designee should report the arrest as follows:

#### **372.2.1**

##### **ARREST OF PUBLIC SCHOOL TEACHER**

Upon arrest for one of the above crimes, the Sheriff or his/her designee may notify by telephone the superintendent of the school district employing the teacher and give written notice of the arrest to the superintendent of schools in the county where the person is employed.

#### **372.2.2**

##### **ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE**

Upon arrest for one of the above crimes, the Sheriff or his/her designee may notify by telephone the superintendent of the school district employing the non-teacher and may give written notice of the arrest to the governing board of the school district employing the person.

#### **372.2.3**

##### **ARREST OF PRIVATE SCHOOL OR LICENSED DAY-CARE TEACHER**

Upon arrest for one of the above crimes, the Sheriff or his/her designee may notify by telephone the private school or licensed day-care authority employing the teacher and may give written notice of the arrest to the private school authority employing the teacher.

#### **372.2.4**

##### **ARREST OF PRIVATE SCHOOL OR LICENSED DAY-CARE EMPLOYEE**

Upon arrest for one of the above crimes, the Sheriff or his/her designee may notify by telephone the private school or licensed day-care authority employing the non-teacher and may give written notice of the arrest to the private school authority employing the person.



## **373 Pupil Arrest Reporting**

### **373.1**

#### **PURPOSE AND SCOPE**

The purpose of this policy is to describe the procedures to follow when a pupil is arrested on school grounds and during school hours (NRS 392.855).

### **373.2**

#### **PUPIL ARREST REPORTING**

In the event a school pupil is arrested, the arresting deputy shall ensure the chief administrative officer of the school or appropriate designee are ultimately notified of the arrest of a pupil.

#### **373.3.1**

##### **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, will ensure the least amount of disruption to school operations and other students.

#### **373.2.2**

##### **PUPIL ARREST BEFORE NOTIFICATION**

Based upon the circumstances of the investigation, it may be appropriate to arrest the pupil before notifying the school. This may be appropriate if the pupil is a flight risk, if prior notification will impede the investigation or if notification creates additional risks to students, faculty, the deputy or the public.

Proper notification to the school after the pupil's arrest should then be made when circumstances reasonably allow.

#### **373.2.3**

##### **PARENTAL NOTIFICATION**

Upon arrest, it is the arresting deputy's responsibility to ensure the parents of the arrested pupil are properly notified. Notification can be made by either the school, the deputy or by the juvenile detention facility after appropriate documentation of the notification need by the booking deputy. Notifications should be documented and include the charges against the pupil and where the pupil will be taken.



## **376 Chaplains**

### **376.1**

#### **PURPOSE AND SCOPE**

The Washoe County Sheriff's Office Chaplain Program is established for the purposes of providing spiritual and emotional support to all members of the Office and their families.

### **376.2**

#### **POLICY**

It is the policy of this Office that the Chaplain Program shall be a non-denominational, ecumenical ministry provided by volunteer clergy without financial compensation.

### **376.3**

#### **GOALS**

Members of the Chaplain Program shall fulfill the program's purpose in the following manner:

- By serving as a resource for 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.
- By providing an additional link between the community, other chaplain programs and the Office.
- By providing counseling, spiritual guidance and insight for Office personnel and their families.
- By being alert to the spiritual and emotional needs of Office personnel and their families.
- By familiarizing themselves with the role of law enforcement in the community.

### **376.4**

#### **REQUIREMENTS**

Candidates for the Chaplain Program shall meet the following requirements before formally being designated as a Law Enforcement Chaplain:

- 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 their household, family and personal affairs well. Must have a good reputation with those outside the denomination.
- Must be ecclesiastically certified and/or endorsed, ordained, licensed or commissioned by a recognized religious body.
- Must successfully complete an appropriate level background investigation.
- Must have at least five years of successful ministry experience within a recognized denomination.
- Membership in good standing with the International Conference of Police Chaplains (ICPC).
- Possess a valid driver license.



### **376.5**

#### **SELECTION PROCESS**

Chaplain candidates are encouraged to participate in the ride-along program before and during the selection process. Chaplain candidates shall successfully complete the following process prior to deployment as a chaplain:

- Appropriate written application
- Recommendation from their board, council or governing body
- Interview with Sheriff and Chaplain Supervisor
- Successfully complete an appropriate level background investigation
- Complete an appropriate probationary period as designated by the Sheriff

### **376.6**

#### **DUTIES AND RESPONSIBILITIES**

The duties of a chaplain include, but are not limited to, the following:

- Assisting in making notification to families of Office members who have been seriously injured or killed.
- After notification, responding to the hospital or home of the Office member.
- Visiting sick or injured law enforcement personnel in the hospital or at home.
- Attending and participating, when requested by on-scene staff.
- Assisting sworn personnel in the diffusion of a conflict or incident when requested to by on-scene staff.
- Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Watch Commander or supervisor aids in accomplishing the mission of the Office.
- Being on call and if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of Office personnel.
- Counseling deputies and other personnel with personal problems, when requested.
- Attending Office and academy graduations, ceremonies and social events and offer invocations and benedictions, as requested.
- Being responsible for the organization and development of spiritual organizations in the Office.
- Responding to all major disasters such as earthquakes, bombings and similar critical incidents.
- Providing liaison with various religious leaders of the community.
- Assisting public safety personnel and the community in any other function of the clergy profession as requested.
- Participating in in-service training classes.
- Willing to train to enhance effectiveness.
- Promptly facilitating requests for representatives or ministers of various denominations.
- 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 service or follow-up contact that was provided while functioning as a chaplain for the Washoe County Sheriff's Office.

### **376.7**

#### **CLERGY-PENITENT CONFIDENTIALITY**

No person who provides chaplain services to members of the Office may work or volunteer for the Washoe County Sheriff's Office in any capacity other than that of chaplain.

Office chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent privilege and shall inform Office members when it appears reasonably likely that the member is discussing matters that are not subject to the clergy-penitent privilege. In such cases, the chaplain should consider referring the member to a non-Office counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Washoe County Sheriff's Office employee concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

### **376.8**

#### **COMMAND STRUCTURE**

- Under the general direction of the Sheriff or his/her designee, chaplains shall report to the Senior Chaplain and/or Watch Commander.
- The Sheriff shall make all appointments to the Chaplain Program and will designate a Senior Chaplain/Chaplain Commander.
- 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 chairman of all chaplain meetings, prepare monthly schedules, maintain records on all activities of the Chaplain Unit, coordinate activities that may concern the members of the Chaplain Unit and arrange for training classes for chaplains.

### **376.9**

#### **OPERATIONAL GUIDELINES**

- Chaplains will be scheduled to be on-call for a period of seven days at a time during each month, beginning on Monday and ending the following Sunday.
- Generally, each chaplain will serve with Washoe County Sheriff's Office personnel a minimum of eight hours per month.
- At the end of each watch the chaplain will complete a Chaplain Shift Report and submit it to the Sheriff or his/her designee.
- Chaplains shall be permitted to ride with deputies during any shift and observe Washoe County Sheriff's Office operations, provided the Watch Commander has been notified and approved of the activity.

- Chaplains shall not be evaluators of employees and shall not be required to report on an employee's performance or conduct.
- In responding to incidents, a chaplain shall never function as a deputy.
- When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.
- Chaplains shall serve only within the jurisdiction of the Washoe County Sheriff's Office unless otherwise authorized by the Sheriff or his/her designee.
- Each chaplain shall have access to current personnel rosters, addresses, telephone numbers, duty assignments and other information that may assist in their duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the information.

### **376.9.1**

#### **UNIFORM AND BADGES**

A distinct uniform, badge and necessary safety equipment will be provided for the Chaplains. This uniform may be similar to that worn by the personnel of this Office.

The WCSO chaplain shall be issued a class A long sleeve shirt, pants and an "IKE" jacket.

The chaplain shall wear the designative insignia on the uniform shirt. One (1) insignia is pinned on each collar, centered between the top and bottom, and one (1) inch from the front of the collar to the center of the insignia.

The chaplain shall not wear the duty belt assembly or carry a weapon while on duty.

Either the "IKE" jacket or the regulation uniform may be worn depending upon the occasion.

### **376.10**

#### **TRAINING**

The Office will establish a minimum number of training hours and standards for office chaplains. The training may include stress management, death notifications, post-traumatic stress syndrome, burnout for deputies 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 Sergeant.



## **378 Public Safety Camera System**

### **378.1**

#### **PURPOSE AND SCOPE**

The County of Washoe operates a public safety camera system for the purpose of creating a safer environment for all those who live, work and visit the County. This policy explains the purpose of the cameras and provides guidelines for their operation and for the storage of captured images.

### **378.2**

#### **POLICY**

Cameras may be placed in strategic locations throughout the County at the direction or with the approval of the Sheriff. These cameras can be used for detecting and deterring crime, to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters and to assist County officials in providing services to the community.

### **378.3**

#### **PROCEDURE**

The following procedures have been established for the effective operation of the public safety camera system.

#### **378.3.1**

##### **MONITORING**

Images from each camera may be recorded on a 24-hour basis every day of the week. These images will be transmitted to monitors installed in designated areas within the County. When activity warranting further investigation is reported or detected at any camera location, an authorized user may selectively view the appropriate camera and relay any available information to responding units. Only authorized users are authorized to adjust the cameras to more effectively view a particular area for any legitimate public safety purpose.

The Sheriff may authorize video feeds from the public safety camera system to be set up at temporary locations for monitoring by other than Sheriff's personnel when the provision of such access is in furtherance of this policy.

Recorded images (and sound, where applicable) may be used for a variety of purposes, including criminal investigations and monitoring of activity around high value or high threat areas. In addition, the public safety camera system may be useful for the following purposes:

- To assist in identifying, apprehending and prosecuting offenders
- To assist in gathering evidence for criminal and civil court actions
- To help emergency services personnel maintain public order
- To monitor pedestrian and vehicle traffic activity

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- To help improve the general environment on the public streets
- To assist in providing effective public services

### **378.3.2**

#### **TRAINING**

Personnel involved in video monitoring will be appropriately trained and continuously supervised.

### **378.3.3**

#### **PROHIBITED ACTIVITY**

Video monitoring will be conducted in a professional, ethical and legal manner. The public safety camera system will not be used to invade the privacy of individuals, to look into private areas or areas where the reasonable expectation of privacy exists. All reasonable efforts will be taken to protect these rights. Video monitoring shall not be used to harass, intimidate or discriminate against any individual or group.

### **378.3.4**

#### **CAMERA MARKINGS**

Except in the case of covert operations or confidential investigations, all public areas that are monitored by public safety cameras shall be marked in a conspicuous manner with appropriate signs to inform the public that the area is under Sheriff's Office surveillance. Signs shall be well lit to ensure visibility.

### **378.4**

#### **MEDIA STORAGE**

All media will be stored in a secure area with access restricted to authorized persons only.

Recordings not otherwise needed for official reasons shall be retained for a period of not less than seven days and thereafter may be erased.

### **378.5**

#### **REVIEW OR RELEASE OF VIDEO IMAGES**

The review or the release of video images shall be done only with the authorization of the Sheriff or his/her designee and only with a properly completed written request. Video images needed for a criminal investigation or other official reason shall be collected and booked in accordance with current office evidence procedures.

### **378.5.1**

#### **PUBLIC AND OTHER AGENCY REQUESTS**

Requests for recorded video images from other government agencies or by the submission of a court order or subpoena shall be promptly submitted to the appropriate supervisor, who will promptly research the request and submit the results of such search through the Sheriff to the District Attorney's office for further handling. Every reasonable effort should be made to preserve the data requested until the request has been fully processed by the District Attorney's office.

Video images captured by public safety cameras that are requested by the public or media will be made available only to the extent required by law. Except as required by a valid court order or other lawful process, video images requested under the Public Records Act will generally not

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be disclosed to the public when such video images are evidence in an ongoing criminal investigation in which a disposition has not been reached.

### **378.6**

#### **ANNUAL REVIEW OF THE PUBLIC SAFETY CAMERA SYSTEM**

The Sheriff or his/her designee will conduct an annual review of the public safety camera system. The annual review will include an inventory of video monitoring installations, date of installation, summary of the purpose, adherence to this policy and any proposed policy changes.

The results of each review will be documented and maintained by the Sheriff or his/her designee and other applicable advisory bodies. Any concerns or deviations from this policy will be addressed promptly and effectively.



## **379**<sup>PR3</sup> **Body Worn Cameras**

### **379.1**

#### **PURPOSE AND SCOPE**

It is the policy of the department to respect the legitimate privacy interests of citizens and visitors of Washoe County, while ensuring professionalism in its work force.

Body Worn Cameras (BWCs) are an effective tool to preserve factual representations of officer-citizen interactions. BWCs are effective in capturing video and audio evidence for use in criminal and internal investigations, enhance officer training, and ensure public trust. BWC recordings, however, provide limited perspective of encounters and incidents and must be considered with all other available evidence, such as witness statements, officer interviews, forensic analysis and documentary evidence.

The use of a BWC does not alter or reduce the current documentation requirements of an incident. Persons reviewing recordings must also be cautious before conclusions are reached about what the recordings show.

All regularly uniformed sergeants and deputies assigned to the Patrol division, Detention Division, Special Operations Division (SOD), Raven, K-9, Motors, Civil, Gang Unit, and District Court will be required to wear their assigned BWC when made available by the department. Other uniformed deputies will wear a BWC as assigned or voluntarily depending on availability.

The purpose of this policy is to establish guidelines for the use, management, storage, of video and audio data recorded by BWCs.

### **379.2**

#### **DEFINITIONS**

**Buffering Mode** - The BWC continuously loops a video recording for up to 30 seconds before the recording is started by the officer. While buffering, video only (no audio) is being recorded.

**Categorizing** - A method to mark and store a BWC recording for a specific purpose and period of time. Digital Evidence Photographs, audio, and video recordings that are recorded using a BWC and stored digitally to [www.evidence.com](http://www.evidence.com).

**Evidence Transfer Manager (ETM)** - Docking unit used to recharge and upload previously recorded audio and video (stored media) from the BWC. The ETM automatically transfers all stored media to [www.evidence.com](http://www.evidence.com).

**www.evidence.com** - An online, cloud-based digital media storage repository. All media is stored in a highly secure environment, accessible only by authorized personnel.

**Labelling** - Place the case number (as it appears in CAD) into the ID field, if no case number then place the citation number in the ID field, if no case number or citation number place the CAD number in the ID field. All videos must be categorized as well.

**Personal Event Recording Device or Body Worn Camera (BWC)** - For the purpose of this policy, personal event recording device or body worn camera (BWC) have the meaning ascribed in NRS 289.830.3(b): "Portable event recording device" means a device issued to a peace officer by a law enforcement agency to be worn on his or her body and which records both audio and visual events occurring during an encounter with a member of the public while performing his or her duties as a peace officer.

**Uniformed Officer** - A sworn deputy sheriff wearing a Class A, B, or TDU uniform.

### **379.3**

#### **POLICY**

It is the policy of the Washoe County Sheriff's Office to use BWC technology to more effectively fulfill the office's mission and to ensure these systems are used securely and efficiently.

### **379.4**

#### **GENERAL**

- Deputies shall complete the required initial training approved by the Training and Compliance Unit prior to using a BWC.
- The BWC will be worn on the uniform as instructed during initial BWC training.
- Deputies will not use privately owned BWC under any circumstances.
- Deputies will check at the beginning of shift that the BWC has a fully charged battery and is functioning properly.
- Deputies must notify a supervisor whenever there is a malfunction or damage to the BWC and document the malfunction/damage in an email submitted to the Research and Development Unit at [Sheriff-ResearchandDevelopment@washoecounty.us](mailto:Sheriff-ResearchandDevelopment@washoecounty.us).
- The Research and Development Unit will issue and account for all BWCs owned by Washoe County. Upon transfer to an assignment where a BWC is not worn, or separation from the department, deputies must return the BWC to the Research and Development Unit.

### **379.5**

#### **ACTIVATION**

This section applies to all BWC wearers of any rank.

Public and officer safety shall be the primary considerations when contacting citizens or other enforcement actions, not the ability to record an event.

Deputies will activate the BWC as soon as a call is initiated via radio and/or Mobile Data Terminal (MDT) or as early as possible at the beginning of any self-initiated police action when it is safe and practical to do so. The BWC is designed to turn on manually, or whenever certain triggers from the officer's patrol car are activated, including but not limited to, when the emergency lights are activated, or when there is an impact. The system remains on until turned off manually.

Deputies shall record all contacts with citizens in the following occurrences:



- All dispatched calls for service involving contact with citizens or potential for contact with suspects.
- Officer-initiated activities (i.e., vehicle and subject stops, etc.).
- Detentions and/or investigations pursuant to an arrest, arrests, suspect interviews, and post-Miranda interrogations.
- Search of persons, structures or vehicles, if not already activated.
- As soon as possible after the occurrence of an officer-involved traffic accident, if not already activated.
- When driving Code 3.
- Any contact that becomes adversarial when body camera had not previously been activated.
- Transport of arrestees.
- Any other citizen contact or official duty circumstance at the officer's discretion, based on circumstances and reasonableness (i.e., field testing of narcotics, counting of seized money in the field, documenting high-value found property, etc.).
- Deputies may inform individuals that they are being recorded but are not required to.

When there is an unintentional or inadvertent BWC recording that captures sensitive, personal information of a deputy, the deputy shall notify their supervisor who will place a restriction on the recording.

BWCs will be used only in conjunction with official law enforcement duties. BWCs shall not be used to record:

- Periods of unassigned time such as breaks or lunch periods, or when not in service.
- Any personal conversation of or between other department employees without the recorded employee's knowledge
- Non-work-related personal activity and will not be activated in places where a reasonable expectation of privacy exists, such as locker rooms, dressing rooms, or restrooms.
- Major crime investigative briefings.
- Encounters with undercover deputies or confidential informants.
- Any administrative meetings, workgroups, professional development conversation, counseling, discipline, or bargaining union contractual matters.
- General activity of the public.

#### Plainclothes Operations

- Deputies who have been issued a BWC, regardless of assignment, and are conducting pre-planned law enforcement operations will wear a department approved uniform and are required to wear the assigned BWC. An example of pre-planned law enforcement operations would be directed patrol activities where pedestrian and vehicle stops will be made, service of search warrants and other activities that would cause deputies to have citizen-suspect contact.

### **379.6**

#### **DEACTIVATION**

This section applies to all BWC wearers of any rank.

Deputies should evaluate each situation and, when appropriate, deactivate the BWC. The decision to deactivate a BWC should be stated prior to deactivation.

Deputies will continue to record for a short period after the event to demonstrate clearly to a subsequent viewer that the incident has concluded, and the officer has resumed other duties or activities.

Deputies have discretion to deactivate the BWC under the following circumstances:

- The incident has concluded prior to the arrival of the officer
- Within 500 feet of bomb threat scenes.  
*NOTE: The device must be powered off.*
- Investigative personnel arrive and begin the formal investigative process.
- Arrival at any detention facility and just prior to entering the Sally Port area.
- To protect the privacy of citizens in accordance with NRS 289.830.
- BWCs will not be recording in or around the Incident Command Post, operational or tactical planning and assembly areas, or in any location where recordings could document operational and tactical planning, procedures, or deployment tactics unless directed by the Incident Commander.

### **379.7**

#### **DOCUMENTATION**

This section applies to all BWC wearers of any rank.

Deputies will:

- Document the existence of a BWC recording in all field interviews, investigative reports, and arrest documents.
- Write "Body Camera Recording Available" on the first line of all report narratives.
- Upload all recordings to Evidence.com during a shift.

Deputies will not substitute "refer to video" or other similar language in place of a detailed and thorough report. Deputies should avoid using exact quotes but should represent statements in their reports as a summary of what is contained in the BWC recording.

### **379.7.1**

#### **CATEGORIZATION OF BWC RECORDINGS AND RETENTION SCHEDULE**

All BWC recordings will initially be unlabeled and uncategorized and will be maintained by the system indefinitely until the deputy assigns a category to the recording. The deputy will place the case number (as it appears in CAD) into the ID field, if no case number then place the citation number in the ID field, if no case number or citation number place the CAD number in the ID field. All videos must be categorized as well. The recording will then be categorized by one or more of the following:

#### **CATEGORY RETENTION PERIOD**

Citizens Complaint/Pending Review (OPI/Blue Team) Until Manually Deleted

Death Investigation 3 years

Domestic Violence 7 years

DUI Arrest 7 years

Felony/GM Report or Arrest 10 years

Misdemeanor Report or Arrest 5 years

Missing Person Until Manually Deleted

Officer Initiated Activity 3 years  
OIS/Deadly Force or Homicide 20 years  
Juvenile Arrest/Incident/Crime Until Manually Deleted  
Sex Crime - Any 20 years  
Test Recording 15 days  
Traffic Events (ALL) 3 years  
Training Division Video Only Until Manually Deleted  
Other: HOJ, Civil, Etc. 3 years

### **379.8**

#### **RECORDED DATA ACCESS AND REVIEW**

All access and activity on Evidence.com are logged and subject to audit. Access to Evidence.com and the data stored in the system is permitted on a right-to-know, need-to-know basis. Recordings may only be viewed according to the provisions of this policy or as designated by the Research and Development Lieutenant. Recorded data shall not be routinely or randomly viewed for the sole purpose of enforcing policy violations.

Deputies will not allow citizens to review BWC recording in the field. NOTE: Citizens requesting to view BWC recording will be advised to refer to the procedure on [www.washoesherriff.com](http://www.washoesherriff.com) or to call the WCSO Records section.

All release of BWC video shall comply with public records act and Washoe County Policy 810 and 812.

### **379.8.1**

#### **DEPUTY ACCESS**

- Deputies have access to their own recordings, and recordings shared by other deputies via [www.evidence.com](http://www.evidence.com).
- Deputies will share their recordings with other members upon request to further an investigation or for other official purposes.
- Deputies may view their own BWC recordings for the following purposes:
  - a. Report writing or preparation of other official documents.
  - b. Court preparation.
  - c. Review of prosecution evidence.
  - d. Review of victim/witness/suspect statements.
  - e. Crime scene observations.
  - f. Statement of charges preparation.
  - g. Clarifying observations at the scene of an incident.

### **379.8.2**

#### **SUPERVISOR ACCESS**

- Supervisors have access to their own recordings, and other deputy's recordings within their command.
- Supervisors may access recordings for the following purposes in addition to those listed in Deputy Access:
  - a. Complaint investigation and resolution.
  - b. Administrative investigations.
  - c. To further collaborative operational needs.

- Random audits of BWC recordings for the sole purpose of initiating disciplinary proceedings or for performance review are prohibited.

### **379.8.3**

#### **OFFICER-INVOLVED SHOOTINGS**

- All Officer involved shootings will be handled pursuant to the Regional Officer Involved Shooting Protocol.
- Involved deputies will be allowed to view their own BWC recording prior to a scene walkthrough and/ or subsequent statement.
- Witness deputies will be allowed to view their own BWC recording prior to a scene walkthrough and subsequent statement or report.
- The Incident Commander is responsible for identifying and documenting the location of all BWCs at the scene of an officer involved shooting. The Incident Commander will direct that all BWCs on involved, witness, and other deputies in close proximity of the scene, are deactivated once the scene is static and/or the formal investigative process has begun.
- Involved and witness deputies are responsible for upload of video into Evidence.com upon arrival at the station.

### **379.8.4**

#### **INTERNAL INVESTIGATIVE PERSONNEL**

- Office of Professional Integrity (OPI) personnel will not access and search BWC recordings for offenses committed by users unless pursuant to an official investigation. OPI personnel may allow citizens, arrestees or violators to view BWC recordings as part of an investigation into an allegation of misconduct. Personnel assigned to criminal investigative sections may view BWC recordings as part of their review or investigation of the incident.

### **379.8.5**

#### **TRAINING**

In instances where a BWC recording contains material that is beneficial for training purposes, the recording may be used only with consent from the recording/involved deputy and approval from the Training Sergeant, in coordination with the deputy's respective Division Captain.

### **379.9**

#### **DATA STORAGE AND SECURITY**

- Any and all images, video, and/or audio generated by any BWC are the sole property of the Washoe County Sheriff's Office.
- Unauthorized use, duplication, and/or distribution of BWC recording files are prohibited.
- Employees, other than those assigned to the Office of Professional Integrity, Research and Development, or the Training and Compliance Unit shall not download, copy, or record BWC recordings from Evidence.com onto any computer, device, drive, CD/DVD, or any other format without the express written consent of the Administrative Captain or their designee.
- Employees will not remove, dismantle, or tamper with any hardware/software component or part of the BWC. Employees will not attempt to erase or alter, in any manner, BWC recording files.
- [www.evidence.com](http://www.evidence.com) shall only be accessed from WCSO authorized computers. Access to [www.evidence.com](http://www.evidence.com) from a home, personal, or non-departmental mobile device is prohibited. EXCEPTION: Administrative users of Evidence.com may access data from a computer or device outside the department for the purpose of completing administrative tasks, such as locking or unlocking users, etc.

- Employees shall not publish or display BWC recordings to the internet or social media sites, in accordance with Policy 1060 Employee Speech, Expression and Social Networking.
- Storage and security of BWC recordings is the contractual responsibility of AXON, INC. The Research and Development Unit is responsible for management of all BWC recordings within the Evidence.com system.

**379.10**

**COMPLIANCE AND DISCIPLINE**

Supervisors shall ensure use of BWCs are in accordance with this Policy.

Any member failing to comply with this policy will be subject to disciplinary actions per WCSO Policy 341, up to and including termination.



## **380 Child and Dependent Adult Safety Policy**

### **380.1**

#### **PURPOSE AND SCOPE**

The Washoe County Sheriff's Office recognizes that family members who are subjected to traumatic events, such as the arrest of a parent, guardian or caregiver, may experience negative emotional effects that can last throughout the lifetime of the individual. After such an event a child or dependent adult may not receive the appropriate care, which can lead to further emotional or physical trauma, therefore it is incumbent upon the member to notify the appropriate persons or agency for placement. This policy is intended to provide guidelines for deputies to create a strong cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of affected dependents.

#### **380.1.1**

##### **POLICY**

It is the policy of this Office to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Washoe County Sheriff's Office will endeavor to create a strong cooperative relationship with local, state and community-based child social services to ensure an effective, collaborative response that addresses the needs of affected children.

### **380.2**

#### **PROCEDURES DURING AN ARREST**

When encountering an arrest situation, deputies should make reasonable attempts to determine if the arrestee is responsible for minor dependent children or dependent adults. In some cases, this is obvious, such as when children or dependent adults are present. However, deputies should inquire if the person has any other dependent minor children or adults who are without appropriate supervision. The following steps should be taken:

- a) Inquire about and confirm the location of any children or dependent adults.
- b) Look for evidence of children and dependent adults. Deputies should be mindful that some arrestees may conceal the fact that they have dependents 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 possible, deputies should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, deputies should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the

parent or caregiver suggests this conversation would be non-productive, the deputy at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the dependent child or adult that both the parent or caregiver and they will receive appropriate care.

### **380.2.1**

#### **AFTER AN ARREST**

Whenever an arrest is made, the deputy should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered minor children or dependent adults.

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. In such cases 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 the individual 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 dependent adult until an appropriate caregiver arrives.
- c) Notify the Division of Child and Family Services or the Aging Services Division of the Department of Health and Human Services.
- d) Notify the field supervisor or Watch Commander of the disposition of minor children or dependent adults.

If children or dependent adults are at school or at a known location outside the household at the time of arrest, the arresting deputy will advise child/adult protective services. Deputies shall record the result of such actions in the associated report.

### **380.2.2**

#### **DURING THE BOOKING PROCESS**

During the booking process, and within the operational policy of the Detention Facility, the arrestee shall be allowed to make free local phone calls per Nevada Revised Statute.

### **380.2.3**

#### **REPORTING**

- a) For all arrests where children are present or living in the household, the reporting employee will document the following information (NRS 62C.110):
  1. Names
  2. Gender
  3. Age
  4. How, where and with whom or which agency 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 they reasonably appear able to care for themselves
  - 3. Disposition or placement information if they are unable to care for themselves

**380.3**

**DEPENDENT WELFARE SERVICES**

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any dependent minor children or adults, the handling deputy should consider taking the children or dependent adults into protective custody and placing them with the appropriate county welfare service or other Office-approved social service (NRS 62C.010).

Only when other reasonable options are exhausted should a child or dependent adult be transported to the Sheriff’s facility, transported in a marked patrol car or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

**380.4**

**TRAINING**

The Training Section is responsible to ensure that all personnel of this Office who may be involved in arrests affecting children or dependent adults participate, on a timely basis, in an approved course on effective safety when a parent or guardian is arrested.





## **382 Service Animals**

### **382.1**

#### **PURPOSE AND SCOPE**

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Washoe 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 of 1990 (ADA) to permit the use of service animals.

### **382.2**

#### **SERVICE ANIMALS**

The ADA defines a service animal as any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the owner's disability (28 CFR 35.104).

#### **382.2.1**

##### **STATE LAW**

Nevada law expands the definition of a service animal to include any animal that has been trained to assist or accommodate a person with a disability (NRS 426.097).

#### **382.2.2**

##### **USE OF SERVICE ANIMALS**

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

Service animals may be used in a number of ways to provide assistance:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia

to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

### **382.3**

#### **MEMBER RESPONSIBILITIES**

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Office members are expected to treat individuals with service animals with the same courtesy and respect that the Washoe County Sheriff's Office affords to all members of the public.

If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations, a deputy 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 person 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 this office are expected to provide all services as are reasonably available to an individual with a disability.

If it is apparent or if an 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 service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further 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. 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 this Office should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, deputies should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice.



## **384 Volunteer Program**

### **384.1**

#### **PURPOSE AND SCOPE**

It is the policy of this Office to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Office and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn deputies and civilian personnel. Volunteers can be an important part of any organization and have proven to be a valuable asset to law enforcement agencies. Volunteers help to increase office responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Office and prompt new enthusiasm.

### **384.1.1**

#### **DEFINITION OF VOLUNTEER**

An individual who performs a service for the Office without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid reserve deputies, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

### **384.2**

#### **VOLUNTEER MANAGEMENT**

### **348.2.1**

#### **VOLUNTEER COORDINATOR**

The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Office, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator, or his/her designee, shall be responsible for the following:

- Recruiting, selecting and training qualified volunteers for various positions.
- Maintaining records for each volunteer.
- Tracking and evaluating the contribution of volunteers.
- Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.
- Maintaining a record of volunteer schedules and work hours.
- Completion and dissemination as appropriate of all necessary paperwork and information.
- Planning periodic recognition events.
- Administering discipline when warranted.
- Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community wide-efforts to recognize and promote volunteering.

### **384.2.2**

#### **RECRUITMENT**

Volunteers should be recruited on a continuous and ongoing basis consistent with Office policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Office in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

### **384.2.3**

#### **SCREENING**

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with an applicant under consideration.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

- Traffic and criminal background check.
- Employment.
- References.
- Credit check.

A truth verification exam may be required of each applicant depending on the type of assignment.

### **384.2.4**

#### **SELECTION AND PLACEMENT**

Service as a volunteer shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Office, who will normally be the Volunteer Program Manager. No volunteer should begin performance of any position until they have been officially accepted for that position and completed all necessary screening and paperwork. At the time of final acceptance, each volunteer should complete all necessary enrollment paperwork and will receive a copy of their job description and agreement of service with the Office. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Office.

### **384.2.5**

#### **TRAINING**

Volunteers will be provided with an orientation program to acquaint them with the Office, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator. Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn officers or other full-time members of the Office. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Office.

### **384.2.6**

#### **FITNESS FOR DUTY**

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

- Driver's license
- Medical condition
- Criminal investigations

All volunteers should adhere to the guidelines set forth by this Office regarding drug or alcohol use.

### **384.2.7**

#### **DRESS CODE**

As representatives of the Office, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn officers. 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 Office property at the termination of service.

### **384.3**

#### **SUPERVISION OF VOLUNTEERS**

Each volunteer who is accepted to a position with the Office must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be

responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as, and act as, a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

- Take the time to introduce volunteers to employees on all levels.
- Ensure volunteers have workspace and necessary office supplies.
- Make sure the work is challenging, do not hesitate to give them an assignment or task that will tap these valuable resources.

#### **384.4**

##### **CONFIDENTIALITY**

With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or office policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by Office policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Office. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Office, or maintain that they represent the Office in such matters without permission from the proper Office personnel.

#### **384.5**

##### **PROPERTY AND EQUIPMENT**

Volunteers will be issued an identification card that must be worn at all times while on-duty. Any fixed and portable equipment issued by the Office shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Office and shall be returned at the termination of service.

##### **384.5.1**

##### **VEHICLE USE**

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

- A driving safety briefing.
- Verification that the volunteer possesses a valid Nevada Driver's license.

- 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 an Office vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Office vehicles.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and are not authorized to operate in an emergency call response.

### **384.5.2**

#### **RADIO AND MDT USAGE**

Volunteers shall successfully complete NLETS and radio procedures training prior to using the police radio or MDT and comply with all related provisions. The Volunteer Coordinator should ensure that radio and NLETS training is provided for volunteers whenever necessary.

### **384.6**

#### **DISCIPLINARY PROCEDURES/TERMINATION**

A volunteer may be removed from the volunteer program at the discretion of the Sheriff or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing which shall be limited to a single appearance before the Sheriff or his/her designee.

Volunteers may resign from volunteer service with this Office at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

### **384.6.1**

#### **EXIT INTERVIEWS**

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Office.

### **384.7**

#### **EVALUATION**

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly and to ensure optimum job satisfaction on the part of volunteers.

## **386 Native American Graves Protection and Repatriation Act**

### **386.1**

#### **PURPOSE AND SCOPE**

This policy is intended 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 U.S.C. 3001). The protection of Native American human remains, funerary objects, sacred objects or objects of cultural patrimony on Federal lands while in the performance of duties is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

### **386.2**

#### **DEFINITIONS**

Definitions related to NAGPRA include (43 CFR 10.2):

**Native American Human Remains** – The physical remains of the body of a person of Native American ancestry.

**Funerary Objects and Associated Funerary Objects** - Items that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains or that were made exclusively for burial purposes or to contain human remains.

**Sacred Objects** – Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents.

**Objects of Cultural Patrimony** - Items having ongoing historical, traditional, or cultural importance central to the Indian tribe or Native Hawaiian organization itself, rather than property owned by an individual tribal or organization member.

### **386.3**

#### **COMPLIANCE WITH NAGPRA**

Upon discovery or arrival upon a scene where it reasonably appears a Native American Grave, human remains, funerary objects, sacred objects or objects of cultural patrimony are exposed or otherwise unsecure, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.4 et seq.).

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



## Policy 386 - Native American Graves Protection and Repatriation

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

- Federal land – Appropriate Department of Interior Agency
- Tribal land – Responsible Indian Tribal Official

### **386.4**

#### **EVIDENCE AND PROPERTY RELEASE**

If the scene has been investigated as a possible homicide investigation prior to identification as a NAGPRA site, investigators shall work with other agencies and individuals to ensure that proper transfer and repatriation of material collected, photographs, and other records to the appropriate agency or individual responsible for disposition of the site and any remains or artifacts are expediently processed (43 CFR 10.6)



## **400 Patrol Function**

### **400.1**

#### **PURPOSE AND SCOPE**

The purpose of this policy is to define the functions of the patrol division of the Office to ensure intra-department cooperation and information sharing.

### **400.1**

#### **FUNCTION**

Deputies will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Washoe County, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours per day seven days per week.

Patrol will generally provide the following services within the limits of available resources:

- 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.
- Crime prevention activities such as residential inspections, business inspections and community presentations.
- Calls.
- Investigation of both criminal and non-criminal acts.
- The apprehension of criminal offenders.
- Community Oriented and Intelligence Based Policing and Problem-Solving activities such as citizen assists and individual citizen contacts of a positive nature.
- The sharing of information between Patrol and other bureaus within the Office as well as other outside government agencies.
- The application of resources to specific problems or situations within the community, which may be improved or resolved by Community Oriented Policing and Problem-Solving strategies.
- Traffic direction and control.

### **400.1.2**

#### **TERRORISM**

It is the goal of the Washoe County Sheriff's Office to make every reasonable effort to accurately, timely 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 shall ensure that all terrorism related reports and FIs are immediately forwarded to the on-call Detective Division supervisor and the Northern Nevada Information Center (NNRIC) on-call designee in a timely fashion.

**400.2**

**PATROL INFORMATION SHARING PROCEDURES**

The following guidelines are intended to develop and maintain intra-development cooperation and information flow between the various bureaus of the Washoe County Sheriff's Office.

**400.2.1**

**CRIME ANALYSIS UNIT**

The Northern Nevada Regional Information Center (NNRIC) and Research and Development (R&D) will be the central unit for information exchange. Criminal information, intelligence reports and bulletins will be distributed to all bureaus within the Office.

**400.2.2**

**CRIME REPORTS**

A crime report may be completed by any qualified member who receives criminal information. The report will be processed and forwarded to the appropriate bureau for retention or follow-up investigation.

**400.2.3**

**PATROL BRIEFINGS**

Patrol supervisors, detective sergeants and special unit sergeants are encouraged to share information as much as possible. All supervisors and/or deputies will be provided an opportunity to share information at the daily patrol briefings as time permits.

**400.2.4**

**BULLETINS**

Bulletins will be kept in the Patrol briefing room and the Detective Division for display for suspect information, intelligence reports and photographs.



## **402 Racial/Bias Based Profiling**

### **402.1**

#### **PURPOSE AND SCOPE**

This policy provides guidance to Office members and establishes appropriate controls to ensure that employees of the Washoe County Sheriff's Office do not engage in racial- or bias-based profiling or violate any related laws while serving the community.

### **402.1.1**

#### **DEFINITION**

Definitions related to this policy include:

**Racial – or bias – based profiling** – An inappropriate reliance on factors such as race, ethnicity, national origin, religion, sex, gender identity, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group as a factor in deciding whether to take law enforcement action or to provide service.

### **402.2**

#### **POLICY**

The Washoe County Sheriff's Office is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this Office to provide law enforcement services and to enforce the law equally, fairly and without discrimination toward any individual or group.

Race, ethnicity or nationality, religion, sex, gender identity, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law.

### **402.3**

#### **RACIAL – OR BIASED – BASED PROFILING PROHIBITED**

Racial – or bias – based profiling is strictly prohibited (NRS 289.820), however, nothing in this policy is intended to prohibit a deputy from considering factors such as race or ethnicity in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to specific race or group).

### **402.4**

#### **MEMBER RESPONSIBILITY**

Every member of this Office shall perform his/her duties in a fair objective manner and is responsible for promptly reporting any known instance of racial- or bias – based profiling to a supervisor.

#### **402.4.1**

##### **REASON FOR DETENTION**

Deputies detaining a person shall be prepared to articulate sufficient reasonable suspicion to justify a detention, independent of the individual's membership in a protected class.

To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI)), the involved deputy should include those facts giving rise to the deputy's reasonable suspicion or probable cause for detention, as applicable.

Nothing in policy shall require any deputy to document a contact that would not otherwise require reporting.

#### **402.4.2**

##### **REPORTING TRAFFIC STOPS**

Each time a deputy makes a traffic stop, the deputy shall inform dispatch of the stop to include any information required in the Traffic Function and Responsibility Policy.

#### **402.5**

##### **SUPERVISOR RESPONSIBILITY**

Supervisors shall monitor those individuals under their command for any behavior that may conflict with the purpose of this policy and shall handle any alleged or observed violation of this policy in accordance with the Personnel Complaints Policy.

- a) Supervisors should discuss any issues with the involved deputy and his/her supervisor in a timely manner.
- b) Upon receipt of a complaint related to Racial/Bias based profiling, Supervisors shall conduct an appropriate investigation of any violation of this policy and take appropriate action upon completion of an investigation.
- c) Supervisors should ensure that no retaliatory action is taken against any member of this office who discloses information concerning racial – or bias – based profiling (NRS 289.820).

#### **402.6**

##### **ADMINISTRATION**

Each year, the Operations Division Chief Deputy shall review the efforts of the Office to prevent racial – or bias – based profiling and submit an overview, including public concerns and complaints, to the Sheriff. This report should not contain any identifying information regarding any specific complaint, citizen or deputies. It should be reviewed by the Sheriff to identify any changes in training or operations that should be made to improve service.

#### **402.7**

##### **TRAINING**

Training on racial – or bias – based profiling and review of this policy should be conducted as directed by the Training and Compliance Unit.



## **404 Briefing Training**

### **404.1**

#### **PURPOSE AND SCOPE**

Briefing training is generally conducted at the beginning of the deputy's assigned shift. Briefing provides an opportunity for important exchange between employee and supervisors. A supervisor generally will conduct briefing; however, deputies may also present briefing training with supervisor approval.

Briefing should accomplish, at a minimum, the following basic tasks:

- Briefing deputies with information regarding daily patrol or detention activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, inmate status, inmate count, and major investigations.
- Notifying deputies of change in schedules and assignments.
- Notifying deputies of new Departmental directives or changes in Departmental directives.
- Reviewing recent incidents for training purposes.
- Providing training on a variety of subjects.

### **404.2**

#### **PREPARATION OF MATERIALS**

The supervisor conducting briefing is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate deputy in his or her absence or for training purposes.

### **404.3**

#### **RETENTION OF BRIEFING TRAINING RECORDS**

When formal briefing training is conducted, materials and a curriculum or summary along with a sign in roster shall be forwarded to the Training and Compliance Unit for inclusion in training records as appropriate.

### **404.4**

#### **VIDEO BRIEFING AND TRAINING**

Occasionally, due to work assignment, hours or division, sergeants are unable to provide daily briefing and/or briefing trainings. During these circumstances, video briefing and/or video briefing training may be made available. Supervisors may pre-record briefings and briefing training as a benefit to their assigned Deputies.

### **404.5**

#### **MEMBER RESPONSIBILITIES**

Though briefing training continues to be a necessary and important aspect of supervisor responsibility, deputy sheriffs must also understand the need for continued career development and growth.

Members are encouraged to research and seek out additional interactive training through the Regional Public Safety Training Center (RPSTC), interdepartmental training outlets, and other online or text base training.

The Washoe County Sheriff's Office supports and respects our member's dedication and commitment to self-training programs.



## **406 Crime and Disaster Scene Integrity**

### **406.1**

#### **PURPOSE AND SCOPE**

The protection and integrity of a crime scene is of the utmost importance for the successful apprehension of criminals and successful prosecution. The integrity of a disaster scene is equally as critical for the protection of life and property and investigation by proper authorities.

### **406.2**

#### **CRIME SCENE RESPONSIBILITY**

The first deputy at the scene of a crime or major incident is generally responsible for the preservation of the scene. However, deputies shall also consider officer safety and public safety issues including rendering medical aid for any injured parties. Once a deputy has assumed or been assigned to maintain the integrity of the crime/disaster scene, the deputy shall maintain the scene until relieved by a supervisor.

### **406.2.1**

#### **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:

- Overall scene safety.
- Detain active suspects as appropriate.
- Ensure no suspects are still within the area.
- Broadcast emergency information including all requests for additional assistance.
- Provide lifesaving medical aid to injured parties if it can be done safely.
- Secure the inner perimeter with crime scene tape or another appropriate barrier.
- Secure the outer perimeter for traffic control and direct responding personnel.
- Protect items of apparent evidentiary value.
- Start chronological log noting critical times and personnel allowed access.
- Establish command post as necessary.
- Establish media staging area as necessary.

### **406.2.2**

#### **MEDIA ACCESS**

The on-scene supervisor should notify the Office Public Information Officer (PIO) and provide them with pertinent information regarding the incident.

The PIO will coordinate authorized and bona fide members of the media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions:



- a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
  - 1. In situations where media access would reasonably appear to interfere emergency operations and/or a criminal investigation, every reasonable effort should be made to provide media representatives with access to command post at the nearest location that will not interfere with such activities.
- c) No member of this office shall be subjected to media visits or interviews without the consent of the involved employee.
- d) Media interviews with individuals who are in custody shall be permitted with the approval of the Sheriff or his/her designee and the expressed consent of the person in custody.

The scene of a tactical operation is the same as a crime scene, except that the news media may be permitted within the outer perimeter of the scene, subject to any restrictions as set forth by the supervisor in charge. Office members shall not jeopardize a tactical operation in order to accommodate the news media and all comments to the media shall be coordinated through a supervisor or the Public Information Officer.

#### **406.2.3**

##### **EXECUTION OF HEALTH ORDERS**

Should a risk of a contagious, infectious, or communicable disease spread exist, the on-scene supervisor shall make the necessary notifications and request appropriate resources.

Any sworn member of this Office will execute and enforce all order of the local health officer issued for the purpose of preventing the spread of any contagious, infectious or communicable disease.

#### **406.2.4**

##### **TEMPORARY FLIGHT RESTRICTIONS**

Crime and disaster scenes can sometimes attract news helicopters and other sightseeing aircraft. Whenever such aircraft pose a threat to public safety due to congestion, when the noise levels caused by loitering aircraft hamper incident operations, or when such aircraft jeopardize the integrity of a crime scene, the field supervisor should consider requesting Temporary Flight Restrictions (TFR) through the Federal Aviation Administration (Federal Aviation Regulations § 91.137). All requests for TFR should be routed through the Watch Commander.

#### **406.3**

##### **SEARCHES AT CRIME OR DISASTER SCENES**

Deputies arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims and 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 proper authority for the search is obtained.

**406.3.1**

**CONSENT**

Deputies should obtain consent to search from authorized individuals where possible but should also consider obtaining consent and a search warrant in the case of serious crimes or major investigations.



## **408 Hostage Negotiations and SWAT**

### **408.1**

#### **PURPOSE AND SCOPE**

The Special Weapons and Tactics Team (SWAT) is a specially trained team designed to effectively deal with a variety of emergency and non-emergency situations, which are beyond the normal capabilities of the Patrol Deputy. These include Hostage Rescue Missions, Resolving Barricaded Subject Situations, Assisting the Detention Response Team with High Risk Inmate Transport, Service of High-Risk Warrants, Narcotics Interdiction Missions, Field Force Security, Dignitary Protection and other missions which require a high degree of skill and teamwork.

### **408.2**

#### **COMMAND AND CONTROL**

- The SWAT Team is under the overall command of the Special Operations Captain.
- The SWAT Team is under the tactical command of the SWAT Commander, who shall be a Special Operations Lieutenant.
- The SWAT Team is composed of sworn Washoe County Sheriff's Deputies and UNR Police Officers.
- The Hostage Negotiation Team is under the assigned Lieutenant, under overall command of the Special Operations Captain.

### **408.3**

#### **SWAT SELECTION**

- a) Minimum requirements are:
  1. Two years' experience in the Washoe County Sheriff's Office Patrol Division
  2. Receive standard or better ratings in all categories on the last annual Performance Evaluation
  3. No Letters of Reprimand or other significant disciplinary action within the previous eighteen months
  4. No habitual patterns of sick leave abuse, or job performance difficulties as evidenced by entries in the deputy's S-400 file
  5. Must pass the PPFT
  6. A score of 80% or higher on the last departmental pistol qualification
- b) The selection process may include, but is not limited to:
  1. An evaluation of the applicant's firearms skills, a review of the previous firearms qualification scores, and a Team Qualification Shoot
  2. A review of the applicant's personnel and S-400 files
  3. An oral interview with the Team Leaders
  4. A team meeting of the current SWAT members to provide input regarding the applicant

#### **408.4**

##### **RECURRING REQUIREMENTS, REMOVAL, REINSTATEMENT**

- a) Recurring Requirements are:
  - 1. Overall standard or better rating in every category on the annual Performance Evaluation.
  - 2. No Letters of Reprimand or other significant disciplinary action.
  - 3. No habitual patterns of sick leave abuse, or job performance difficulties as evidenced by entries in the deputy's S-400 file.
  - 4. Able to pass the PPFT.
  - 5. A score of 80% or higher on the departmental pistol qualification.
  - 6. NO weapons safety handling violations.
- b) Removal from the SWAT Team:
  - 1. A member will be removed or suspended from the Team if he/she fails to meet the above recurring requirements.
  - 2. A member may be removed from the Team at the discretion of the SWAT Team Commander.
  - 3. The member will be notified in writing of his/her removal, the circumstances that precipitated the removal and the process for reinstatement, if applicable.
- c) Reinstatement of Members:
  - 1. If a member is suspended from the team under the conditions listed above, he/she may be reinstated at the end of the period of suspension.
  - 2. A member who has left the team due to a change in assignment may be placed on the reinstatement list upon transfer to an assignment, which does not conflict with SWAT membership. To be eligible for reinstatement the individual must meet all of the requirements of a new applicant.
- d) Position Vacancies:
  - 1. The SWAT Team Commander may fill vacant positions from either the new applicant list or the reinstatement list, with the approval of the Special Operations Division Commander.

#### **408.4**

##### **TRAINING**

- a) Training will be conducted as required by the SWAT Team Commander with the approval of the Special Operations Commander.
  - 1. Training will be consistent with National Tactical Officers Association suggested best practices.
  - 2. The Special Operations Commander may postpone or cancel training if manpower needs or special circumstances so dictate.
- b) The SWAT Team will train a minimum of every 6 months with the Hostage Negotiations Team.

#### **408.5**

##### **ALERTING PROCEDURES**

- a) The SWAT Team Commander will develop alerting procedures for the Team. Copies of these instructions will be on file in the Communications Center, at the Front Desk, in Central Control of the Jail and in the Patrol Division Commander's office at all times. These instructions will be updated immediately when changes are made.
- b) It will be the responsibility of the Shift Supervisor to make a determination as to whether the SWAT Team is needed in any category IV situation as listed below.

1. The Supervisor requesting SWAT will direct Communications to alert the SWAT Team. The Supervisor will provide the location of the problem, the nature of the problem, specify a location where the incident command post will be located and provide a call back number or other method of communicating with the SWAT Commander. Dispatch will immediately notify the SWAT Commander via the written method in CAD system.
2. The SWAT Commander will notify the Special Operations Commander, or in his/her absence, the Chief Deputy of the callout.
3. Communications will notify the Hostage Negotiations Team in the event of category IV Alerts.

## 408.6

### ALERT CATEGORIES

- **Category I** - refers to situations involving dignitary protection, witness protection or security for special events. This Alert Category requires the approval of the Special Operations Commander. This type of situation will normally require advance notice and planning to allow for an efficient response.
- **Category II** - refers to situations in which individuals threaten harm to themselves and are no potential threat to any other person, including law enforcement personnel. A Category II alert will require the use of the Hostage Negotiations Team only. SWAT will usually not respond with no potential threat to any other person or Law Enforcement personnel.
- **Category III** - refers to situations in which assistance is needed in apprehending suspects or serving arrest and/or search warrants when:
  1. The suspect(s) are believed to be armed.
  2. The suspect(s) may resort to the use of weapons when confronted with arrest or warrant service.
  3. Entry to the location may be hazardous or impeded because of warning systems, cameras, reinforced doors or other impediments.
  4. The suspect(s) are affiliated with known criminal organizations or gangs.

A Category III alert will require the use of the SWAT Team, with the Hostage Negotiations Team sending a Team in the event they are needed. A Category III Alert will require the approval of the SWAT Commander or Special Operations Captain.

- **Category IV** - refers to hostage situations, hostage rescue missions, barricaded suspects, inmate uprisings or any other operation where great risk is involved in order to capture or neutralize armed criminals and protect innocent lives. These events will mostly likely be immediate in nature.
  1. A Category IV Alert will require both the SWAT Team and the Hostage Negotiations Team.
  2. A Category IV Alert for any location other than the Washoe County Jail will require that the Special Operation Captain or the Chief Deputy to respond and assume the role of Incident Commander.
  3. A Category IV Alert that involves the Washoe County Jail will require that a Jail Watch Commander or the Jail Captain respond and assume the role of Incident Commander.

#### **408.7**

##### **OPERATIONS**

- a) When committed to duty, full command of the SWAT Team will rest with the SWAT Team Commander or his/her designated representative. When possible, the SWAT commander will announce on the radio he or she is assuming tactical Command.
  - 1. The SWAT Commander will then be responsible solely to the Special Operations Captain who is the overall Incident Commander.
  - 2. To ensure unity of command, once they are committed to duty, SWAT personnel will not be responsible to or under the command of any other command officers outside the Incident Command structure.
- b) Upon arrival at the scene of any situation to which SWAT personnel are to be committed, it will be the responsibility of the SWAT Team Commander to establish a tactical staging area.
- c) The SWAT Team Commander will coordinate with the Patrol Supervisors to ensure that the following tasks are completed or assigned to field personnel as necessary:
  - 1. Evacuate injured persons and other persons who might be located in dangerous areas.
  - 2. Establish an outer perimeter to prevent unauthorized entry into the area.
  - 3. Locate witnesses or other sources of information and insure they are interviewed by negotiators and/or investigators.
  - 4. Advise Communications of the locations of the command post, roadblocks and routes of safe approach for other personnel responding.
  - 5. Any other support duties dictated by the situation.
- d) The SWAT Team Commander will, as the situation dictates, be responsible for:
  - 1. Establishment of an inner perimeter and forward observation post.
  - 2. Procurement of all necessary personnel, equipment and supplies essential to the SWAT operation.
  - 3. Formulation of a rescue/entry plan and preparation for execution of the plan should the need arise.
  - 4. Coordination of the activities of the SWAT Team with the Hostage Negotiations Team or other units.

#### **408.8**

##### **POST OPERATIONS**

- a) Upon completion of a SWAT mission, the SWAT Team shall:
  - 1. Turn over all non-vital functions to the appropriate Division.
  - 2. Attend a debriefing that shall also include the Hostage Negotiations Team, the Incident Commander, the Patrol Division Commander and any other involved or pertinent personnel.
  - 3. Secure all equipment used by the SWAT Team, ensuring that it is clean, in proper operating condition, properly stored and accounted for.
  - 4. Prepare individual written supplemental reports to the incident case report. These reports will be written in the Tiburon system.
- b) The SWAT Team Commander or designee will prepare an after-action report.



## **410 Ride-Along Policy**

### **410.1**

#### **PURPOSE AND SCOPE**

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function firsthand. This policy provides the requirements, approval process and hours of operation for the Ride-Along Program.

#### **410.1.1**

##### **ELIGIBILITY**

The Washoe County Sheriff's Office Ride-Along Program is offered to residents, students and those employed within the County. Every attempt will be made to accommodate interested persons; however, any applicant may be disqualified without cause so long as the disqualification is not based on discrimination or disparate treatment. Before riding, every rider must complete the ride-along waiver form.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 16 years of age.
- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against the Office.
- Denial by any supervisor.

#### **410.1.2**

##### **AVAILABILITY**

The Ride-Along Program is available on any day during normal shift hours. Exceptions to this schedule may be approved by the Sheriff, Division Deputy Chief, or Watch Commander.

### **410.2**

#### **PROCEDURE TO REQUEST A RIDE-ALONG**

Generally, ride-along requests will be scheduled by the Office Support Specialist. The participant will complete a ride-along waiver form. Information requested will include a valid US Government approved photo-identification card, address and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along Form.

The Office Support Specialist will schedule a date, based on availability, at least one week after the date of application. If approved, a copy will be forwarded to the respective Watch Commander 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 Office will contact the applicant and advise him/her of the denial.

**410.2.1**

**PROGRAM REQUIREMENTS**

Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: RSVP, Chaplains, Reserves, Sheriff's Office applicants and all others with approval of the Watch Commander.

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the deputy's vehicle at a given time.

**410.2.2**

**SUITABLE ATTIRE**

Any person approved to ride along is required to be suitably dressed in 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 Office vehicle. The Watch Commander or field supervisor may refuse a ride-along to anyone not properly dressed.

**410.2.3**

**PEACE OFFICER RIDE-ALONGS**

Off-duty members of this office or any other law enforcement agency will not be permitted to ride-along with on-duty deputies without the expressed consent of the Watch 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 themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

**410.2.4**

**RIDE-ALONG CRIMINAL HISTORY CHECK**

All Ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and National Crime Information Center (NCIC) check prior to their approval as a ride-along with a law enforcement officer (provided that the ride-along is not an employee of the Washoe County Sheriff's Office).



### **410.3**

#### **DEPUTY RESPONSIBILITY**

The deputy shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Deputies shall consider the safety of the ride-along at all times.

Deputies should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practicable have another Sheriff's Office unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Office Support Specialist is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, a copy of the form shall be returned to the Office Support Specialist with any comments which may be offered by the deputy.

### **410.4**

#### **CONTROL OF RIDE-ALONG**

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

- The ride-along will follow the directions of the deputy.
- The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects or handling any Office equipment.
- The ride-along may terminate the ride at any time and the deputy may return the observer to their home or to the station if the ride-along interferes with the performance of the deputy's duties.
- Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.
- Deputies will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen.



## **412 Hazardous Material Response**

### **412.1**

#### **PURPOSE AND SCOPE**

Hazardous materials are potentially harmful to employees and the public. To comply with Nevada law, the following represents the policy of this Office.

#### **412.1.1**

##### **HAZARDOUS MATERIAL DEFINED**

**Hazardous material** – Includes, without limitation, hazardous material, a regulated substance, a pollutant, a contaminant, and all mixtures within the classifications (NRS 459.429).

Hazardous materials, hazardous substances, hazardous wastes and regulated substances identified in NRS 459.428, NRS 459.430, NRS 549.432, NRS 459.448, NRS 459.465 and NRS 459.7024 are hazardous materials.

### **412.2**

#### **HAZARDOUS MATERIAL RESPONSE**

An employee may encounter a situation involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill or fire.

If an employee comes into contact with hazardous material, the employee must notify appropriate personnel who are trained and equipped to properly respond and mitigate most hazardous materials and biohazards.

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:

- Attempt to identify the type of hazardous material. Identification can be determined by placard, driver's manifest or statements from the person transporting the material.
- Request additional personnel and other resources to respond as needed.
- Provide first-aid for injured parties if it can be done safely and without contamination.
- Begin evacuation of immediate area and surrounding areas dependent on the material.
- Responders should remain up hill and upwind of the hazard until a zone of entry is established and a decontamination area is established.

### **412.3**

#### **REPORTING EXPOSURES**

Office personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee on an Exposure Control Form that shall be forwarded via chain of command to the

Commanding Office. 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 Exposure Control Form.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report.

**412.3.1**

**SUPERVISOR RESPONSIBILITY**

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 lessen the exposure.

To ensure the safety of employees, safety equipment such as CBRNE masks and suits are available.



## 414 Hostage and Barricade Incidents

### 414.1

#### **PURPOSE AND SCOPE**

The purpose of this policy is to provide guidelines for situations where deputies have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the deputies by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that deputies encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

### 414.1.1

#### **DEFINITIONS**

Definitions related to this policy include:

**Barricade situation** - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

**Hostage situation** - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

### 414.2

#### **POLICY**

It is the policy of the Washoe County Sheriff's Office to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

### 414.3

#### **COMMUNICATION**

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

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

### **414.3.1**

#### **EMERGENCY COMMUNICATIONS**

A supervisor, if available, or a deputy may direct the telephone company to temporarily interrupt, redirect or make other temporary changes to aid in establishing communication with a barricaded person or between deputies, or to deny communication to the barricaded person under any of the following circumstances (NRS 179.525):

- Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- 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.
- Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- Provide responding emergency personnel with a safe arrival route to the location.
- Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- 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.
- Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.
- 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 and additional information.
- Determine the need for and notify the appropriate persons within and outside the Office, such as command officers and the Public Information Officer.
- If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- Establish a command post.

### **414.4.2**

#### **HOSTAGE SITUATION**

Deputies presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that deputies react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

- Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- Assign personnel to a contact team in the event it becomes necessary to rapidly enter a building, structure or vehicle, and attack, deadly force, attempt to escape or surrender prior to additional resources arriving.
- 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).
- 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.

- Request additional personnel, resources and equipment as needed (e.g. canine team, air support).
- Provide responding emergency personnel with a safe arrival route to the location.
- Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- Coordinate pursuit or surveillance vehicles and control of travel routes.
- Attempt or obtain a line of commutation 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.
- Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved suspects, witnesses, evidence and additional information.
- Determine the need for and notify the appropriate persons within and outside the Office, such as command officers and the Public Information Officer.
- If necessary and available, establish a tactical or exclusive radio frequency for the incident.

#### **414.5**

##### **SUPERVISOR RESPONSIBILITIES**

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a Hostage Negotiation Team (HNT) response if appropriate and apprising the HNT 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 personal.
- 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, and 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 Dispatch.
- i) Identify a media staging area outside the outer perimeter and have the Office Public Information Officer or a designated temporary media representative provide media access in accordance with the News Media Relations Policy.

- j) Identify the need to mutual aid and the transition or relief of personnel for incidents of extended duration.
- k) Debrief personnel and review documentation as appropriate.

#### **414.6**

##### **CRISIS RESPONSE UNIT RESPONSIBILITIES**

It will be the Incident Commander's decision, with input from the HNT Commander, whether to deploy the CRU during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the HNT Commander or the authorized designee will be responsible for the Negotiations 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 HNT. The Incident Commander and the HNT Commander or the authorized designee shall maintain communications at all times.

#### **414.7**

##### **REPORTING**

Unless otherwise relieved by a supervisor or Incident Commander, the handling deputy at the scene is responsible for completion and/or coordination of incident reports.



## **416 Response to Bomb Calls**

### **416.1**

#### **PURPOSE AND SCOPE**

These guidelines have been prepared to assist deputies in their initial response to incidents involving explosives, explosive devices, suspected explosive devices or explosion/bombing incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety shall always be the primary consideration.

### **416.2**

#### **FOUND EXPLOSIVES/SUSPECT DEVICES**

When a deputy responds to a call of a suspected explosive device, the following guidelines shall be followed:

- a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging. The Consolidated Bomb Squad should be summoned for assistance as soon as a suspected item is confirmed.
- b) A perimeter should be secured for a minimum of three hundred feet (or reasonable distance based on the incident) around the location, allowing for an entrance for support personnel.
- c) As much initial information as possible should be relayed to the Watch Commander/Bomb Squad without touching the device, including:
  1. The stated threat.
  2. Exact comments.
  3. Time of discovery.
  4. Exact location of the device.
  5. Full description (e.g., size, shape, markings, construction) of the device.
- d) The device should not be touched or transported to any other location.
- e) Deputies should not transmit on any equipment that produces radio frequency energy within 300 feet. Consideration should be given to the possibility for evacuation if a device is located within a building. If already established, communications should remain open as evacuation is paramount.
- f) An additional perimeter should be secured around any suspected device.
- g) Deputies should give consideration for the ingress/egress of additional support personnel such as paramedics and fire department personnel.
- h) A search of the area should be conducted for secondary devices (via pre-established search teams) or other objects that are either hazardous or foreign to the area.
- i) Explosive or military ordinance of any type should be handled only by bomb squad technicians.



### **416.3**

#### **EXPLOSION/BOMBING INCIDENTS**

When an explosion has occurred, there are multiple considerations which may confront a deputy. As in other catastrophic incidents, a rapid response will help to minimize such things as further injury to victims, contamination of the scene by gathering crowds, further damage by resulting fires or unstable structures.

Whether the explosion was the result of an accident or a criminal act, the following concerns may confront the deputy:

- Injury to all involved parties
- Secondary devices, EOD needs to be contacted ASAP
- Medical assistance/triage for all involved
- Evacuation of victims
- Notification to Supervisor/Bomb Squad

#### **416.3.1**

##### **NOTIFICATIONS**

When an explosion has occurred, the following people shall be notified as soon as practicable:

- Immediate supervisor
- Bomb Squad
- Watch Commander
- Division Commander
- Division Deputy Chief
- Special Operations Deputy Chief
- Executive Staff
- Northern Nevada Regional Intelligence Center (NNRIC)
- Medical Assistance (if needed)
- Detectives
- Forensic Services

#### **416.3.2**

##### **CROWD CONTROL**

Scene access should be restricted to those with a legitimate public safety purpose. The Public Information Officer, or his/her designee, should be on scene to assist with the needs of the media.

#### **416.3.3**

##### **SCENE OF INCIDENT**

As in any other crime scene, steps should immediately be taken to preserve the scene. The scene could extend over a long distance. Evidence may be imbedded in nearby structures or hanging in trees and bushes.

### **416.4**

#### **BOMB THREATS AT SHERIFF'S FACILITY**

This procedure shall be followed should a bomb threat be received at a Sheriff's Office facility and a search made for a destructive device.

#### **416.4.1**

##### **BOMB THREATS RECEIVED BY TELEPHONE**

See Threat Cards at all assigned duty stations.

The following questions shall be asked if a call of a bomb threat is received at a Sheriff's Office facility:

- When is the bomb going to explode?
- Where is the bomb?
- What kind of bomb is it?
- What does it look like?
- Why did you place the bomb?
- Who are you? To avoid possible termination of the call this should be the last question asked.

Attempt to keep the caller on the line as long as possible and obtain expanded answers to these five basic questions.

During this time, document the following:

- Time of the call.
- Exact words of the person as accurately as possible.
- Estimated age and gender of the caller.
- Speech patterns and/or accents.
- Background noises.

If the threat is received at a Sheriff's Office facility on a recorded line, steps should be taken to ensure that the recording is preserved in accordance with current Sheriff's Office evidence procedures.

#### **416.4.2**

##### **RESPONSIBILITIES**

As soon as a bomb threat has been received, the person receiving the call should obtain full details. The person will then notify the on-duty supervisor which in turn will notify the Bomb Squad. Deputies and available staff will assist in searching all areas of the Sheriff's Office to include the outside parking lot, bushes, etc.

#### **416.5**

##### **BOMB THREATS AT PUBLIC OR PRIVATE FACILITY**

This procedure shall be followed should a bomb threat occur at a private facility or another public facility and the Office is informed of the threat.

#### **416.5.1**

##### **BOMB THREAT RESPONSE OPTIONS**

The person in charge of the facility has the primary responsibility for all decisions relating to the facility.



## **418 Mental Illness Commitments**

### **418.1**

#### **PURPOSE AND SCOPE**

This procedure describes a deputy's duties when a person qualifies for emergency admission to mental health facilities pursuant to NRS 433A.120. The detention of a person under § 433A.150 does not constitute an arrest. If a deputy believes that a person falls within the provisions of NRS 433A.115 and requires emergency admission to a mental health facility, he/she shall transport that person to the nearest suitable hospital for evaluation.

### **418.2**

#### **AUTHORITY OF A DEPUTY**

A deputy may without a warrant:

- Take a person alleged to be a person with mental illness into custody to apply for the emergency admission of the person for evaluation, observation and treatment; and only if the deputy has, based upon his or her personal observation of the person alleged to be a person with mental illness, probable cause to believe that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty (NRS 433A.160). Mental Illness is defined by NRS 433A.115).

The deputy will transport or cause to be transported the mentally ill subject to a facility designated by the local mental health authority and approved by the State Department of Mental Health for evaluation and possible placement for 72 hours.

Such a facility shall require an application in writing stating the circumstances under which the person's condition was called to the attention of the deputy because of mental illness, is likely to harm himself/herself or others if allowed his/her liberty.

### **418.3**

#### **DEPUTY CONSIDERATIONS AND RESPONSIBILITIES**

Any deputy responding to or handling a call involving a suspected or actual mentally disabled individual or an involuntary mental illness commitment should consider utilizing, as time and circumstances reasonably permit:

- a) Any available information that might assist in determining the cause and nature of the mental illness or developmental disability.
- b) Conflict resolution and de-escalation techniques.
- c) Language that is appropriate for interacting with a mentally disabled person.
- d) If circumstances permit, alternatives to deadly force.
- e) Any available community resources that can assist in dealing with a mentally disabled individual.

### **418.3.1**

#### **TRANSPORTATION**

A cooperative person may be transported to the evaluating facility by the deputy. A violent or actively self-destructive individual will be transported by ambulance or by the deputy with use of the WRAP restraint if ambulance is unavailable.

### **418.3.2**

#### **RESTRAINTS**

If the patient is violent or potentially violent, the deputy will notify the hospital staff of this concern. The staff member in charge will have discretion as to whether soft restraints will be used. If these restraints are desired, the deputy will wait while they are being applied to help provide physical control of the patient, if needed.

### **418.3.3**

#### **MENTAL HEALTH DOCUMENTATION**

Emergency Commitment:

- Prior to taking a person to an authorized treatment facility as an emergency commitment, the deputy who has investigated the case and has the person in custody will fill out a form, “Legal 2000 form for Emergency Hospitalization of Mentally Ill Person.”
- The original page of the “Legal 2000 form for Emergency Hospitalization of Mentally Ill Person” is to accompany the person to the hospital; and the copy page becomes part of the case report. These forms are located in the Detention Bureau, Detention Medical, Patrol Division, Incline Substation and the emergency room of the treating hospital.
- Inmates being released from Detention that have been assessed by Detention Medical staff as being a danger to themselves or others will be transported by a Detention deputy to the designated receiving facility for evaluation. The Detention medical staff will provide the completed Legal 2000 documentation.
- The deputy transporting a person under emergency commitment should wait at the hospital until a physician examines the person and makes a decision on the application for emergency commitment or until a physician, charge nurse or security takes control of the patient for observation purposes due to intoxication.
  1. If the treating physician determines the person will be taken to a mental health facility, the physician will determine which facility the person will be taken to.
  2. If previously relieved by hospital staff, the transporting deputy will respond to the hospital if requested by the hospital staff to complete the process.
- Under no circumstances will a deputy sign any commitment papers or application for emergency hospitalization unless completely fair with the circumstances of the case and the situation falls under the jurisdiction of the Sheriff’s Office.
- The primary deputy shall complete a detailed report of the incident, whether the incident is criminal in nature or an incident report. A copy of the “Legal 2000” form will be attached to the report.
- If the physician will not approve the application for emergency hospitalization, the shift commander will be notified immediately and will help determine if the person is to be confined in the jail if criminal charges are applicable, released, etc. Details of disposition will be included in the case report.

#### **418.3.4**

##### **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 Office vehicle.

#### **418.4**

##### **MENTALLY ILL PERSON CHARGED WITH A CRIME**

Any person who qualifies for involuntary committal who has committed a crime will be booked into the Washoe County Detention Facility. The arresting/transporting deputy is required to provide all of the relevant information regarding the circumstance that qualifies the individual for involuntary committal to the intake staff including the intake nurse.

#### **418.5**

##### **CONFISCATION OF FIREARMS AND OTHER WEAPONS**

Whenever a person has been detained or apprehended for examination pursuant to NRS 433A.150 and is found to have in his/her possession or under his/her immediate control, any firearm or other deadly weapon, the firearm or other deadly weapon shall be confiscated by the handling deputy. The firearm or other deadly weapon shall be booked into evidence if a crime was committed or placed into safekeeping if there is not a person acceptable to the subject who can take possession of the weapon.

Deputies are cautioned that a search warrant may be needed before entering a residence to search unless lawful, warrantless entry has already been made (e.g., exigent circumstances, valid consent).

The handling deputy shall further advise the person of the procedure for the return of any firearm or other deadly weapon which has been confiscated.

#### **418.5.1**

##### **RETURN OF CONFISCATED FIREARMS AND WEAPONS**

- 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) or NRS 202.360(2)(a). The Firearms Detective will review the case prior to the release of a firearm to determine if there are any such restrictions.
- The person will be provided with the contact information for the WCSO Evidence section. The weapon will be released following WCSO evidence protocol.

#### **418.6**

##### **TRAINING**

As part of advanced officer training programs, this agency will endeavor to include Office approved training on interaction with mentally disabled persons.



## **420 Citation Releases**

### **420.1**

#### **PURPOSE AND SCOPE**

NRS 171.1771 permits law enforcement agencies to use citation release procedures in lieu of arrest for misdemeanor offenses with certain exceptions.

### **420.1.2**

#### **STATUTORY REQUIREMENTS**

This Office recognizes the statutory power of a peace officer to make an arrest throughout the State. But a deputy is encouraged to use sound discretion in the enforcement of the law. Citation releases are authorized by NRS 171.1771. The release of a citation for misdemeanor offense can be accomplished by issuing a notice to appear from a citation book or an electronic device. Deputies are also authorized to use verbal or written warnings to resolve minor traffic and criminal violations when appropriate.

Off-duty deputies observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction. In such situations, the involved deputy shall clearly identify himself/herself as a Sheriff's deputy.

### **420.2**

#### **OFFICE PROCEDURE**

The following procedure will be followed to comply with law.

### **420.2.1**

#### **FIELD CITATIONS**

In most misdemeanor cases an arrestee 18 years or older may be released on citation provided the individual can be satisfactorily identified, there is not outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present (NRS 171.1771).

Deputies may also release subjects who were taken into custody on a private person's arrest for a misdemeanor offense, whenever appropriate (NRS 171.1772).

In circumstances where a citizen is utilized and there is a victim for the offense cited, the deputy shall choose the "court mandatory" option in lieu of citing a bail for the offense.

### **420.2.2**

#### **JAIL RELEASE**

In certain cases, it may be impracticable to release a person arrested for misdemeanor offenses in the field. The person arrested may instead be released after booking at the jail, with Watch Commander approval.

Any persons arrested for a misdemeanor offense shall be released on his/her written promise to appear after the booking procedure is completed, unless the person is disqualified for reasons listed in this policy.

**420.2.3**

**DISQUALIFYING CIRCUMSTANCES**

A person arrested for a misdemeanor may not be released on a notice to appear if one of the following situations is present:

- a) A person arrested for a misdemeanor that he/she could be a danger to him/herself or to others. Release may occur as soon as this condition no longer exists.
- b) The person arrested requires medical examination or medical care or is otherwise unable to care for his/her own safety.
  - 1. An arrestee shall not be released from custody for the sole purpose of allowing that person to obtain medical care and then immediately re-arresting the same individual upon discharge from the hospital, unless it can be determined that the hospital can bill and collect from the third-party payment source.
- c) There are one or more outstanding arrest warrants for the person.
  - 1. This does not apply to warrant issued for the misdemeanor where there is no indication that a person failed to appear on the charge (NRS 171.1772).
- d) The person could not provide satisfactory evidence of personal identification.
- e) The prosecution of the offense for which the person was arrested, or the prosecution of any other offense or offenses, would be jeopardized by the immediate release of the person arrested.
- f) There is reasonable likelihood that the offense or offenses would continue or resume or that the safety of persons or property would be imminently endangered by the release of the person arrested.
- g) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.
- h) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically stated.
- i) Unless mitigating circumstances exist, there is probable cause to believe that the person has, within the past 24 hours, committed a domestic violence battery (NRS 171.137).
- j) The person has been served an order for protection against violence and has violated any provision of the order (NRS 33.070; NRS 33.017).
- k) The person has been served an order for protection against workplace harassment and has violated any provision of the order (NRS 33.280).

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason or non-release shall be noted on the booking form. This form shall be submitted to the Watch Commander for approval and included with the case file in the Records Section.

**420.2.4**

**OTHER REASONS FOR NON-RELEASE**

The Watch Commander may determine that a person arrested should not be released as provided in this subsection. The Watch Commander shall state specifically on the booking form the reason

for non-release. Such reasons for non-release include:

- a) Previous failure to appear is on record.
- b) The person lacks ties to the area, such as a residence, job or family.
- c) Unusual circumstances lead the deputy responsible for the release of prisoners to conclude that the suspect should be held for further investigation.

#### **420.3**

##### **CHILD CITATIONS**

Completion of criminal citations for juveniles is generally only appropriate for misdemeanor traffic violations and local misdemeanor ordinance violations (NRS 62C.070).

All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to the detective division for further action including diversion.

#### **420.4**

##### **REQUESTING CASE NUMBERS**

Many cases involving a criminal citation release can be handled without requesting a case number. Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. Most Nevada Revised Statute sections will require a case number to document the incident properly in a report. This section does not preclude a deputy from requesting a case number if he/she feels the situation should be documented more thoroughly in a case report.



## **422 Arrest or Detention of Foreign Nationals**

### **422.1**

#### **PURPOSE AND SCOPE**

The Vienna Convention on Consular Relations, sets forth certain rights of foreign nationals from member countries when arrested, detained or imprisoned by law enforcement officials in this country. This policy provides direction to deputies when considering a physical arrest or detention of a foreign national. All Foreign Service personnel shall be treated with respect and courtesy, regardless of the level of established immunity. As noted herein, the United States is a party to several bilateral agreements that obligate authorities to notify the consulate upon the person's detention, regardless of whether the detained person(s) request that his/her consulate be notified. The list of specific countries that the United States is obligated to notify is listed on the U.S. Department of State website.

### **422.1.1**

#### **DEFINITIONS**

**Foreign National** – Is anyone who is not a citizen of the United States. A person with dual U.S. and foreign citizenship, is not a foreign national.

**Immunity** – Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments. These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official “missions” (i.e. embassies and consulates) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized and to maintain reciprocal treatment of U.S. personnel abroad.

Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the U.S. Department of State's Office of Foreign Missions (OFM) that illegal acts by Foreign Service personnel should always be pursued through proper channels. Additionally, the host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

### **422.2**

#### **ARREST OR DETENTION OF FOREIGN NATIONALS**

Deputies should take appropriate enforcement action for all violations observed, regardless of claims of diplomatic or consular immunity received from violators. A person shall not, however, be subjected to in-custody arrest when diplomatic or consular immunity is claimed by the

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individual or suspected by the deputy, and the deputy has verified or reasonably suspects that the claim of immunity is valid.

### **422.3**

#### **LEVELS OF IMMUNITY**

The specific degree of immunity afforded to foreign service personnel within the U.S. is directly related to their function and position in this country.

#### **422.3.1**

##### **DIPLOMATIC AGENTS**

Diplomatic agents (e.g., ambassadors and United Nations representatives) are afforded the highest levels of immunity. They are exempt from arrest or detention and are immune from all criminal (and most civil) prosecution by the host state. The family members of diplomatic agents enjoy these same immunities. Currently there are no diplomatic agents permanently assigned to Nevada, but they occasionally visit the state.

#### **422.3.2**

##### **CONSULAR OFFICERS**

Consular officers are the ranking members of consular posts who perform various formal functions on behalf of their own governments. Typical titles include consul general, consul and vice consul. These officials are immune from arrest or detention, except pursuant to a felony warrant. They are only immune from criminal and civil prosecution arising from official acts. These official acts of immunity must be raised as an affirmative defense in the court jurisdiction and its validity is determined by the court. Under this defense, the prohibited act itself must have been performed as an official function. It is not sufficient that the consular agent was on-duty or in an official capacity at the time of the violation. The family members of consular officers generally enjoy no immunity; however, any family member who enjoys a higher level of immunity is issued an identification card by the Department of State (DOS) enumerating any privileges or immunities on the back of the card. Examples are consular officers and family members from Russia or China.

#### **422.3.3**

##### **HONORARY CONSULS**

Honorary consuls are part-time employees of the country they represent and are either permanent residents of the U.S. or U.S. nationals (unlike career consular officers, who are foreign nationals on temporary assignment to the U.S.). Honorary consuls may be arrested and detained. Limited immunity for official acts may be available as a subsequent defense. Family members have no immunity.

### **422.4**

#### **IDENTIFICATION**

All diplomatic and consular personnel who are entitled to immunity are registered and are issued distinctive identification cards by the Department of State Protocol Office. These cards are the best means of identifying Foreign Service personnel. They include a photograph, identifying information, and on the reverse side, a brief description of the bearer's immunity status. Unfortunately, these identification cards are not always promptly issued by the Department of State. In addition to the Department of State identification card, Foreign Service personnel should also have a driver license issued by the Department of State Diplomatic Motor Vehicle Office (DMVO) which in most circumstances replaces the operator's license issued by the state.

#### **422.4.1**

##### **VEHICLE REGISTRATION**

Vehicles that are owned by foreign missions or Foreign Service personnel and their dependents are registered with the Department of State OFM and display distinctive red, white and blue license plates. Vehicles assigned to diplomatic or consular officers will generally have license plates labels with the words "diplomat" or "consul". Vehicles owned by honorary consuls are not issued OFM license plates but may have Nevada license plates with an "honorary consul" label. A driver's identity or immunity status should not be presumed from the type of license plates displayed on the vehicle. The status of an OFM license plate should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state, if the deputy has reason to question the legitimate possession of the license plate.

#### **422.5**

##### **ENFORCEMENT PROCEDURES**

The following procedures provide a guideline for handling enforcement of foreign nationals.

#### **422.5.1**

##### **CITABLE OFFENSES**

An enforcement document shall be issued at the scene for all violations warranting such action, regardless of the violator's immunity status. The issuance of a citation is not considered an arrest or detention under current Department of State guidelines. Whenever the equivalent of a notice to appear is issued to an immunity claimant, the following additional procedures shall be followed by the arresting deputy:

- Identification documents are to be requested of the claimant.
- The title and country represented by the claimant are to be recorded on the back of the deputy's copy of the citation for later reference. Do not include on the face of the citation. Verified diplomatic agents and consular officers, including staff and family members from countries with which the U.S. has special agreements, are not required to sign the Notice to Appear. The word "Refused" shall be entered in the signature box, and the violator shall be released.
- Claimants other than verified diplomatic agents and consular officers shall be requested to sign the notice to appear. If the claimant refuses, the identity and immunity status of the individual shall be conclusively established.
- Verified consular staff members, excluding those from countries with which the U.S. has special agreements, are generally obligated to sign the Notice to Appear, but the signature shall not be required if their immunity status is uncertain.
- All other claimants are subject to the provisions of policy and procedures outlined in this chapter.
- The violator shall be provided with the appropriate copy of the citation.

#### **422.5.2**

##### **IN-CUSTODY ARRESTS**

Diplomatic agents and consular officers are immune from arrest or detention unless they have no identification and the detention is to verify their diplomatic status. Proper identification of immunity claimants is imperative in potential in-custody situations. Claimants who are not entitled to immunity shall be placed in custody in accordance with the provisions outlined in this policy.

A subject who is placed under arrest and claims diplomatic or consular immunity shall not be physically restrained before verification of the claim unless restraint is necessary for the protection of the deputy or others. A supervisor shall be promptly notified and should respond to the scene when possible. Field verification of the claimant's identity is to be attempted as follows:

- An identification card issued by the Department of the State, Protocol Office is the only valid evidence of diplomatic or consular immunity. The following types of identification cards are issued: Diplomatic (blue bordered), Consular (red bordered) and Official (green bordered). The Department of State identification cards are 3-3/4 inch by 1-1/2 inch and contain a photograph of the bearer.
- Initiate telephone verification with the Department of State. Newly arrived members of diplomatic or consular missions may not yet have official Department of State identity documents. Verify immunity by telephone with the Department of State any time an individual claims immunity and cannot present satisfactory identification, the deputy has reason to doubt the claim of immunity, or there is a possibility of physical arrest. Law enforcement personnel should use the following numbers in order of preference;

Office of Foreign Missions  
Los Angeles, CA  
(310) 235-6292, Ext. 121 or 122  
(310) 235-6297 FAX  
(800-1700 PST)

Office of Foreign Missions  
Diplomatic Motor Vehicle Office  
Washington D.C  
(202) 895-3521 (Driver License  
Verification) or  
(202) 895-3532 (Registration  
Verification)  
(202) 895-3533 FAX  
(0815-1700 EST)

Department of State  
Diplomatic Security Service  
Command Center  
Washington D.C.  
(202) 647-7277  
(202) 647-1512  
  
(Available 24 hours)  
(202) 647-0122 FAX

Members of diplomatic or consular missions also may have other forms of identification. These include identification cards issued by Office of Emergency Services, local law enforcement agencies, the foreign embassy, or consulate; driver license issued by Department of State; and Department of State license indicia on the vehicle. All these items are only an indication that the bearer may have some form of immunity.

Subjects verified through the above procedures as being officials entitled to immunity (diplomatic agent, consular officers and consular staff and family members from countries with which the U.S. has special agreements) may not be arrested. The procedures below shall be followed. These procedures should also be used in the event immunity cannot be verified, but another form of identification indicates that immunity is probable.

If the release of the violator will not create an additional hazard, adequate information to properly identify the violator shall be obtained before the official is released. A supervisor's approval for the release shall be obtained whenever possible. The necessary release documents and/or a Certificate of Release form should only be issued under the proper conditions.

If the violator appears to have been driving while under the influence, field sobriety tests, including Preliminary Alcohol Screening (PAS) device tests and chemical tests should be offered and obtained whenever possible, however, these tests cannot be compelled. The subject shall not be permitted to drive. A supervisor's approval for release shall be obtained whenever possible and alternative transportation should be arranged.

All facts of the incident shall be documented in accordance with this policy in a Driving Under the Influence (DUI) Arrest-Investigation Report, Arrest-Investigation Report and/or any other relevant report form. Notwithstanding the field release of the subject, prosecution is still appropriate and should be pursued by the command concerned. If the violator is either stopped or issued a "Notice to Appear" for a violation of NRS 484C.110 while operating a motor vehicle, the deputy shall either complete a "Notice to Appear" or a written report documenting the incident.

This Office shall then contact the Department of State, as soon as practicable, to verify the violator's status and immunity. Within five working days of the stop, this Office shall send to the Bureau of Diplomatic Security Office of Foreign Missions of the Department of State a copy of the "Notice to Appear" and any accident or other written report documenting the incident. The Department of State will take appropriate sanctions against errant Foreign Service personnel, even where prosecution is not undertaken by the agency.

#### **422.6**

##### **TRAFFIC COLLISIONS**

Foreign National Persons involved in traffic collisions who possess a Department of State OFM Diplomatic Driver License, issued by the DMVO, shall have "D" coded in the license "class" box of the Traffic Collision Report (NHP Form 5). The actual driver license class (e.g., 1, 2, 3, or A, B, C, M) shall be entered in the miscellaneous box on page two of the traffic report. If subsequent prosecution of the claimant is anticipated, the claimant's title, country and type of identification presented should be recorded for future reference. Issuance of a citation to, or arrest of, an immunity claimant at the accident scene should be handled in accordance with the procedures specified in Policy Manual § 422.5 of this chapter.

#### **422.6.1**

##### **VEHICLES**

Vehicles which are owned by subjects with full immunity may not be searched, stored or impounded without the owner's permission. Such permission may be assumed if the vehicle has been stolen. These vehicles may, however, be towed the necessary distance to remove them from obstructing traffic or creating any other hazard.

#### **422.6.2**

##### **REPORTS**

A photocopy of each traffic collision report involving an identified diplomat and/or immunity claimant shall be forwarded to the Office of the Sheriff within 48 hours regardless of whether the claim is verified. The words "Immunity Claim" shall be marked on the photocopy, together with a notation of the claimant's title, country and type of identification presented, if applicable. In addition to the report, a follow-up cover memorandum should be submitted if the violation was flagrant, if the claimant was uncooperative, or if there were any other unusual aspects of the

enforcement contact that should be reported to the Department of State for further action. The Watch Commander/ supervisor apprised of the incident/accident shall also send a copy of all documents and reports submitted by the investigating deputy along with any supervisor's notes, materials and/or logs to the Sheriff's Office within 48 hours of the incident. The Sheriff's Office will check to ensure that notification of Department of State and all necessary follow-up occurs.

#### **422.7**

##### **FOREIGN NATIONALS WHO DO NOT CLAIM IMMUNITY**

These policies and procedures apply to foreign nationals who do not claim diplomatic or consular immunity.

Deputies shall arrest a foreign national only under the following circumstances:

- There is a valid warrant issued for the person's arrest.
- There is a probable cause to believe that the foreign national has violated a federal criminal law, a state law or a local ordinance.
- Deputies shall not arrest foreign nationals solely for alleged undocumented entry into the U.S. unless the undocumented entry is committed in the deputy's presence.
- Deputies shall not stop or detain persons solely for determining immigration status.
- International treaty obligations provide for notification of foreign governments when foreign nationals are arrested or otherwise detained in the U.S.
- Whenever a deputy arrests and incarcerates a foreign national or detains a foreign national for investigation for over 60 minutes, the deputy shall promptly advise the individual that he/she is entitled to have his/her government notified of the arrest or detention. If the individual wants his/her government notified, the deputy shall begin the notification process.

After a lawful detention or criminal arrest, deputies may detain foreign nationals solely for alleged undocumented presence in the U.S. if the U.S. Immigration and Customs Enforcement (ICE) is contacted and can respond to take custody within a reasonable time. Deputies shall not arrest foreign nationals for undocumented presence. Federal courts have consistently held that undocumented presence is not a crime but a federal civil violation only enforceable by federal officers.

#### **422.7.1**

##### **ARREST PROCEDURE**

Whenever a deputy physically arrests or detains an individual for criminal investigation and the deputy reasonably believes the person to be a foreign national, the deputy shall inquire to determine the person's citizenship. This procedure applies to detentions of more than 60 minutes. An inquiry is not required if the individual is detained less than two hours for criminal investigation.

If the individual indicates that he/she is other than a U.S. citizen, the deputy shall advise the individual that he/she has a right to have the nearest appropriate embassy or consulate notified of the arrest/detention. If the individual requests such notification, the deputy shall contact Dispatch as soon as practicable and request the appropriate embassy/consulate be notified. Deputies shall provide Dispatch with the following information concerning the individual:

- Country of citizenship

- Full name of individual, including paternal and maternal surname is used
- Date of birth or age
- Current residence
- Time, date, place, location of incarceration/detention and the 24-hour telephone number of the place of detention if different from the Department itself

If the foreign national claims citizenship of one of the countries mandating notification, deputies shall provide Dispatch with the information above, as soon as practicable, regardless of whether the individual desires the embassy/consulate to be notified. This procedure is critical because of treaty obligations with the particular countries. The list of specific countries that the United States is obligated to notify may also be found at the U.S. Department of State website, <http://www.travel.state.gov>.

Deputies should attempt to provide Dispatch with request for embassy/consulate notification at the same time they provide incarceration information in order to expedite these notifications.

#### **422.7.2**

##### **DOCUMENTATION**

Deputies shall document on the face page and in the narrative of the appropriate Arrest-Investigation Report the date and time Dispatch was notified of the foreign national's arrest/detention and his/her claimed nationality.





## **424 Rapid Response and Deployment Policy**

### **424.1**

#### **PURPOSE AND SCOPE**

Violence in schools, workplaces and other locations by any individual or group of individuals presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist deputies to implement rapid response and deployment to such situations.

### **424.2**

#### **POLICY**

The policy of this Office in dealing with a crisis situation shall be:

- To obtain and maintain complete operative control of the incident
- To explore every reasonably available source of intelligence regarding the circumstances, location and suspect(s) in the incident
- To attempt, by every means available, to attain any tactical advantage over the responsible individual(s)
- To attempt, whenever feasible, a negotiated surrender of the suspect(s) and release of the hostages through the expertise of the members of this Office and others

Nothing in this policy shall preclude the use of necessary force, deadly or otherwise, by members of this Office in protecting themselves or others from death or serious injury.

### **424.3**

#### **PROCEDURE**

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding deputies should consider reasonable options to immediately eliminate the threat. 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.

When deciding on a course of action deputies should consider the following:

- Whether sufficient personnel are available on-scene to advance on the suspect. Any advance on a suspect should be made using two or more deputies whenever reasonably possible.
- Whether individuals who are under imminent threat can be moved out of danger with reasonable safety.
- Whether deputies have the ability to effectively communicate with others in the field.
- Whether planned tactics can be effectively deployed.
- The availability of rifles, shotguns, shields, control devices and any other appropriate tools and whether the deployment of these tools will provide a tactical advantage.

- 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 (e.g., special tactics and/or hostage negotiation team response).
- If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, the deputy should take immediate action, if reasonably possible, to stop the threat presented by the suspect while calling for additional assistance.

#### **424.3.1**

##### **DECISION TO ADVANCE ON SUSPECT**

On-scene first responders shall make the decision whether or not to advance on the suspect(s). The multitude of variables in such a circumstance requires a rapid assessment of the situation and decision as to the best tactics to implement and the timely action necessary to resolve the incident. The following are some examples:

- Barricaded suspect with no hostages; the deputy may wait for additional assistance including possible SWAT and/or Hostage Negotiations Team response.
- Barricaded suspect with hostage(s) and no harm done to the hostage(s); the deputy may wait for additional assistance or SWAT and Hostage Negotiations Team response.
- If a suspect is actively shooting hostages or others in the area, the deputy should take immediate action, if possible, to neutralize the threat presented by the suspect while calling for assistance.



## **426 Reporting Police Activity Outside of Jurisdiction**

### **426.1**

#### **PURPOSE AND SCOPE**

This policy provides general guidelines for reporting police activity while on- or off- duty and occurring outside the jurisdiction of the Washoe County Sheriff's Office.

### **426.2**

#### **ASSISTANCE TO AGENCIES OUTSIDE THE COUNTY**

If a law enforcement agency from a different jurisdiction requests assistance from an on-duty deputy, the deputy shall obtain prior approval from the immediate supervisor or the Watch Commander. If the request is of an emergency nature, the deputy shall notify Dispatch before responding and thereafter notify a supervisor as soon as practicable.

### **426.3**

#### **LAW ENFORCEMENT ACTIVITY OUTSIDE THE COUNTY**

Any on-duty deputy, who engages in law enforcement activities of any type outside the immediate jurisdiction shall notify a direct supervisor or the Watch Commander at the earliest possible opportunity. Any off-duty deputy who engages in any law-enforcement activities, regardless of jurisdiction shall notify the Watch Commander as soon as practicable.

### **426.3.1**

#### **SUPERVISOR RESPONSIBILITY**

The supervisor shall determine if a case report or other documentation of the deputy's activity is required. The report of other documentation shall be forwarded to the deputy's Division Commander.



## **428 Immigration Violations**

### **428.1**

#### **PURPOSE AND SCOPE**

The immigration status of individuals alone is generally not a matter for police action. It is incumbent upon all employees of this Office to make a personal commitment to equal enforcement of the law and equal service to the public regardless of immigration status. Confidence in this commitment will increase the effectiveness of the Office in protecting and serving the entire community.

### **428.2**

#### **DEPARTMENT POLICY**

The U.S. Immigration and Customs Enforcement (ICE) has primary jurisdiction for enforcement of the provisions of Title 8, U.S.C. dealing with illegal entry. When assisting ICE at its specific request, or when suspected criminal violations are discovered as a result of inquiry or investigation based on probable cause originating from activities other than the isolated violations of Title 8, U.S.C. §§ 1304, 1324, 1325 and 1326, this Office may assist in the enforcement of federal immigration laws.

### **428.3**

#### **PROCEDURES FOR IMMIGRATION COMPLAINTS**

Persons wishing to report immigration violations should be referred to the local office of the U.S. Immigration and Customs Enforcement (ICE). The Employer Sanction Unit of ICE has primary jurisdiction for enforcement of Title 8, U.S.C.

#### **428.3.1**

##### **BASIS FOR CONTACT**

Unless immigration status is relevant to another criminal offense or investigation (e.g., harboring, smuggling, terrorism), the fact that an individual is suspected of being an undocumented alien shall not be the sole basis for contact, detention or arrest.

#### **428.3.2**

##### **SWEEPS**

The Washoe County Sheriff's Office does not independently conduct sweeps or other concentrated efforts to detain suspected undocumented aliens.

When enforcement efforts are increased in a particular area, equal consideration should be given to all suspected violations and not just those affecting a particular race, ethnicity, age, gender, sexual orientation, religion, socioeconomic status or other group.

The disposition of each contact (e.g., warning, citation or arrest), while discretionary in each case, should not be affected by such factors as race, ethnicity, age, gender, sexual orientation, religion or socioeconomic status.

### **428.3.3**

#### **ICE REQUEST FOR ASSISTANCE**

If a specific request is made by ICE or any other federal agency, this Office will provide available support services, such as traffic control or peacekeeping efforts, during the federal operation.

Members of this Office should not participate in such federal operations as part of any detention team unless it is in direct response to a request for assistance on a temporary basis or for officer safety. Any detention by a member of this Office should be based upon the reasonable belief that an individual is involved in criminal activity.

### **428.3.4**

#### **IDENTIFICATION**

Whenever any individual is reasonably suspected of a criminal violation (e.g., misdemeanor, gross misdemeanor or felony), the investigating deputy should take reasonable steps to determine the individual's identity through valid identification or other reliable sources.

If an individual would have otherwise been released for a misdemeanor on a citation, the person should be taken to the station and given a reasonable opportunity to verify his/her true identity (e.g., telephone calls). If the person's identity is thereafter reasonably established, the original citation release should be completed without consideration of immigration status.

### **428.3.5**

#### **ARREST**

If the deputy intends to take enforcement action and the individual is unable to reasonably establish his/her true identity, the deputy may take the person into custody on the suspected criminal violation. A field supervisor shall approve all such arrests.

### **428.3.6**

#### **BOOKING**

If the deputy is unable to reasonably establish an arrestee's identity, the individual may, upon approval of a supervisor, be booked into jail for the suspected criminal violation and held for bail (NRS 171.1771).

A person detained exclusively for a traffic citation or misdemeanor shall not be detained beyond two hours for the purpose of establishing his/her true identity. Regardless of the status of the person's identity at the expiration of two hours, he/she shall be released on his/her signature with a promise to appear in court for the infraction or misdemeanor violation.

### **428.3.7**

#### **NOTIFICATION OF IMMIGRATION AND CUSTOMS ENFORCEMENT**

Whenever a deputy has reason to believe that any person arrested for any offense under the Nevada Uniform Controlled Substances Act (NRS 453) or any other felony may not be a citizen of the United States and the individual is not going to be booked into the county jail, ICE may be notified by the arresting deputy so that ICE may consider placing an "immigration hold" on the individual.

If a deputy has an articulable belief that an individual taken into custody for any misdemeanor is an undocumented alien, and after he/she is formally booked there is no intention to transport to the county jail, ICE may be informed by the arresting deputy so that ICE may consider placing an immigration hold on the individual.

In making the determination whether to notify ICE in such circumstances, the deputy should, in consultation with a supervisor, consider the totality of circumstances of each case including but not limited to:

- Seriousness of the offense
- Community safety
- Potential burden on ICE
- Impact on the immigrant community

Generally, deputies will not need to notify ICE when booking arrestees at the county jail. Immigration officials routinely interview suspected undocumented aliens who are booked into the county jail on criminal charges and notification will be handled according to jail operation procedures.

#### **428.4**

##### **CONSIDERATIONS PRIOR TO REPORTING TO ICE**

The Washoe County Sheriff's Office is concerned for the safety of local citizens and thus detection of criminal behavior is of primary interest in dealing with any persons. The decision to arrest shall be based upon those factors which establish probable cause and not on arbitrary aspects. Race, ethnicity, age, gender, sexual orientation, religion, and socioeconomic status alone are of no bearing on the decision to arrest.

All individuals, regardless of their immigration status, must feel secure that contacting law enforcement will not make them vulnerable to deportation. Members should not attempt to determine the immigration status of crime victims and witnesses or take enforcement action against them absent exigent circumstances or reasonable cause to believe that a crime victim or witness is involved in violating criminal laws. Generally, if a deputy suspects that a victim or witness is an undocumented immigrant, the deputy need not report the person to ICE unless circumstances indicate such reporting is reasonably necessary.

Nothing in this policy is intended to restrict deputies from exchanging legitimate law enforcement information with any other federal, state or local government entity (Title 8 U.S.C. § 1373 and U.S.C. § 1644).

#### **428.4.1**

##### **U-VISA/T-VISA NONIMMIGRANT STATUS**

Under certain circumstances, federal law allows temporary immigration benefits to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U and T)). The applicant must have suffered substantial physical or mental abuse due to criminal activity in at least one of the following categories: rape, torture, trafficking, incest, domestic violence, sexual assault, abusive sexual contact, prostitution, sexual exploitation, female genital mutilation, hostage situations, peonage, false imprisonment, involuntary servitude, slave trade, kidnapping, abduction,

## Policy 428 - Immigration Violation

unlawful criminal restraint, blackmail, extortion, manslaughter, murder, felonious assault, witness tampering, obstruction of justice, perjury, or attempt, conspiracy or solicitation to commit any of the above-mentioned crimes. A declaration/certification for a U-Visa/T-Visa from the U.S. Citizenship and Immigration Services may be completed on the appropriate U.S. Department of Homeland Security (DHS) Form I-918 or I-914 by law enforcement and must include information on how the individual can assist in a criminal investigation or prosecution in order for a U-Visa/T-Visa to be issued.

Any request for assistance in applying for U-Visa/T-Visa status should be forwarded in a timely manner to the Detective Division Sergeant assigned to supervise the handling of any related case. The Detective Division Sergeant should:

- a) Consult with the assigned detective to determine the current status of any related case and whether further documentation is warranted.
- b) Review the instructions for completing the declaration/certification if necessary. Instructions for completing DHS Forms I-918/I-914 can be found on the U.S. DHS web site at [http:// www.uscis.gov/portal/site/uscis](http://www.uscis.gov/portal/site/uscis).
- c) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the declaration/certification has not already been completed and whether a declaration/certification is warranted.
- d) Address the request and complete the declaration/certification, if appropriate, in a timely manner.
- e) Ensure that any decision to complete or not complete the form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed declaration/certification in the case file.



## **430 Emergency Utility Service**

### **430.1**

#### **PURPOSE AND SCOPE**

The County Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Sheriff's Office. Requests for such service received by this Office should be handled in the following manner.

#### **430.1.1**

##### **BROKEN WATER LINES**

The Sheriff's Office receives notification either in-person or by call about a break to a water line or water meter. The County's responsibility ends at the water meter. Any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the County side of the meter, emergency personnel should be called as soon as practicable by Dispatch.

#### **430.1.2**

##### **ELECTRICAL LINES**

County Public Works does not maintain electrical lines to streetlight poles. When a power line poses a hazard, a deputy should be dispatched to protect against personal injury or property damage that might be caused by power lines. The Electric Company or Public Works should be promptly notified, as appropriate.

#### **430.1.3**

##### **RESERVOIRS, PUMPS, AND WELLS**

Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

#### **430.1.4**

##### **EMERGENCY NUMBERS**

A current list of emergency personnel who are to be called for municipal utility emergencies will be maintained by Dispatch.

### **430.2**

#### **TRAFFIC SIGNAL MAINTENANCE**

The County of Washoe contracts with a private maintenance company to furnish maintenance for all traffic signals within the County, other than those maintained by the Nevada Department of Transportation (NDOT).



**430.2.1**

**DEPUTY RESPONSIBILITY**

Upon observing a damaged or malfunctioning signal, the deputy will advise Dispatch of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.



## **432 Patrol Rifles**

Refer to Washoe County Sheriff's Office Policy 312.



## **434 Aircraft Accidents**

### **434.1**

#### **PURPOSE AND SCOPE**

This policy describes situations involving aircraft accidents including responsibilities of personnel, making proper notification and documentation.

### **434.2**

#### **RESPONSIBILITIES**

In the event of an aircraft accident, the employee responsibilities are as follows:

#### **434.2.1**

##### **DEPUTY RESPONSIBILITIES**

Deputies should treat an aircraft accident site as a crime scene until it is determined that such is not the case. If a military aircraft is involved, additional dangers, such as live ordnance or hazardous materials, may be present. The scene may require additional security due to the potential presence of confidential equipment or information.

The duties of the field deputy at the scene of an aircraft accident include the following:

- a) Determine the nature and extent of the accident.
- b) Request additional personnel and other resources to respond as needed.
- c) Provide assistance for the injured parties until the arrival of the fire department personnel and/or other emergency personnel.
- d) Cordon off and contain the area to exclude unauthorized individuals as soon as practicable.
- e) Provide crowd control and other assistance until directed otherwise by a supervisor.
- f) Ensure the coroner's office is notified if a death occurs.

Entering an aircraft or tampering with parts or debris is only permissible for the purpose of removing injured or trapped occupants, protecting the wreckage from further damage or protecting the public from danger. If possible, the investigating authority should first be consulted before entering or moving any aircraft or any accident debris. Photographs or Body Worn Camera footage of the original positions should be made whenever feasible.

The fire department will be responsible for control of the accident scene until the injured parties are cared for and the accident scene has been rendered safe for containment. Thereafter, Sheriff's Office personnel will be responsible for preserving the scene until relieved by the investigating authority.

Once the scene is relinquished to the investigating authority, personnel from this agency may assist in containment of the scene until the investigation is completed or assistance is no longer needed.

An airport service worker or the airport manager may respond to the scene to assist the on-scene commander with technical expertise, should it be needed during the operation.

### **434.2.2**

#### **NATIONAL TRANSPORTATION SAFETY BOARD**

The National Transportation Safety Board (NTSB) has the primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft incident, the appropriate branch of the military will be involved in the investigation. The NTSB is concerned with several aspects of an accident as described in this section.

Every effort should be made to preserve the scene to the extent possible in the condition in which it was found until such time as NTSB or other authorized personnel arrive to take charge of the scene.

Military personnel will respond to take charge of any military aircraft involved, regardless of any injury or death.

If the accident did not result in a death or injury and the NTSB elects not to respond, the pilot or owner may assume control of the aircraft only after a deputy has determined the accident was not caused by a violation of NRS 493.130.

Removal of the wreckage shall be done under the guidance of the NTSB or military authorities or, if the NTSB is not responding for an on-site investigation, at the discretion of the pilot or the owner.

### **434.2.3**

#### **DISPATCH RESPONSIBILITIES**

Dispatchers are responsible to make notifications as directed once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage and the type of aircraft involved. Generally, the dispatcher will need to notify the following agencies or individuals when an aircraft accident has occurred.

- Fire Department
- The affected airport tower
- Closest military base if a military aircraft is involved
- Ambulances or other assistance as required
- Department of Public Safety
- Washoe County Sheriff's Office Watch Commander

When an aircraft accident is reported to the Sheriff's Office by the airport tower personnel, the dispatcher receiving such information should verify that the tower personnel will contact the Nevada Department of Public Safety, Department of Emergency Management, Federal Aviation Administration (FAA) Flight Standards District Office and the National Transportation Safety Board (NTSB). In the event that airport personnel are not involved, and it is not a Washoe County Sheriff's Office aircraft, the dispatcher should notify the Nevada Department of Transportation Aviation Section, the FAA and the NTSB.

When the accident involves a Washoe County Sheriff's Office aircraft, notifications shall be made through the chain of command including the Special Operations Division. Special Operations Division personnel will ensure all Federal, State, and local entities have been notified and are aware of such accident.

#### **434.2.4**

#### **PUBLIC INFORMATION OFFICER RESPONSIBILITIES**

The Sheriff's Office Public Information Officer is responsible for the following:

- Obtain information for a press release from the on-scene commander or his/her designee.
- When practicable, the Office Public Information Officer should coordinate with the FAA Press Information Officer to prepare a press release for distribution to the Media.
- Information released to the press regarding any aircraft accident should be handled by the Office Public Information Officer or in accordance with existing policy.

#### **434.3**

#### **DOCUMENTATION**

Any aircraft accident within the County, regardless of whether injuries or deaths occur, shall be documented.



## **436 Field Training Officer Program**

### **436.1**

#### **PURPOSE AND SCOPE**

The Field Training Officer Program is intended to provide a standardized program to facilitate a member's transition from the academic and/or new hire setting to the actual performance of general law enforcement and civilian duties of the Washoe County Sheriff's Office.

It is the policy of this Office to assign all new employees to a structured Field Training Officer Program that is designed to prepare the new member to perform in an assignment within the Washoe County Sheriff's Office, and possess all skills needed to operate in a safe, productive and professional manner.

### **436.2**

#### **FIELD TRAINING OFFICER SELECTION AND TRAINING**

The Field Training Officer (FTO) is an experienced member trained in the art of supervising, training and evaluating entry level and lateral Sheriff's Office employees in the application of acquired knowledge and skills.

#### **436.2.1**

##### **SELECTION PROCESS**

FTOs will be selected based on the following requirements:

- Desire to be an FTO
- Minimum of two years of experience within the specific division
- Demonstrated ability as a positive role model
- Participate and pass an internal oral interview selection process
- Evaluation by supervisors and current FTOs
- Possess a POST Basic certificate

#### **436.2.2**

##### **TRAINING**

A member selected as a Field Training Officer shall successfully complete a Nevada Peace Officers Standards and Training (POST) certified 24-hour Field Training Officer's Course prior to being assigned as an FTO.

All FTOs must complete update training every three years while assigned to the position of FTO unless actively training new members.

### **436.3**

#### **FIELD TRAINING OFFICER PROGRAM SUPERVISOR**

All Field Training Officer Programs will be managed by the Training Section. Training staff from the Detention and Operations Bureau will be assigned to FTO Coordinator positions within

the Training Division. The Training Sergeant will act as the Office FTO Supervisor and shall have attended the 24-hour Field Training Officer course and possess a POST Intermediate Certificate.

The responsibilities of the FTO Program Coordinator include the following:

- Assignment of trainees to FTOs
- Maintain and ensure FTO/Trainee daily observation reports are completed in a timely manner
- Maintain, update and issue the Field Training Manual to each trainee
- Monitor individual FTO performance
- Maintain liaison with academy staff on recruit performance during the academy

The responsibilities of the FTO Program Supervisor include the following:

- Managing and overseeing entire FTO Program.
- Conduct FTO Meetings.
- Maintain liaison with FTO Coordinators of other agencies.
- Develop ongoing training for FTOs.
- The FTO Program Supervisor will be required to successfully complete a Nevada POST approved Field Training Administrator's Course within one year of appointment to this position.

#### **436.4**

##### **TRAINEE DEFINED**

**Trainee** - Any entry level or lateral member newly appointed to the Washoe County Sheriff's Office who has been successfully hired to a civilian position and/or a commissioned position and has completed a POST-approved Basic Academy and possesses a Nevada POST certificate.

#### **436.5**

##### **REQUIRED TRAINING**

Newly hired members shall be required to successfully complete a Field Training Program. Upon transferring to a new Division, members must complete a Field Training Program within that Division.

The training period for members or deputies returning to a division after more than 24 months may be modified depending on the trainee's demonstrated performance and level of experience, up to four weeks.

To the extent practicable, all members should be assigned to a variety of Field Training Officers, shifts and geographical areas during their Field Training Program.

#### **436.5.1**

##### **FIELD TRAINING MANUAL**

Each new deputy will have access to 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 Washoe 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.

Each new civilian member will also be provided with training materials specific to their assignment.

#### **436.6**

#### **EVALUATIONS**

Evaluations are an important component of the training process and shall be completed as outlined below.

##### **436.6.1**

#### **FIELD TRAINING OFFICER**

- FTO's shall complete and submit Daily Observation Reports (DOR's) on the performance of their assigned trainee to the FTO Coordinator on a daily basis using the LEFTA program.
- FTO's shall review Daily Observation Reports with the trainee each day and allow for feedback from the trainee.
- At the completion of each phase, a Phase Board will be held. Minimum attendance shall include the FTO Coordinator, FTO, and Trainee through the shift supervisors and the FTO Supervisor should attend whenever possible.
- FTO's shall be responsible for signing off all completed topics within the Field Training Manual, noting the method(s) of learning and evaluating the performance of their assigned trainee.
- Civilian Field Training Officer shall also complete Daily Observation Reports and document members performance throughout each phase of training.

##### **436.6.2**

#### **IMMEDIATE SUPERVISOR**

The immediate supervisor is responsible for the day to day supervision and interaction of the trainee member. The FTO Supervisor will be notified of any problems related to the trainee and/or FTO program observed by immediate supervisors.

All Daily Observation Reports will be copied and distributed to immediate supervisors through the Division Administrative Sergeant or supervisor.

##### **436.6.3**

#### **FIELD TRAINING ADMINISTRATOR**

Each Division is responsible for appointing a Field Training Officer liaison. The liaison will be a sergeant/supervisor or above.

The FTO Division Liaison will act as the liaison between the Division Supervisors, FTOs, Trainees and the Training Staff.

The FTO Division Liaison WILL review all Daily Trainee Performance Evaluations submitted by the FTO and take an active role in the FTO program through the selection and management of FTOs and Trainees assigned to their Division.

At least annually, the FTO Supervisor, FTO Division Liaison, and FTO Coordinator will hold periodic meetings with all Field Training Officers to ensure understanding and compliance with



the requirements of the Field Training Program. A summary of this meeting with any recommendations or charges made will be documented and forwarded to the division chief deputy through the chain of command for review and approval.

**436.6.4**

**TRAINEE**

At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation of each of their FTOs and of the Field Training Program.

**436.7**

**DOCUMENTATION**

All documentation of the Field Training Program will be retained in the deputy's training files and will consist of the following:

- Daily Trainee Performance Evaluations
- End of phase evaluations
- A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training
- All subsequent documentation produced as a result of the training program



## **438 Obtaining Air Support**

### **438.1**

#### **PURPOSE AND SCOPE**

The use of air support can be invaluable in certain situations. This policy specifies potential situations where the use of air support may be requested and the responsibilities for making a request. The Washoe County Sheriff's Office Regional Aviation Enforcement Unit (RAVEN) will be the primary source for most air support requests.

### **438.2**

#### **REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY**

Office personnel requesting air support assistance from another agency shall only be made if RAVEN is unavailable or unable to fulfill requested mission responsibilities. After consideration and approval of the request for air support, the Watch Commander, or his/her designee, will contact the closest agency having suitable air support available. The Watch Commander will apprise that agency of the specific details of the incident prompting the request.

### **438.2.2**

#### **CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED**

Law Enforcement air support may be requested under any of the following conditions:

- When the aircraft is activated under existing mutual aid agreements
- Whenever the safety of law enforcement personnel is in jeopardy and the presence of the aircraft may reduce such hazard
- When the use of aircraft will aid in the capture of a fleeing suspect whose continued freedom represents an ongoing threat to the community
- When an aircraft is needed to locate a person who is lost and whose continued absence constitutes a serious health or safety hazard
- Vehicle Pursuits
- When the Watch Commander or equivalent authority determines a reasonable need exists
- When needed to aid investigations in support of local, state, and federal agencies
- When needed to support tactical missions to include the transportation of special teams (K-9, SWAT, Bomb, etc.)

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.



## **440 Field Interviews and Photographing Detainees**

### **440.1**

#### **PURPOSE AND SCOPE**

The purpose of this policy is to establish guidelines for conducting field interviews (FI) and pat-down searches, and the taking and retention of photographs of persons detained in the field but not arrested. Due to a variety of situations confronting the deputy, the decision to FI or photograph a field detainee shall be left to the discretion of the involved deputy based on the totality of the circumstances available to him/her at the time of the detention.

### **440.2**

#### **DEFINITIONS**

**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.

**Consensual Encounter** – Occurs when a deputy contacts an individual but does not create a detention through words, actions or other means. In other words, consensual encounter occurs under a totality of circumstance which would cause a reasonable individual to believe that his/her contact with a deputy is voluntary.

**Field Interview (FI)** – The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the deputy's suspicions.

**Field Photographs** - Posed photographs taken of a person during a contact, detention or arrest in the field. Undercover surveillance photographs of an individual or recordings captured by the normal operation of a Body Worn Camera (BWC) 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.

**Brazos Systems (Tylertech)** – The electronic platform for which field interview information and photographs are collected and retained.

### **440.3**

#### **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, the following:

- The appearance or demeanor of an individual suggests that he/she is part of a criminal enterprise or is engaged in a criminal act.
- The actions of the subject suggest that he/she is engaged in a criminal activity.
- The hour of day or night is inappropriate for the subject's presence in the area.
- The subject's presence in the particular area is suspicious.
- The subject is carrying a suspicious object.
- The subject's clothing bulges in a manner that suggests he/she is carrying a weapon.
- The subject is located in proximate time and place to an alleged crime.
- The deputy has knowledge of the subject's prior criminal record and involvement in criminal activity.

#### **440.3.1**

##### **INITIATING A FIELD INTERVIEW**

Based on observance of suspicious circumstances or upon information from investigation, a deputy may initiate the stop of a subject if he/she has articulable, reasonable suspicion to do so. A subject should not be detained longer than is reasonably necessary to determine the individual's identity and resolve the deputy's suspicions.

#### **440.3.2**

##### **DURATION OF DETENTION**

A subject may be detained to conduct an FI only for the period reasonably necessary to inquire into the circumstances justifying the stop and may not extend longer than 60 minutes, not extend beyond immediate vicinity of the place where the detention was first effected unless the detainee is arrested (NRS 171.123).

### **440.4**

#### **PAT-DOWN SEARCHES**

A pat-down search of a detained subject may be conducted whenever a deputy reasonably believes that the person may possess an object that can be utilized as an offensive weapon or whenever the deputy has a reasonable fear for his/her own safety or the safety of others. Circumstances that may establish justification for performing a pat-down search include, but are not limited to the following:

- The type of crime suspected, particularly in crimes of violence where the use of threat of deadly weapons is involved
- Where more than one subject must be handled by a single deputy
- The hour of the day and the location of neighborhood where the stop takes place
- Prior knowledge of the subject's use of force and/or propensity to carry deadly weapons
- The appearance and demeanor of the subject
- Visual indications which suggest that the subject is carrying a firearm or other weapon
- The age and gender of the subject

Whenever possible, pat-down searches should be performed by deputies of the same gender.

#### **440.5**

##### **FIELD PHOTOGRAPHS**

Before photographing any field detainee, the deputy shall carefully consider, among other things, the factors listed in 440.5.1 and 440.5.2. Photographing juveniles for FI purposes is restricted unless otherwise stated in Policy 442.

#### **440.5.1**

##### **FIELD PHOTOGRAPHS TAKEN WITH CONSENT**

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent.

#### **440.5.2**

##### **FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT**

Field photographs may be taken without consent only if they are taken during a detention that is based on reasonable suspicion of criminal activity, and

- The photograph serves a legitimate law enforcement purpose related to the detention. Mere knowledge or suspicion of gang membership or affiliation is not a sufficient justification for taking a photograph without consent.
- 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.

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.

No detention shall be prolonged for the sole purpose of taking a photograph.

#### **440.6**

##### **SUPERVISOR RESPONSIBILITY**

While it is recognized that field photographs and FIs 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 FI/photograph. Access to FIs and photographs shall be strictly limited to law enforcement purposes.

#### **440.7**

##### **DISPOSITION OF PHOTOGRAPHS**

All detainee photographs must be adequately labeled and submitted with either an associated FI card or electronically using the Brazos (Tylertech system) 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 photograph should be forwarded to an appropriate unit such as the Gang Unit, Sex Offender unit, NNRIC, etc.

When a photograph is taken in association with a particular case, the detective may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file.

**440.7.1**

**FIELD INTERVIEW AND PHOTOGRAPH RETENTION**

Field interviews and photographs are considered the property of the Washoe County Sheriff's Office and retained indefinitely.

If a court order for removal of a field interview and photograph is received, following the guidelines set forth in NRS 179.2405 to NRS 179.301, the Administrative Services Manager will ensure the court order is followed.



## **442 Criminal Street Gangs**

### **442.1**

#### **PURPOSE AND SCOPE**

It is the policy of this Office to establish a procedure for identifying criminal street gangs and participants of criminal street gangs, to enforce criminal statutes applicable to crimes that are committed by criminal gangs and their members and to identify patterns of criminal activity associated with criminal street gangs.

The intent of this policy is to provide for the collection and management of criminal street gang information so as to enhance officer safety and the criminal prosecution of criminal street gang participants.

In 2001, the Washoe County Sheriff's Office partnered with other local law enforcement agencies, creating the Regional Gang Unit.

### **442.2**

#### **DEFINITIONS**

**Criminal Street Gang** - A combination of persons, organized formally or informally, constructed so that the organization will continue its operation even if individual members enter or leave the organization (NRS 193.168(7)) which:

- Has a common name or identifying symbol
- Has particular conduct, status and customs indictive of it
- Engages in a pattern of delinquent behavior or criminal activity
- Associate on a regular basis, or claim affiliation with

**Gang-Related Activity** - Any delinquent act or crime punishable as a felony, gross misdemeanor or misdemeanor which is committed for the benefit of, at the direction of, in furtherance of, or demonstrates a nexus to any criminal gang.

A juvenile commits a delinquent act if he/she commits an act designated as a crime under the laws of the State of Nevada except murder or attempted murder, or violates a county, municipal or any rule or regulation having the force of law.

Delinquent or criminal activity differentiates gangs from organizations, such as ethnic social clubs, that often are visually consistent with the stereotyped images of gangs. Individuals who do not meet the criteria set forth above are not to be included in the criminal gang intelligence file.

### **442.3**

#### **IDENTIFICATION OF CRIMINAL STREET GANGS/PARTICIPANTS**

The Regional Gang Unit shall be authorized to collect information on individuals who are suspected of participating in a criminal street gang and groups that are suspected of being criminal street gangs.

- **Gang Member** - Any person who meets any of the following criteria:
  - a) An individual admits membership in a criminal street gang and there exists reason to believe that the information is accurate.
  - b) A reliable informant or known gang member identifies an individual as a participant in a criminal street gang. A reliable informant is an individual whose reliability has been previously tested successfully or a private person who is innocent of a criminal involvement volunteers this information freely, openly, and does not demonstrate an alternative motive.
  - c) An informant of previously untested reliability identifies an individual as a participant in a criminal street gang when the information provided is corroborated by independent information.
  - d) When an individual has been arrested for an offense which is consistent with criminal gang activity and there is corroborating evidence of ongoing criminal gang related activity.
  - e) Information from a jail or prison facility where the subject admits to membership in or association with a gang and the information has been confirmed.
  - f) When an individual has a criminal record, which tends to establish a pattern of gang activity
- **Gang Associate** - An individual may be designated as a gang associate if they have participated individually or as part of a collective group in gang activity but is not a confirmed member of a criminal gang; Any person who claims association with gang members or other gang associates; When an individual displays commonly recognized indicators of gang membership or gang association but has not been formally indoctrinated into the gang.

#### 442.4

##### **CRIMINAL STREET GANG FILE**

A file of criminal street gang participants shall include:

- Names, aliases, monikers, addresses and other relevant identifying information
- The name or names of gangs the individual belongs to or associates with
- Articulated facts or justifications used to identify an individual as a criminal street gang member or associate
- Vehicle(s) known to be used
- Known gang associates
- Any other relevant information including but not limited to photographs

#### 442.4.1

##### **REVIEW AND PURGING OF TEMPORARY CRIMINAL STREET GANG FILE**

Information (including photographs) on an individual will not be placed in a gang intelligence file until sufficient information is known or received identifying the individual as a gang member or gang associate. When an officer assigned to the Regional Gang Unit completes an intelligence form, the subject of the intelligence form will receive a form that includes information regarding the procedure the subject can use to object, or to comment upon the actions taken by the officer. The form will include the deputy's name and badge number.

If the individual is a minor, at least fourteen days or more before placing the individual's information into the gang intelligence file, the Regional Gang Unit will notify the individual's parent or guardian (if known) to advise that this information is being placed in a gang



intelligence file. Notice by first-class mail to the individual's last known address is sufficient. The fourteen-day period will commence upon the day following the mailing of the notice.

When an individual or parent/guardian, showing reasonable proof of identity, inquires as to whether or not they or their juvenile son or daughter is listed as a gang member or gang associate in the gang intelligence file, such information will be provided only by a member of the Regional Gang Unit or its supervisors.

The adult individual or the parent/guardian of a juvenile will be given an opportunity to object to entry of the individual's information into the gang intelligence file or may request clarification of the reasons why the information is being placed in the gang intelligence file. Such objection may be made verbally or in writing to the Regional Gang Unit Lieutenant or Regional Gang Unit Sergeants. If the individual requesting such clarification is dissatisfied with the response, he/she may request further review from the Regional Gang Unit.

#### **442.4.2**

##### **CRIMINAL GANG INTELLIGENCE DATABASES**

This policy does not establish a criminal gang intelligence database administered by the Washoe County Sheriff's Office.

The current gang intelligence file is maintained by the Regional Gang Unit and will be administered in accordance with 28 C.F.R. Part 23, and any applicable state and local laws. It also complies with all applicable Memorandums of Understanding with all local agencies.

Any request for information contained in the gang intelligence file including any inquiries by a parent or guardian will be sent to the Regional Gang unit for proper handling and dissemination.

#### **442.5**

##### **FIELD CONTACTS**

Deputies who contact individuals who are, or may be, participants in criminal street gang activity should complete a FI card and document the reasonable suspicion underlying the contact and the exact circumstances leading to the suspicion that the individual is a criminal street gang participant (e.g., subject states he/she is a member of XYZ gang; XYZ tattoo on right hand near thumb; wearing ball cap with gang name printed in blue or red ink). All information will be forwarded to the Regional Gang Unit.

Deputies will not stop individuals solely based on a suspicion that they are a member/associate of a criminal street gang unless the contact is consensual, or the contact is justifiably legal.



## **444 Watch Commanders**

### **444.1**

#### **PURPOSE AND SCOPE**

Each patrol/detention shift must be directed by supervisors who can make decisions and communicating in a manner consistent with Office policies, procedures, practices, functions and objectives. To accomplish this goal, a lieutenant or higher-ranking authority should serve as the Watch Commander.

### **444.2**

#### **DESIGNATION AS ACTING WATCH COMMANDER**

When a lieutenant or higher-ranking authority is unavailable for duty as Watch Commander, in most instances a sergeant may be designated as acting Watch Commander.



## **446 Mobile Audio Video**

### **446.1**

#### **PURPOSE AND SCOPE**

The Washoe County Sheriff's Office has equipped marked patrol cars with Mobile Audio Video (MAV) recording systems to provide records of events and assist deputies in the performance of their duties. This policy provides guidance on the use of these systems.

### **446.1.1**

#### **DEFINITIONS**

Definitions related to this policy include:

**Activate** – Any process that causes the MAV system to transmit or store video or audio data in an active mode.

**In-vehicle camera system and Mobile Audio Video (MAV) system** - Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor.

**MAV Technician** - Personnel certified or trained in the operational use and repair of MAVs, duplicating methods, storage and retrieval methods and procedures, and who have a working knowledge of video forensics and evidentiary procedures.

**Recorded Media** – Audio-video signals recorded or digitally stored on a storage device, or portable media.

### **446.2**

#### **POLICY**

It is the policy of the Washoe County Sheriff's Office to use mobile audio and video technology to more effectively fulfill the Office's mission and to ensure these systems are used securely and efficiently.

### **446.3**

#### **DEPUTY RESPONSIBILITIES**

Prior to going into service, each deputy will properly equip themselves 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 Washoe County Sheriff's Office identified and labeled media with tracking numbers is to be used.

At the start of each shift, deputies should test the MAV system's operation in accordance with manufacturer specifications and Office operating procedures and training.

System documentation is accomplished by the deputy recording their name, serial number, badge or PIN number and the current date and time at the start and again at the end of each shift. If the system is malfunctioning, the deputy shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

#### **446.4.1**

##### **REQUIRED ACTIVATION OF MAV**

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. A deputy may activate the system any time the deputy believes it would be appropriate or valuable to document an incident.

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. DWI/DUI 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 Dispatch.
- c) Any call for service involving a crime where the recorder may aid in apprehension and/or prosecution of a suspect:
  1. Family violence calls
  2. Disturbance of peace calls
  3. Offenses involving violence or weapons
  4. Any other contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording
  5. Any other circumstance where the deputy believes that a recording of an incident would be appropriate

#### **446.4.2**

##### **CESSATION OF RECORDING**

Once activated, the MAV system should remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease

if a deputy is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

#### **446.4.3**

##### **WHEN ACTIVATION IS NOT REQUIRED**

Activation of the MAV system is not required when exchanging information with other deputies or during breaks, lunch periods, when not in service or actively on patrol.

No member of this office may surreptitiously record a conversation of any other member of this office except with a court order or when authorized by the Sheriff or the authorized designee for the purpose of conducting a criminal or administrative investigation.

#### **446.4.4**

##### **SUPERVISOR RESPONSIBILITIES**

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of Dispatch.

At reasonable intervals, supervisors should validate that:

- a) Beginning and end-of-shift recording procedures are followed.
- b) Logs reflect the proper chain of custody in evidence.com.
- c) The operation of MAV systems by new employees is assessed and reviewed no less than biweekly and instructed as part of the Patrol Orientation Program (POP). Deputies requiring additional user training can submit a written request to the Training and Compliance Division when necessary.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, office –involved collisions), a supervisor shall respond to the scene and ensure the appropriate MAV technician properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

Supervisors may activate the MAV system remotely to monitor a developing situation, such as a chase, riot or an event that may threaten public safety, officer safety or both, when the purpose is to obtain tactical information to assist in managing the event. Supervisors shall not remotely activate the MAV system for the purpose of monitoring the conversations or actions of a deputy.

#### **446.5**

##### **REVIEW OF MAV RECORDINGS**

All recording media, recorded images and audio recordings are the property of the 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 Office MAV technician or forensic media staff. When reasonably possible, a copy of the original media shall be sued for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations:

- For use when preparing reports or statements.
- By a supervisor investigating a specific act of deputy conduct.
- By a supervisor to assess deputy performance.
- To assess proper functioning of MAV systems.
- By Office investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation.
- By Office personnel who request to review recordings.
- By a deputy who is captured on or referenced in the video or audio data and reviews such data for any purpose relating to their employment.
- By court personnel through proper process or with permission of the Sheriff or the authorized designee.
- By the media through proper process or with permission of the Sheriff or the authorized designee or in compliance with a Nevada Open Records Act request (NRS 239.010 et seq.).
- To assess possible training value.
- Recordings may be shown for training purposes. If an involved deputy objects to showing a recording, their objection will be submitted to Executive 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 Watch Commander. 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.

#### **446.6**

##### **DOCUMENTING MAV USE**

If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the deputy's report. If a citation is issued, the deputy shall make a notation on the back of the records copy of the citation indicating that the incident was recorded.

#### **446.7**

##### **RECORDING MEDIA STORAGE AND INTEGRITY**

Once checked in, all video media will be labeled and placed in a designated secure storage area. All video media that is not booked in evidence will be retained for a minimum of 90 days after which time it will be erased, destroyed or recycled. Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence will be retained for a minimum period of 30 days and thereafter should be disposed of in compliance with the established records retention schedule. No recording shall be destroyed until the completion of the criminal case.

#### **446.7.1**

##### **COPIES OF ORIGINAL RECORDING MEDIA**

Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request, a copy or the original recording media shall be made of 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.

#### **446.7.2**

##### **MAV RECORDINGS AS EVIDENCE**

Deputies who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense, potential claim against the deputy or against the Washoe County Sheriff's Office should indicate this in an appropriate report. Deputies should ensure relevant recordings are preserved.

#### **446.8**

##### **SYSTEM OPERATIONAL STANDARDS**

- MAV System vehicle installations should be based on officer safety requirements and the vehicle and device manufacture's recommendations.
- The MAV system should be configured to minimally record for 30 seconds prior to an event.
- The MAV system may not be configured to record audio data occurring prior to activation.
- 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.
- 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.
- 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
- 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.
- To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MAV technician.

#### **446.9**

##### **MAV TECHNICIAN RESPONSIBILITIES**

The MAV technician is responsible for:

- a) Ordering, issuing, retrieving, storing, erasing, and duplicating of all recorded media.
- b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected, the MAV technician:
  1. Ensures it is stored in a secure location with authorized control access.
  2. Makes the appropriate entries in the chain of custody log.
- c) Erasing the 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:
  1. Maintaining a record of issued media
  2. Ensuring that an adequate supply of recording media is available

3. Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the office evidence protocols and the records retention schedule

**446.10**

**TRAINING**

All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.





## **448 Mobile Data Terminal Use**

### **448.1**

#### **PURPOSE AND SCOPE**

The Mobile Data Terminal (MDT) accesses confidential records from the State of Nevada, Department of Public Safety databases. Employees using the MDT shall comply with all appropriate federal and state rules and regulations.

### **448.2**

#### **MDT USE**

The MDT shall be used for official Sheriff's communications only. Messages that are of sexual, racist or offensive nature, or otherwise critical of any member of the Office are strictly forbidden. MDT use is also subject to the Office Technology Use Policy.

Messages may be reviewed by supervisors at any time without prior notification. Employees generating or transmitting messages not in compliance with this policy are subject to discipline.

All calls dispatched to patrol units should be communicated by voice and MDT unless otherwise authorized by the Watch Commander.

### **448.2.1**

#### **USE WHILE DRIVING**

Use of the MDT by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages that are likely to contain information that is required for immediate enforcement, investigative or safety needs.

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

### **448.2.2**

#### **DOCUMENTATION OF ACTIVITY**

MDTs and voice transmissions are used to record the deputy's daily activity. To ensure the most accurate recording of these activities, the following are required:

- a) All contacts or activity shall be documented at the time of the contact.
- b) Whenever the activity or contact is initiated by voice, it shall be entered into the Computer Aided Dispatch (CAD) system by a dispatcher.
- c) Whenever the activity or contact is not initiated by voice, the deputy shall record it on the MDT.

### **448.2.3**

#### **STATUS CHANGES**

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted verbally over the Sheriff's Office radio or through the MDT system.

Deputies responding to an in-progress call shall advise changes in status verbally over the radio to assist other deputies responding to the same incident.

Other changes in status may be entered by depressing the appropriate keys on the MDTs.

### **448.3**

#### **MDT CONSIDERATIONS**

##### **448.3.1**

#### **NON-FUNCTIONING MDT**

Whenever possible, deputies will not use units with malfunctioning MDTs. Whenever deputies must drive a unit in which the MDT is not working, they shall notify Dispatch. It shall be the responsibility of Dispatch to record all information that will then be transmitted verbally over the Sheriff's Office radio.

##### **488.3.2**

#### **BOMB CALLS**

When investigating reports of possible bombs, deputies should use caution in regard to the use of MDTs in the immediate area. Safe zones should be set at a minimum of 300 feet. Deputies must be aware that operating the MDT could cause some devices to detonate.



## **450 Use of Audio/Video Recorders**

### **450.1**

#### **PURPOSE AND SCOPE**

This policy provides guidelines for the use of portable audio/video devices by members of this Office while in the performance of their duties.

### **450.2**

#### **POLICY**

The Washoe 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 Office by accurately capturing contacts between members of the Office and the public.

Nevada law permits an individual to surreptitiously record a conversation in which one party to the conversation has given his/her permission (NRS 200.650). But this state law authorization is not an absolute.

State law prohibits a person from recording a telephone conversation without two-party consent. The Nevada Supreme Court has interpreted NRS 200.260 "to prohibit the taping of telephone conversations with the consent of only one party." *Lane v. Allstate Ins. Co.*, 114 Nev. 1176, 1176, 969 P.2d 938, 940 (1998). And any person who has made an interception in an emergency situation shall, within 72 hours of the interception, make a written application to a district judge for ratification of the interception. The interception must not be ratified unless the applicant shows that: (a) An emergency situation existed and it was impractical to obtain a court order before the interception; and (b) Except for the absence of a court order, the interception met the requirements of NRS 179.410 to 179.515, inclusive.

Members shall not surreptitiously record another Office member without a court order.

### **450.3**

#### **PRIVACY**

All recordings made by personnel acting in their official capacity as members of this Office shall remain the property of the Office and should not be considered private, regardless of whether those recordings were made with Office-issued or personally owned recorders.

### **450.4**

#### **MEMBER RESPONSIBILITIES**

Prior to going into service, each uniformed member will be responsible for making sure that they are equipped with a portable recorder, issued by the Office, and that the recorder is in good working order. Uniformed members should wear the recorder in a conspicuous manner.

Any member assigned to a non-uniformed position may carry an approved portable recorder any time the member believes such a device may be useful.

When using a recorder, the assigned member shall record their name, employee number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

#### **450.5**

##### **ACTIVATION OF THE AUDIO RECORDER**

Members should activate the recorder during all enforcement stops and field interrogation situations and any other time the member reasonably believes a recording of an off-duty contact may be useful. Once started, recordings should continue without interruption until the contact ends, if feasible.

At no time is a member expected to jeopardize their safety in order to activate a recorder or change the recording media. However, the recorder should be activated in required situations as soon as possible.

#### **450.5.1**

##### **SURREPTITIOUS USE OF THE AUDIO RECORDER**

Nevada law permits an individual to surreptitiously record any conversation during the course of a criminal investigation in which the deputy reasonably believes such a recording will be beneficial to the investigation.

Members shall not surreptitiously record another office member without a court order.

#### **450.6**

##### **PROHIBITED USE OF PORTABLE RECORDINGS**

Members are prohibited from using Office-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with Office-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate Office business purposes. All such recordings shall be retained at the Office.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Watch Commander. Any member who uses a personally owned recorder for Office-related activities shall comply with the provisions of this policy, including retention and release requirements.

Recordings shall not be used by any member for the purpose of embarrassment or ridicule.

Any member who may have questions regarding the application of this policy is encouraged to seek clarification from supervisory personnel.

## **450.7**

### **RETENTION OF RECORDS**

Any time a member records any portion of a contact the member reasonably believes constitutes evidence in a criminal case, the member shall record the related case number and download the file in accordance with the Computers and Digital Evidence Policy and document the existence of the recording in the related case report.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

Members should upload the file, in accordance with current procedure for storing digital files, at the end of their shift and any time the storage capacity is nearing its limit.

## **450.7.1**

### **RETENTION REQUIREMENTS**

All recordings shall be released for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

## **450.8**

### **RELEASE OF RECORDINGS**

Recordings made using portable recording devices pursuant to this policy are Office records and may only be released as provided in the Records Release and Security Policy for other authorized legitimate Office business purposes.

## **450.9**

### **REVIEW OF RECORDED MEDIA FILES**

When preparing written reports, members should review their recordings as a resource. However, members should not use the fact a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

- Upon approval by a supervisor, by any member of the Office who is participating in a official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- By media personnel with permission of the Sheriff or the authorized designee.
- In compliance with a public records request, if permitted, and in accordance with the Records Release and Security Policy.



## **454 Bicycle Patrol Unit**

### **454.1**

#### **PURPOSE AND SCOPE**

The Washoe County Sheriff's Office has established the Bicycle Patrol Unit (BPU) for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase deputy visibility in congested areas and their quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

### **454.2**

#### **POLICY**

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control or special events. The use of the patrol bicycle will emphasize their mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to Office needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol deputies shall be coordinated through the Bicycle Patrol Unit supervisor or the Watch Commander.

### **454.3**

#### **SELECTION OF PERSONNEL**

Interested sworn personnel, who are off probation, shall submit a letter of interest to the requesting authority as indicated on the notice to create an eligibility list. Qualified applicants will then be invited to an oral interview. The oral board will consist of the BPU supervisor and second person to be selected by the BPU supervisor. Interested personnel shall be evaluated by the following criteria:

- Recognized competence and ability as evidenced by performance
- Special skills or training as it pertains to the assignment
- Good physical condition
- Willingness to perform duties using the bicycle as a mode of transportation

#### **454.3.1**

##### **BICYCLE PATROL UNIT SUPERVISOR**

The Bicycle Patrol Unit supervisor will be selected from the rank of sergeant by the Patrol Division Chief Deputy or his/her designee.

The Bicycle Patrol Unit supervisor shall have responsibility for the following:

- Organizing bicycle patrol training
- Inspecting and maintaining inventory of patrol bicycles and program equipment
- Scheduling maintenance and repairs

## Policy 454 - Bicycle Patrol Unit

- Evaluating performance of bicycle deputies
- Coordinating activities with the Operations Bureau
- Inspection and documentation no less than every three months that bicycles not in active service are in serviceable condition
- Other activities as required to maintain the efficient operation of the Bicycle Patrol Unit

### **454.4**

#### **UNIFORMS AND EQUIPMENT**

Deputies shall wear the Office-approved uniform and safety equipment while operating the Office bicycle. Safety equipment includes Office-approved helmet, riding gloves, protective eyewear and approved footwear.

The bicycle patrol unit uniform consists of the standard short-sleeve uniform or other Office-approved shirt with Office-approved badge and patches and Office-approved bicycle patrol pants or shorts.

Optional equipment includes jacket in colder weather, turtleneck shirts or sweaters when worn under uniform shirt, and a radio head set and microphone.

Bicycle patrol deputies shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Deputies will be responsible for obtaining the necessary forms, citation books and other Office equipment needed while on bicycle patrol.

### **454.5**

#### **CARE AND USE OF PATROL BICYCLES**

Deputies will be assigned a specially marked and equipped patrol bicycle and attached gear bag.

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white with a "Sheriff's" decal affixed to each side of the crossbar or the bike's saddlebag. Each bicycle shall be equipped with front and rear reflectors, front and rear lamps and a siren/horn. Lamps and reflectors must meet legal requirements (NRS 484B.753).

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bag(s) sufficient to carry all necessary equipment to handle routine patrol calls including report writing, vehicle storage and citations.

Bicycle deputies shall conduct an inspection of the bicycle and equipment prior to use to insure proper working order of the equipment. Deputies are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle deputy, a repair work order will be completed and forwarded to the program supervisor for repair by an approved technician.

## Policy 454 - Bicycle Patrol Unit

Each bicycle will have scheduled maintenance twice yearly to be performed by an Office-approved repair shop/technician.

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

Deputies shall not modify the patrol bicycle, remove, or add components except with the expressed approval of the bicycle supervisor, or in the event of an emergency.

Vehicle bicycle racks are available should the deputy need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

Bicycles shall be properly secured when not in the deputy's immediate presence.

### **454.6**

#### **DEPUTY RESPONSIBILITY**

Deputies must operate the bicycle in compliance with Nevada law under normal operation (NRS 484B.763). Deputies may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and tactical considerations. Deputies must use caution and care when operating the bicycle without lighting equipment.

Deputies are exempt from traffic rules under the following conditions (NRS 484B.767):

- In response to an emergency call
- In the immediate pursuit of an actual or suspected violator of the law
- When it is determined that non-compliance is necessary to carry out his/her duties





## **458 Foot Pursuit Policy**

### **458.1**

#### **PURPOSE AND SCOPE**

Foot pursuits are inherently dangerous and require common sense, sound tactics and heightened officer safety awareness. This policy sets forth guidelines to assist deputies in making the decision to initiate or continue the pursuit of suspects on foot by balancing the objective of apprehending the suspect with the risk of potential injury to the deputy, the public or the suspect.

#### **458.1.1**

##### **POLICY**

It is the policy of this Office when deciding to initiate or continue a foot pursuit that deputies must continuously balance the objective of apprehending the suspect with the risk and potential for injury to Office personnel, the public or the suspect.

Deputies are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of Office personnel 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 personnel.

### **458.2**

#### **DECISION TO PURSUE**

Deputies may be justified in initiating a foot pursuit of any individual the deputy reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. 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 shall not serve as the sole justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity.

Deciding to initiate or continue a foot pursuit is a decision that a deputy must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits potentially place Office personnel 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 pursuit based upon the circumstances and resources available, such as the following:

- Containment of the area
- Canine search
- Saturation of the area with patrol personnel
- Aerial support
- Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for alter apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the pursuit

### 458.3

#### **GUIDELINES FOR FOOT PURSUIT**

Unless the deputy reasonably believes that exigent circumstances exist (e.g. a serious threat to the safety of personnel or members of the public), deputies should consider alternatives to engaging in or continuing a foot pursuit under the following conditions:

- a) When directed by a supervisor to terminate the foot pursuit. Such an order shall be considered mandatory.
- b) When the deputy is acting alone.
- c) When 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) When pursuing multiple suspects and the pursuing deputies do not reasonably believe that they would be able to control the suspect should a confrontation occur.
- f) When the physical condition of the deputies renders them incapable of controlling the suspect if apprehended.
- g) When the deputy loses radio contact with Dispatch or with back-up deputies.
- h) When the suspect enters a building, structure, confined space or a wooded or otherwise isolated area and there are insufficient deputies to provide back-up and containment. The primary deputy should consider discontinuing the pursuit and coordinating containment pending the arrival of sufficient deputies.
- 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 definitely known.
- n) The identity of the suspect is established, or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to Office personnel 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 and other conditions.

#### **458.4**

### **RESPONSIBILITIES DURING A FOOT PURSUIT**

#### **458.4.1**

##### **INITIATING DEPUTY RESPONSIBILITIES**

Unless relieved by another deputy or a supervisor, the initiating deputy shall be responsible for coordinating the progress of the pursuit. 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 adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Deputies initiating a foot pursuit should broadcast the following information as soon as it becomes practicable and available:

- a) Unit identifier
- b) Location and direction of travel
- c) Reason for the foot pursuit
- d) Number of suspects and description
- e) Whether the suspect is known or believed to be armed

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 established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the deputy will notify Dispatch of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary.

#### **458.4.2**

##### **ASSISTING DEPUTY RESPONSIBILITIES**

Whenever any deputy announces 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.

Any deputy who is in a position to intercept a fleeing suspect or who can assist the primary deputy with the apprehension of the suspect, shall act reasonably and in accordance with Office policy, based upon available information and his/her own observations.

### **458.4.3**

#### **SUPERVISOR RESPONSIBILITY**

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; however, the supervisor does not need to be physically present to exercise control over the pursuit.

The supervisor should continuously assess the situation in order to ensure the foot pursuit is conducted within established Office guidelines.

The supervisor should 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 should promptly proceed to the termination point to direct the post-pursuit activity.

### **458.4.4**

#### **DISPATCH RESPONSIBILITIES**

Upon being notified or becoming aware that a foot pursuit is in-progress, Dispatch personnel shall, as soon as practicable, notify the field supervisor and provide available information. In addition, Dispatch personnel are also responsible for the following:

- a) Clear the radio channel of non-emergency traffic.
- b) Repeat the transmissions of the pursuing deputy as needed.
- c) Ensure a field supervisor is notified of the pursuit.
- d) Relay all pertinent information to responding personnel.
- e) Contact additional resources as indicated.
- f) Coordinate response of additional resources to assist with the foot pursuit.

### **458.5**

#### **REPORTING**

The initiating deputy shall complete the appropriate crime/arrest reports documenting, at minimum, the following:

- a) The reason for initiating the foot pursuit.
- b) The identity of involved personnel.
- c) The course and approximate distance of the pursuit.
- d) Whether a suspect was apprehended as well as the means and methods used.
  1. Any use of force shall be reported and documented in compliance with the Use of Force Policy § 300.
- e) Any injuries or property damage.

Assisting deputies, taking an active role in the apprehension of the suspect, shall complete supplemental reports as necessary or as directed.

In any case in which a suspect is not apprehended and there is insufficient information to warrant further investigation, a supervisor may authorize the initiating deputy need not complete a formal report.



## **460 Automated License Plate Readers (ALPR)**

### **460.1**

#### **PURPOSE AND SCOPE**

Automated License Plate Reader (ALPR) technology, also known as License Plate Recognition, provides automated detection of license plates. ALPRs are used by the Washoe County Sheriff's Office to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. ALPRs may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

### **460.2**

#### **ADMINISTRATION OF ALPR DATA**

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access shall be managed by the Administration Division Commander. The Administration Division Commander will assign personnel under his/her command to administer the day-to-day operation of the ALPR equipment and data.

### **460.3**

#### **ALPR OPERATION**

Use of an ALPR is restricted to the purposes outlined below. Office personnel shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

- a) No member of this office shall operate ALPR equipment, or access ALPR data, without first completing Office-approved training.
- b) An ALPR shall only be used for official and legitimate law enforcement business.
- c) An ALPR may be used in conjunction with any routine patrol operation or official Office investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
- d) 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 around 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.
- e) If practicable, the deputy should verify an ALPR response through the Nevada Criminal Justice Information System (NCJIS) before taking enforcement action that is based solely upon an ALPR alert.
- f) No ALPR operator may access NCJIS data unless otherwise authorized to do so.

### **460.4**

#### **ALPR DATA COLLECTION AND RETENTION**

## Policy 460 - Automated License Plate Readers (ALPR)

All data and images gathered by an ALPR are for the official use of the Washoe County Sheriff's Office and because such data may contain confidential NCJIS information, it is not open to public review. ALPR information gathered and retained by this Office may be used and shared with prosecutors or others only as permitted by law.

The Administration Division Commander is responsible to ensure proper collection and retention of ALPR data and for transferring ALPR data stored in Office vehicles to the Office server on a regular basis, not to exceed 30 days between transfers.

All ALPR data downloaded to the server should be stored for a minimum of one year, and thereafter may be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

### **460.5**

#### **ACCOUNTABILITY AND SAFEGUARDS**

All saved data will be closely safeguarded and protected by both procedural and technological means. The Washoe 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 Records Manager and processed in accordance with applicable law.
- b) All ALPR data downloaded to the mobile workstation 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 relates to a specific criminal investigation or 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.



## **464 Persons Experiencing Homelessness**

### **464.1**

#### **PURPOSE AND SCOPE**

The purpose of this policy is to ensure that personnel understand the needs and rights of people experiencing homelessness and to establish procedures to guide deputies during all contacts with them, whether consensual or for enforcement purposes. The Washoe County Sheriff's Office recognizes that members of the community experiencing homelessness are often in need of special protection and services. The Washoe County Sheriff's Office will address these needs in balance with the overall missions of this Office. Therefore, deputies will consider the following when serving persons experiencing homelessness.

#### **464.1.1**

##### **POLICY**

It is the policy of the Washoe County Sheriff's Office to provide law enforcement services to all members of the community while protecting the rights, dignity and private property of persons experiencing homelessness. Experiencing homelessness is not a crime and members of this Office will not use experiencing homelessness solely as a basis for detention or law enforcement action.

### **464.2**

#### **DISPLACED PERSONS COMMUNITY LIAISON**

The Sheriff will designate a member of this Office to act as the Persons Experiencing Homelessness Liaison Deputy. The responsibilities of the Persons Experiencing Homelessness Liaison Deputy include the following:

- Maintain and make available to all department employees a list of assistance programs and other resources that are available to persons experiencing homelessness.
- Meet with Social Services and representatives of other organizations that render assistance to persons experiencing homelessness.
- Maintain a list of those areas within, and near, this jurisdiction that are used as frequent persons experiencing homelessness encampments.
- Remain abreast of laws dealing with the removal and/or destruction of the personal property of persons experiencing homelessness. This will include the following:
  1. Proper posting of notices of trespass and clean-up operations.
  2. Proper retention of property after clean-up, to include procedures for owners to reclaim their property in accordance with Policy § 804 and other established procedures.
- Be present during any clean-up operation conducted by this Office involving the removal of personal property of persons experiencing homelessness to ensure his/her rights are not violated.

- Develop training to assist deputies in understanding current legal and social issues relating to persons experiencing homelessness.

### **464.3**

#### **FIELD CONTACTS**

Deputies are encouraged to contact persons experiencing homelessness 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 person experiencing homelessness 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 persons experiencing homelessness, such as shelter referrals and counseling in lieu of physical arrest. Deputies should provide persons experiencing homelessness with resources and assistance information whenever it is reasonably apparent such services may be appropriate.

### **464.3.1**

#### **OTHER CONSIDERATIONS**

Members of the community experiencing homelessness will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is experiencing homelessness can, however, require special considerations for a successful investigation and prosecution. Deputies should consider the following when handling investigations involving displaced victims, witnesses or suspects:

- Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.
- Document places the displaced person may frequent.
- Provide displaced victims with victim/witness resources when appropriate.
- Obtain statements from all available witnesses in the event a victim experiencing homelessness is unavailable for a court appearance.
- Consider whether the person may be a dependent adult or elder and, if so, proceed in accordance with Policy § 326.
- Arrange for transportation for investigation related matters, such as medical exams and court appearances.
- Consider whether a crime should be reported and submitted for prosecution even when a victim experiencing homelessness indicates he/she does not desire prosecution.

### **464.4**

#### **PERSONAL PROPERTY**

The personal property of persons experiencing homelessness 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 persons experiencing homelessness and should not destroy or discard the personal property of a person experiencing homelessness.

When a person experiencing homelessness is arrested, or otherwise removed from a public place, deputies should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the



arrestee has more personal property than can reasonably be collected and transported by the deputy, a supervisor should be consulted. The property should be photographed, and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Deputies should not conduct, or assist in, clean-up operations of belongings that reasonably appear to be the property of persons experiencing homelessness without the prior authorization of a supervisor or the Office Persons Experiencing Homelessness Liaison Deputy. When practicable, requests by the public for clean-up operations of a person experiencing homelessness encampment should be referred to the Persons Experiencing Homelessness Liaison Deputy.

Deputies who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a person experiencing homelessness should not remove or destroy such property and should inform the Office Persons Experiencing Homelessness Liaison Deputy if such property appears to involve a trespass, blight to the community or is the subject of a complaint. It will be the responsibility of the Persons Experiencing Homelessness Liaison Deputy to address the matter in a timely fashion.

#### **464.5**

##### **MENTAL ILLNESSES AND MENTAL IMPAIRMENTS**

Some persons experiencing homelessness may suffer from a mental illness or a mental impairment. Deputies shall not detain a person experiencing homelessness under a mental illness commitment unless facts and circumstances warrant such a detention.

When a mental illness hold is not warranted, the contacting deputy should provide the person experiencing homelessness 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 (See Policy § 418).

#### **464.6**

##### **ECOLOGICAL ISSUES**

Sometimes persons experiencing homelessness encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Deputies are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has occurred or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.



## **466 Medical Marijuana**

### **466.1**

#### **PURPOSE AND SCOPE**

The purpose of this policy is to provide members of this Office with guidelines for investigating the acquisition, possession, transportation, delivery, production or use of marijuana under Nevada's medical marijuana laws (NRS 453A.010 et. seq.). This policy is meant to provide guidance regarding the application of Office resources related to medical marijuana laws. Violations of the policy may result in employee discipline.

#### **466.1.1**

##### **DEFINITIONS**

**Medical use of marijuana** - The acquisition, possession, delivery, production or use of marijuana or drug paraphernalia to mitigate the symptoms of a chronic or debilitating medical condition (NRS 453A.120).

**Usable marijuana** - Includes the dried leaves, flowers and seeds of a marijuana plant that are appropriate for the medical use of marijuana. Usable marijuana does not include every part of the plant. For example, roots, stems, stem fibers, oil or cake made from the seeds are not included (see NRS 453.096 and NRS 453A.160).

**Registry identification card** - An unexpired document issued by the Division of Public and Behavioral Health (DPBH) of the Nevada Department of Health and Human Services, or its designee, to a person who engages in the medical use of marijuana or the primary caregiver of any such person (NRS 453A.140).

### **466.2**

#### **POLICY**

It is the policy of the Washoe County Sheriff's Office to prioritize resources to avoid making arrests related to marijuana that the arresting deputy reasonably believes would not be prosecuted by state or federal authorities.

Nevada medical marijuana laws are intended to provide protection from prosecution to those who use, possess, deliver or produce marijuana to mitigate the symptoms of certain chronic or debilitating medical conditions. However, Nevada medical marijuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana. Deputies should exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under Nevada law and the resources of the Office.

### **466.3**

#### **INVESTIGATION**

Investigations involving the possession, delivery, production or use of marijuana or drug paraphernalia generally fall into one of three categories:

- Investigations when no person makes a medicinal claim.
- Investigations when a medicinal claim is made by a cardholder.
- Investigations when a medicinal claim is made by a non-cardholder.

#### **466.3.1**

##### **INVESTIGATIONS WITH NO MEDICINAL CLAIM**

In any investigation involving the possession, delivery, production or use of marijuana or drug paraphernalia where no person claims that the marijuana is used for medicinal purposes, the deputy should proceed with reasonable enforcement action. A medicinal defense may be raised at any time, so deputies should document any statements and observations that may be relevant to whether the marijuana was possessed or produced for medicinal purposes.

#### **466.3.2**

##### **INVESTIGATIONS INVOLVING A CARDHOLDER**

Generally, no person possessing a valid registry identification card should be arrested for possession, delivery, production or use of marijuana or drug paraphernalia if the following amounts of marijuana are not exceeded (NRS 453A.200 (3)(b)):

- 1 ounce or less of useable marijuana
- Three mature marijuana plants
- Four immature marijuana plants

A person possessing a valid registry identification card should not be arrested for aiding and abetting the possession or delivery of drug paraphernalia or the possession, delivery or production of marijuana or any other offense in which the possession, delivery or production of marijuana or possession of drug paraphernalia is an element (NRS 453A.200 (1)).

No other person should be arrested for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the medical use of marijuana (NRS 453A.200).

Nevada marijuana laws do not require a person to carry their registry identification card on their person. No deputy should arrest a person who does not have a registry identification card on their person and who possesses permitted amounts marijuana when the deputy reasonably determines that the person has a valid registry identification card.

#### **466.3.3**

##### **INVESTIGATIONS INVOLVING A NON-CARDHOLDER**

There is no legal requirement that a person using medical marijuana obtain a registry identification card. A person who does not have a card may raise a defense to a charge involving the possession, delivery, production or use of marijuana under Nevada's medical marijuana laws.

Generally, deputies should not arrest a non-cardholder for possession, delivery, production or use of marijuana or possession or delivery of drug paraphernalia if the offense would not merit the arrest of a cardholder based upon the above policy considerations, and there are facts that support a reasonable determination that the marijuana or paraphernalia was being used or possessed for medical purposes.

#### **466.3.4**

#### **ADDITIONAL CONSIDERATIONS**

Deputies should consider the following when investigating an incident involving marijuana possession, delivery, production or use:

- a) Lawful use of medical marijuana may include possession, delivery or production of amounts greater than described in this policy if it is justified to mitigate the symptoms or effects of a person's chronic or debilitating medical condition, and:
  1. The person has a valid registry identification card (NRS 453A.200), or
  2. The person has been diagnosed by an attending physician within the past 12 months as having a chronic or debilitating medical condition and has been advised that the use of medical marijuana may mitigate the symptoms or effects of the condition (NRS 453A.310).
- b) Factors to consider when evaluating whether an amount greater than specified in this policy is justified may include:
  1. The medical condition itself
  2. The quality of the marijuana (chemical content)
  3. The method of ingestion (e.g. smoking, eating, nebulizer)
  4. The timing of the possession in relation to a harvest (patient may be storing marijuana)
  5. Whether the marijuana is being cultivated indoors or outdoors and weather conditions)
- c) A person is not required to obtain a registry identification card in order to raise a use of medical marijuana defense. Deputies should consider whether the defense may be applicable when determining whether to make an arrest for possession, delivery, production or use of marijuana (NRS 453A.310). Evidence of lawful use of medical marijuana may include:
  1. Legitimate medical records which may indicate that an attending physician has advised the person that marijuana may mitigate the symptoms of the person's chronic or debilitating condition.
  2. Obvious suffering from a chronic or debilitating medical condition with possession of less than the amount of marijuana described in this policy.
- d) Even though a person has a valid registry identification card or may otherwise assist or lawfully use marijuana for medical purposes, not all possession, delivery, production or use of marijuana may be protected under Nevada law. Deputies should consider whether there is evidence that the marijuana or drug paraphernalia is not for medical use. Evidence that marijuana is not being used for medical use may include, but is not limited to, pay-owe sheets, witness information indicative of sales, or packaging material inconsistent with personal use.
- e) Because enforcement of medical marijuana laws can be complex, time consuming and call for resources unavailable at the time of initial investigation, deputies may consider submitting a report to the prosecutor for review in lieu of making an arrest. This can be particularly appropriate when:

1. The suspect has been identified and can be easily located at another time.
2. The case would benefit from review by another person with expertise in medical marijuana investigations.
3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.
4. Any other relevant factors, such as available department resources and time constraints.

#### **466.3.5**

##### **EXCEPTIONS**

- This policy does not apply to the following offenses; deputies may take enforcement action if the person (NRS 453A.300):
  1. Drives, operates or controls a vehicle or vessel under power or sail while under the influence of medical marijuana
  2. Water skis, surfboards or uses any similar device while under the influence of medical marijuana
  3. Operates an aircraft while under the influence of medical marijuana
  4. Physically possesses a firearm while under the influence of medical marijuana
- This policy does not apply to the following acts; deputies may take enforcement action for possession of marijuana or drug paraphernalia if the person engaged in or assisted in the medical use of marijuana (NRS 453A.300):
  1. In a public place
  2. In a detention facility, county jail or state prison
- This policy does not apply to the following acts; deputies may take enforcement action if the person is (NRS 453A.300):
  1. Delivering marijuana to another person who does not hold a valid registry identification card
  2. Delivering marijuana for consideration to any person

#### **466.4**

##### **FEDERAL LAW ENFORCEMENT**

Deputies should exchange information regarding a marijuana investigation with federal law enforcement authorities when information is requested by federal law enforcement authorities. Deputies should also notify federal law enforcement authorities whenever the deputy reasonably believes federal law enforcement authorities would request the information if they were aware of it.

#### **466.5**

##### **EVIDENCE SECTION SUPERVISOR RESPONSIBILITIES**

The Evidence Section supervisor shall ensure that marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed. The Evidence Section supervisor is not responsible for caring for live marijuana plants (NRS 453A.400).

Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges or an acquittal, the Evidence Section supervisor shall immediately return to the person from whom it was seized, any usable marijuana, plants, drug paraphernalia or other related property (NRS 453A.400).

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The Evidence Section supervisor may not destroy marijuana that was alleged to be for medical purposes except upon receipt of a court order.

The Evidence Section supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Detective Division supervisor.



## **500 Traffic Function and Responsibility**

### **500.1**

#### **PURPOSE AND SCOPE**

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume and traffic conditions. This Office provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

### **500.2**

#### **TRAFFIC DEPUTY DEPLOYMENT**

Several factors are considered in the development of deployment schedules for deputies of the Washoe County Sheriff's Office. Information provided by the Nevada Department of Public Safety from the Nevada Citation and Accident Tracking System (NCATS) is a valuable resource for traffic accident occurrences 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 accident causing violations during high accident hours and at locations of occurrence. All deputies will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All deputies shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are citizen requests, construction zones, or special events.

### **500.3**

#### **ENFORCEMENT**

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This Office does not establish ticket quotas and the number of arrests or citations issued by any deputy shall not be used as the sole criterion for evaluating deputy overall performance. The visibility and quality of a deputy's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

### **500.3.1**

#### **WARNINGS**

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant.

### **500.3.2**

#### **CITATIONS**

Citations may be issued when a deputy believes it is appropriate. It is essential that deputies fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Deputies should provide the following information at a minimum:

- Explanation of the violation or charge
- Court appearance procedure including the optional or mandatory appearance by the motorist
- Notice of whether the motorist can enter a plea and pay the fine by mail or at the court
- The court contact information

### **500.3.3**

#### **TRAFFIC CITATION COURT JURISDICTION**

A deputy who issues a traffic citation shall ensure that the citation is properly directed to the court having jurisdiction over the violation within the county in which the Office is located. (NRS 171.1776).

### **500.3.4**

#### **REFUSAL TO SIGN TRAFFIC CITATION**

A person who refuses to sign a traffic citation or who refuses to take physical possession of the citation, and thereby declines to make a written promise to appear in court, may be subject to arrest (NRS 484A.720).

When reasonable under the circumstances, a supervisor may be requested to assist with resolution of the incident prior to resorting to an arrest.

### **500.3.5**

#### **PHYSICAL ARREST**

Physical arrest can be made on a number of criminal traffic offenses outlined in NRS 484A.710. These physical arrest cases usually deal with, but are not limited to:

- a) Vehicular manslaughter
- b) Driving under the influence of alcohol/drugs
- c) Hit-and-run resulting in damage to any vehicle or property or in serious injury or death
- d) Reckless driving
- e) Driving a motor vehicle on a revoked, cancelled, suspended or restricted license

### **500.4**

#### **ARRESTS FOR TRAFFIC-RELATED MISDEMEANORS**

Physical arrests may be made on a number of criminal traffic offenses as outlined in NRS 484A.710. If a deputy has reasonable cause to believe a traffic violator has committed a non-felony traffic offense and the deputy has discretion to release the person on a promise to appear, the deputy should make a physical arrest only if special circumstances exist, such as:



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- a) When an arrest is mandatory pursuant to NRS 484A.730. This includes those instances when reasonable and probable grounds exist to believe the person will disregard a written promise to appear in court (e.g., a history of failure to appear in court).
- b) There is probable cause to believe there is other criminal misconduct.

### **500.5**

#### **HIGH-VISIBILITY VESTS**

The Office has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of Office members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601).

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.

#### **500.5.1**

##### **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 plain clothes deputy might benefit from being readily identified as a member of law enforcement.

#### **500.5.2**

##### **CARE AND STORAGE OF HIGH-VISIBILITY VESTS**

High-visibility vests shall be personally issued to all Operations Bureau members. Before going into service each employee shall ensure their high-visibility vest is serviceable and available.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests.



## **502 Traffic Collision Response and Reporting**

### **502.1**

#### **PURPOSE AND SCOPE**

The public safety responsibilities of law enforcement include responding to traffic collisions, providing aid and assistance, documentation of the incident and identification of criminal activity.

The Washoe County Sheriff's Office prepares traffic collision reports in compliance with NRS Chapter 484 and as a public service may make traffic collision reports available to the community.

### **502.2**

#### **CALL RESPONSE**

Deputies shall respond without delay when dispatched to a traffic collision. A traffic collision with injuries reported or unknown injuries may include an emergency call response, if the deputy reasonably believes such a response is appropriate.

#### **502.2.1**

##### **RESPONSE CONSIDERATIONS**

A deputy responding to and upon arrival at a collision, should consider the following:

- The most appropriate route to the incident
- Proper placement of the emergency vehicle to provide protection for deputies and the scene
- Potential for involvement with hazardous materials
- Additional support that may be necessary (e.g., traffic control, medical aid, HazMat, ambulance and tow vehicles)
- Provide first aid to any injured parties if it can be done safely, obtain medical assistance as necessary
- Provisions of traffic control and protection of the scene
- Clearance of roadway

### **502.3**

#### **COLLISION INVESTIGATION**

Investigation of traffic collisions should include, as a minimum:

- Identification and interview of all involved parties
- Identification and interview of any witnesses
- Determination if any crime has occurred and taking appropriate enforcement action
- Identify and protect items of apparent evidentiary value
- Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence and reporting) on appropriate report forms

#### **502.4**

##### **TAKING ENFORCEMENT ACTION**

Deputies typically cannot make an arrest for a misdemeanor which did not occur in their presence. After a thorough investigation, in which physical evidence or independent witness statements indicate a violation of Nevada law which led to the accident, deputies may issue a misdemeanor citation to the offending driver (NRS 484A.660).

Accidents involving more than one serious violation shall be enforced immediately. If a driver subject to enforcement is admitted to a hospital, the deputy shall determine the best enforcement option and may advise a supervisor based on the facts and circumstances present.

#### **502.5**

##### **TRAFFIC COLLISION REPORTING**

All traffic collision reports taken by member of this Office shall be forwarded to the Traffic Sergeant for approval and data entry into the Records Management System. The Traffic Sergeant or designee will be responsible for:

- Monthly and quarterly reports on traffic collision statistics to be forwarded to the Operations Division Commander or other persons as required.
- Traffic accident reports are automatically, electronically forwarded to the Department of Public Safety following approval.

#### **502.5.1**

##### **MODIFICATIONS TO TRAFFIC REPORTS**

A change or modification of a written report prepared by a peace officer that alters a material fact in the report may be made only by the peace officer who prepared the report. A written supplemental report may be made by any authorized employee.

#### **502.6**

##### **REPORTING SITUATIONS**

#### **502.6.1**

##### **TRAFFIC COLLISIONS INVOLVING COUNTY VEHICLES**

Traffic collision investigation reports shall be taken when a Washoe County vehicle is involved in a traffic collision upon a roadway or highway wherein any damage or injury results. An ARS Incident report may be taken in lieu of a traffic collision report at the direction of a supervisor when the collision occurs on private property or does not involve another vehicle or property damage. Whenever there is damage to a Washoe County vehicle and involves another vehicle or property damage, an NHP Form 5 or PDO, Vehicle Accident Report Form (SAF5), Supervisor's Report of Agency Vehicle Accident or Legal Intervention Form, an ARS report and CSI report shall be completed and forwarded to the appropriate division chief deputy/manager.

Photographs of the collision scene and vehicle damage will be taken.

#### **502.6.2**

##### **TRAFFIC COLLISIONS WITH SHERIFF'S OFFICE EMPLOYEES**

When an employee of this Office, either on- or off-duty, is involved in a traffic collision within the jurisdiction of the Washoe County Sheriff's Office resulting in a serious injury or fatality, the Traffic Sergeant or the Watch Commander may notify the Nevada Highway Patrol or other outside agency for assistance.

**502.6.3**

**TRAFFIC COLLISIONS WITH OTHER COUNTY EMPLOYEES OR OFFICIALS**

The Traffic Sergeant or Watch Commander may request assistance from an appropriate outside agency to investigate any traffic collision involving any County official or employee where a serious injury or fatality has occurred.

**502.7**

**NOTIFICATION OF TRAFFIC BUREAU SUPERVISION**

In the event of a serious injury or death related traffic collision, the Watch commander shall notify the MAIT Commander to communicate the circumstances of the traffic collision and seek assistance from the MAIT Team.

**502.8**

**REPORTING CONFORMITY RESPONSIBILITY**

The Traffic Sergeant will be responsible for the distribution of the Collision Investigation Manual. The Traffic Sergeant will receive all changes in the state manual and ensure conformity with this policy. All collision reporting shall be made on forms approved by the Department of Public Safety (NRS 484E.120).



## **510 Vehicle Towing**

### **510.1**

#### **PURPOSE AND SCOPE**

This policy provides the procedures for towing and/or impounding a vehicle by, or at the direction of, the Washoe County Sheriff's Office.

Vehicles may be towed, stored, or impounded for a variety of reasons including, but not limited to:

- Forfeiture of the vehicle
- Arrest of the driver and/or its occupants
- Preservation of evidence of a crime

### **510.2**

#### **RESPONSIBILITIES**

The responsibilities of those employees towing, storing and/or impounding a vehicle are as follows:

#### **510.2.1**

##### **COMPLETION OF VEHICLE IMPOUND REPORT**

Office members requesting towing, impounding and/or storage of a vehicle shall complete a Vehicle Impound Report, including 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 Patrol administrative staff as soon as practicable, after the vehicle is stored.

Approved storage forms shall be promptly entered into Tiburon so that they are immediately available for release or for information should inquiries be made.

#### **510.2.2**

##### **REMOVAL OF VEHICLE DISABLED IN A TRAFFIC COLLISION**

When a vehicle has been involved in a traffic collision and must be removed from the scene, the deputy shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotational list of towing companies maintained in Dispatch or at the Front Desk.

If the owner is incapacitated, or for any reason it is necessary for the Office to assume responsibility for a vehicle involved in a collision, the deputy shall request the dispatcher to call a company selected from the rotational list of towing companies. The deputy will then store the vehicle using a Vehicle Impound Report.

#### **510.2.3**

##### **DRIVING A NON-COUNTY VEHICLE**

## Policy 510 – Vehicle Towing

Vehicles which have been towed by, or at the direction of, the Office should not be driven by Sheriff's Office personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

### **510.2.4**

#### **DISPATCHER RESPONSIBILITIES**

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The deputy shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the following firm is called next.

### **510.2.5**

#### **ADVISEMENT OF INSURANCE TO TOW COMPANY**

A deputy requesting a tow following a collision or following recovery of a stolen vehicle shall make a good faith effort to determine the identity of the insurance company that provides coverage for the owner of the vehicle and shall inform the tow company the name of the insurance company (NRS 706.4489).

### **510.3**

#### **TOWING SERVICES**

Washoe County does not have an official tow company and awards no contracts. In order to participate as a tow company for the WCSO, a tow company must provide the following:

- Current copy of a certificate of liability insurance
- Current copy of their Washoe County business license
- A signed release of liability
- A signed agreement to comply with the Washoe County Sheriff's Office tow policy along with preference for heavy or light tow

Tow companies will be used in the following situations:

- When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.
- When a vehicle is being held as evidence in connection with an investigation.
- When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal from the streets of vehicles obstructing traffic in violation of state or local regulations.

Nothing in this policy shall require the Office to tow a vehicle.

### **510.4**

#### **STORAGE AT ARREST SCENES**

Whenever a person in charge, or in control of a vehicle is arrested, it is the policy of this Office to provide reasonable safekeeping by storing the arrestee's vehicle subject to the exception described below. However, a vehicle shall be stored whenever it is needed for the furtherance of an investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be stored, for example, the vehicle would present a traffic hazard if not removed, or due to a high crime area the vehicle would be in jeopardy of theft or damage if left at the scene.

## Policy 510 – Vehicle Towing

The following is an example of a situation where consideration should be given to leaving a vehicle at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene.

In such cases, the handling employee shall note in the report that the owner was informed that the Office will not be responsible for theft or damages.

### **510.5**

#### **VEHICLE INVENTORY**

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers. 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 in Sheriff's Office custody, to provide for the safety of deputies and to protect the Office against fraudulent claims of lost, stolen or damaged property.

### **510.6**

#### **PRESERVATION OF EVIDENCE**

Whenever any deputy removes a vehicle pursuant to NRS 484B.443 and 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, a deputy shall take such efforts as may be legally required and reasonably necessary to preserve the evidence, including but not limited to safe storage, until the evidence is released to the owner or otherwise disposed of according to law (NRS 484B.447).

### **510.7**

#### **SECURITY OF VEHICLES AND PROPERTY**

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 from such hazards.



## **514 Impaired Driving**

### **514.1**

#### **PURPOSE AND SCOPE**

This policy provides guidance to those Office members who play in a role of the detection and investigation of driving under the influence (DUI).

### **514.2**

#### **POLICY**

The Washoe County Sheriff's Office is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Nevada's impaired driving laws.

### **514.2.1**

#### **UNCONSCIOUS PERSON AT A HOSPITAL**

When there is probable cause to believe that an unconscious pedestrian has been involved in a traffic collision because of his/her intoxicated condition, a seizure order must be obtained to extract a blood sample as evidence. The deputy shall advise the attending physician of his/her intention to extract a blood sample, and unless the physician objects for medical reasons, the sample will be collected in the prescribed manner.

### **514.3**

#### **INVESTIGATIONS**

Deputies should not enforce DUI laws to the exclusion of their duties unless specifically assigned to DUI enforcement. All deputies are expected to enforce these laws with due diligence.

### **514.4**

#### **FIELD TESTS**

The Traffic Sergeant should identify the primary field sobriety tests (FSTs) and any approved alternate tests for deputies to use when investigating violations of DUI laws.

### **514.5**

#### **CHEMICAL TESTS**

A person is deemed to have consented to a chemical test or tests under any of the following (NRS 484C.160):

- a) When a deputy has reasonable grounds to believe the person was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance.
- b) The person was driving or in actual physical control of a vehicle and caused death or substantial bodily harm to another person.
- c) The person is unconscious or otherwise in a condition rendering the person incapable of refusal.

If a person refuses to consent to requested testing, the deputy will contact the on-call District Attorney and apply for a seizure order for blood.



### **514.5.1**

#### **BREATH SAMPLES**

The Traffic Sergeant 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 Sergeant.

### **514.5.2**

#### **BLOOD SAMPLES**

Only persons authorized by law to withdraw blood shall collect blood samples (NRS 484C.250). The withdrawal of the blood sample should be witnessed by the assigned deputy. No deputy, even if properly certified, should conduct the blood withdrawal.

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 hemophilic or is using an anticoagulant, he/she shall not be treated as a refusal. However, the person may be required to complete a breath or urine test.

### **514.5.3**

#### **URINE SAMPLES**

If a urine test will be performed, the person should be promptly transported to the appropriate testing site. The deputy shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by a deputy or jail staff 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, Washoe County Sheriff's Office case number and the name of the witnessing deputy. The collection kit should be refrigerated pending transportation for testing.

Urine samples shall not be collected for persons suspected of being driving under the influence of marijuana or a marijuana metabolite.

### **514.6**

#### **REFUSALS**

When a person refuses to provide a chemical sample, deputies should:

- a) Advise the person of the requirement to provide a sample (NRS 484C.160).
- b) Record the admonishment and the response when it is practicable. Document the refusal in the appropriate report.

- c) A deputy who requests that a person submit to a test shall inform the person that his or her license, permit or privilege to drive will be revoked if he or she fails to submit to the test.

#### **514.6.1**

##### **STATUTORY NOTIFICATIONS**

Deputies shall immediately serve an order of revocation of the Nevada license, permit or privilege to drive of a person, if that person is present, whose test result has a concentration of alcohol of 0.08 or more in his/her blood or breath or has a detectable amount of a prohibited substance in his/her blood or urine, and shall seize his/her license or permit to drive (NRS 484C.220).

#### **514.6.2**

##### **BLOOD SAMPLE WITHOUT CONSENT**

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

- a) A seizure order has been obtained.
- b) The deputy has reasonable grounds to believe the person was DUI and the deputy can articulate that exigent circumstances exist.

Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol in the person's bloodstream. Exigency can be established by the existence of special facts, such as a lengthy delay in obtaining a blood sample due to accident investigation or medical treatment of the person.

#### **514.6.3**

##### **FORCED BLOOD SAMPLE**

If a person indicates by word or action that he/she will physically resist a blood draw, the deputy should request a supervisor to respond.

The responding supervisor should:

- a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to and completes a viable form of testing in a timely manner.
- c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another deputy) and attempt to persuade 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.
- 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 judgement and perform as a responding supervisor, as set forth above.

## **514.7**

### **ARREST AND INVESTIGATION**

#### **514.7.1**

##### **STATUTORY WARNING**

A deputy obtaining the result of a chemical test that indicates an alcohol concentration of 0.08 or more in the person's blood or breath, or a detectable amount of a prohibited substance in the person's blood or urine shall serve the person with an order of revocation and seize the person's license or permit to drive, if the person is present. The deputy shall advise the person of his/her right to an administrative and judicial review of the revocation and of the person's right to request a temporary license (NRS 484C.220).

#### **514.7.2**

##### **TYPE OF TEST**

If the concentration of alcohol in the blood or breath of a person to be tested is in issue, a breath test should be provided unless either (NRS 484C.160):

- a) The person requests a blood test.
- b) The deputy has reasonable ground to believe that the person caused death or substantial bodily harm to another person.

If the presence of a controlled substance or other prohibited substance in the blood or urine of the person is in issue, the deputy may direct the person to submit to a blood or urine test, or both, in addition to a breath test (NRS 484C.160).

#### **514.7.4**

##### **PRELIMINARY TESTING**

If a deputy has reasonable grounds to believe a person who is driving a vehicle or who has been in a vehicle collision is DUI, the deputy may direct the person to submit to a preliminary test to determine the concentration of alcohol in the person's breath. If the person refuses to submit to the preliminary test, the deputy shall seize the license or permit of the person to drive, arrest the person and transport him/her to a place for the administration of a reasonably available evidentiary test (NRS 484C.150).

#### **514.7.5**

##### **ADDITIONAL TESTING**

A person arrested for DUI must be permitted, upon request and at the person's expense, a reasonable opportunity to have a qualified person of his/her own choosing to administer a chemical test to determine the concentration of alcohol in his/her blood or breath or the presence of a controlled or other prohibited substance in the person's blood or urine. This test shall not be a substitute for or stand in lieu of the chemical test requested pursuant to this policy (NRS 484C.180).

**514.7.6**

**MINORS**

Before requesting that a person under the age of 18 submit to a chemical test, the investigating deputy shall make a reasonable attempt to notify the parent, guardian or custodian of the person (NRS 484C.160).

**514.7.7**

**REPORTING**

The Traffic Sergeant shall ensure that the Office complies with all state reporting requirements pursuant to NRS 179A.075.

**514.8**

**RECORDS BUREAU RESPONSIBILITIES**

The Records Manager will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

**514.9**

**ADMINISTRATIVE HEARING**

The supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the DMV.

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 DMV 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 Records Section should forward this to the prosecuting attorney as part of the case file.



## **516 Traffic Citations**

### **516.1**

#### **PURPOSE AND SCOPE**

This policy outlines the responsibility for traffic citations, the collection of data, the procedure for dismissal, correction and voiding of traffic citations.

### **516.2**

#### **RESPONSIBILITIES**

The Traffic Sergeant shall be responsible for the development and design of all Departmental Directive traffic citations in compliance with NRS 171.1773 and NRS 171.1774 and the Judicial Council.

### **516.3**

#### **DISMISSAL OF TRAFFIC CITATIONS**

The Office does not dismiss traffic citations. Any citizen calls requesting dismissal are referred to the appropriate court.

Should a deputy determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the deputy may request the Deputy District Attorney to amend the court action. Upon dismissal of the traffic citation by the court, the deputy shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required.

### **516.4**

#### **VOIDING TRAFFIC CITATIONS**

Voiding a traffic citation may occur when a traffic citation has not been completed, issued in error, 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.

### **516.5**

#### **CORRECTION OF TRAFFIC CITATIONS**

When a traffic citation is issued and in need of correction, the deputy issuing the citation shall submit the citation to his/her immediate supervisor. The citation shall be forwarded to the Patrol clerical staff. The Patrol clerical staff shall prepare a letter of correction to the court having jurisdiction and to the recipient of the citation.

### **516.6**

#### **DISPOSITION OF TRAFFIC CITATIONS**

The completed traffic citations issued by members of this Office shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Patrol Division. E-cites are maintained in Crossroads.

**516.7**

**PARKING CITATIONS**

Disposition of notice of parking violation appeals is conducted pursuant to Nevada Law.

**516.7.1**

**APPEAL STAGES**

Any requests for appeal are forwarded to the court of jurisdiction.

**516.8**

**COURT MANDATORY CITATIONS**

Any citation completed by a deputy on behalf of and signed by a complainant or private citizen will be categorized as “court mandatory” in lieu of fine.

**516.9**

**JUVENILE CITATIONS**

Completion of traffic citations for juveniles are completed in the same fashion as adult citations, however there is no bail amount and the citation is routed specifically to the juvenile court.



## **520 Disabled Vehicles**

### **520.1**

#### **PURPOSE AND SCOPE**

Law enforcement and other public agencies may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

### **520.2**

#### **DEPUTY RESPONSIBILITY**

When an on-duty deputy observes a disabled vehicle on the roadway, the deputy should make a reasonable effort to provide assistance. If that deputy is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available deputy to respond for assistance as soon as practicable.

### **520.3**

#### **EXTENT OF ASSISTANCE**

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by Office personnel will be contingent on the time of day, the location, the availability of Office resources and the vulnerability of the disabled motorist.

#### **520.3.1**

##### **MECHANICAL REPAIRS**

Office personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

#### **520.3.2**

##### **USE OF PUSH BUMPER**

To assist motorists after a traffic accident or when a vehicle becomes disabled, push bumpers have been installed on some Washoe County Sheriff's Office vehicles. The decision to initiate the use of push bumpers shall be at the discretion of the deputy or supervisor.

Unless exigent circumstances exist, only Washoe County Sheriff's Office vehicles equipped with push bumpers may be used to remove disabled vehicles from the roadway that are creating an immediate hazard or danger for the public or Deputy Sheriff. The use of the push bumper must adhere to Washoe County Sheriff's Office Procedures and Office approved training.



## **524 Abandoned Vehicle and Vessel Violations**

### **524.1**

#### **PURPOSE AND SCOPE**

This policy provides procedures for the removal, recording and storage of vehicles and vessels abandoned in violation of abandoned vehicle laws/vessels under the authority of NRS 484B.443(3) (c) and NRS 488.291.

### **524.1.1**

#### **DEFINITION**

Pursuant to Nevada Revised Statutes, a motor vehicle is abandoned if:

- a) The motor vehicle has been abandoned for 72-hours on any highway (NRS 484B.443(3) (c)(2)).
- b) The motor vehicle has been abandoned for 24-hours on any freeway, United States highway or other primary arterial highway (NRS 484B.443(3)(c)(1)).
- c) The vessel is left unattended and is adrift, moored, docked, beached or made fast to land in such a position as to interfere with navigation or in such a condition as to create a hazard to other vessels using the waterway, to public safety or to the property of another (NRS 488.291(3)(a)).
- d) The vessel seriously interferes with navigation or otherwise poses a critical and immediate danger to navigation or to the public health, safety or welfare (NRS 488.291(3)(e)).

### **524.2**

#### **MARKING VEHICLES**

Vehicles suspected of being abandoned in violation of NRS 484B.443(3)(c) shall be marked and noted on the Washoe County Sheriff's Office Marked Vehicle Card. No case number is required at this time.

### **524.2.1**

#### **VEHICLE STORAGE**

Any vehicle in violation shall be stored by the authorized towing service and a vehicle storage report shall be completed by the deputy authorizing the storage of the vehicle.





## **600 Investigation and Prosecution**

### **600.1**

#### **PURPOSE AND SCOPE**

When assigned to a case for initial or follow-up investigation, deputies and detectives shall proceed with due diligence in evaluating and preparing the case for appropriate clearance or presentation to a prosecutor for filing of criminal charges.

### **600.2**

#### **INITIAL INVESTIGATION**

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, this will minimally include the following:
  1. Obtain an initial statement from any informants or complainants.
  2. Conduct a cursory examination for possible evidence up to and including a canvass when relevant to the investigation, i.e. burglaries, larcenies, etc.
- b) If information indicates a crime has occurred:
  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., detectives or scene processing) are necessary and request assistance as needed.
  3. If assistance is warranted, or if the incident is not routine, notify a supervisor or Watch Commander.
  4. Interview all available informants, complainants, witnesses and suspects.
  5. Make reasonable attempts to locate and interview all available complainants, witnesses and suspects.
  6. Collect any evidence.
  7. Take any appropriate law enforcement action.
  8. Complete and submit the appropriate reports and documentation.
- c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available and inform the reporting person of this information.

An 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**

#### **PERSON WITH COMMUNICATIONS DISABILITY**

Upon the arrest of a person with a communications disability as defined in NRS 50.050, and before his/her interrogation or the taking of his/her statement, the deputy shall make an interpreter

available to that person at public expense in accordance with the provisions of NRS 50.050 to NRS 50.053, inclusive (NRS 171.1536).

#### **600.4**

##### **FOLLOW-UP INVESTIGATIONS**

Follow-up investigations on all cases are evaluated and assigned by the Detectives supervisor for follow-up investigation based upon caseload, case assignment, and an evaluation of case solvability factors.

#### **600.4.1**

##### **CASE SOLVABILITY FACTORS**

Case solvability factors include, however are not exclusive, to the following:

- a) Reliability of witnesses
- b) Suspect is named
- c) Suspect is described
- d) Suspect's location is known
- e) Suspect is identified
- f) Suspect has been previously seen
- g) Suspect vehicle is described
- h) Suspect vehicle is identified
- i) Property is traceable
- j) Modus operandi is significant
- k) There is usable physical evidence
- l) There was limited opportunity for anyone other than the suspect to commit the crime
- m) The case may be solved with reasonable additional investigative effort
- n) Other factors that are applicable only in exceptional circumstances:
  1. The case is of significant importance to the community.
  2. There is potential imminent danger to victims and witnesses.
  3. The seriousness of offense.
  4. There is a characteristic pattern, frequency or modus operandi related to the case.
  5. Management decisions to pursue a case regardless of solvability factors.

#### **600.5**

##### **MODIFICATION OF CHARGES FILED**

Employees should not attempt to influence the District Attorney's Office that a pending case be dismissed or any other reason other than facts and evidence directly pertaining to the case. Employees are encouraged to communicate all aspects of a pending case with the Deputy District Attorney with regards to the prosecution of the criminal case.

#### **600.6**

##### **TRAINING**

Deputies shall receive training in preliminary investigations prior to assignment to any investigative duties. Deputies assigned to any follow-up or advanced investigations, or upon assignment to detectives, shall have completed training in follow-up investigations. This shall be completed in the form of a seven to nine week formal training program.

**600.7**

**CUSTODIAL INTERROGATION REQUIREMENTS**

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 consider electronically recording a custodial interrogation, or any investigative interview, for any other offense when the deputy reasonably believes it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of an interrogation should be destroyed or altered without written authorization from the District Attorney and the Detectives 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.



## **602 Sexual Assault Victims' Rights**

### **602.1**

#### **PURPOSE AND SCOPE**

This policy will establish a procedure by which the identity of sexual assault victims remain confidential and other rights afforded by law.

### **602.2**

#### **INVESTIGATION CONSIDERATIONS**

#### **602.2.1**

##### **VICTIM CONFIDENTIALITY**

Deputies investigating or receiving a report of an alleged sex offense may keep the identity of the victim confidential by providing the victim with a pseudonym form that must be provided by this office upon request (NRS 200.3772).

#### **602.2.2**

##### **OFFICER RESPONSIBILITY**

Once the pseudonym form has been completed by the victim and returned to this office, the Office may not be required to disclose the victim's name, address, telephone number, photograph or likeness. The Office shall also (NRS 200.3772 et seq.):

- a) Remove the victim's name and substitute the pseudonym for the name on all reports, files and records in the Office's possession
- b) Notify the prosecuting attorney for the State of the pseudonym and that the victim has elected to be designated by the pseudonym.
- c) Maintain the form in a manner that protects the confidentiality of the information.

### **602.3**

#### **MEDICAL EXAMINATION FOR SEXUAL ASSAULT VICTIMS**

Deputies investigating or receiving a report of an alleged sex offense that occurred within 96 hours of the offense shall, with the consent of the victim or a person authorized to act on behalf of the victim, request a medical examination of the victim.

If a sexual assault is not reported within 7 days of the offense, the Office may still request a medical examination of the victim provided consent is given by the victim or a person authorized to act on behalf of the victim.



## **606 Contraband Forfeiture Policy**

### **606.1**

#### **PURPOSE AND SCOPE**

This policy describes the authority and procedure for the seizure and liquidation of property associated with specified controlled substance offenses. This policy applies to forfeited or seized property in the form of real, personal, tangible or intangible property (NRS Chapter 179.)

### **606.1.1**

#### **DEFINITION**

**Property subject to forfeiture** - Property of any nature, including controlled substances, real, personal, tangible or intangible that is listed under NRS.453.301 and 453.311.

### **606.2**

#### **CONTRABAND SEIZURE AUTHORITY**

NRS 179.1164 authorizes any peace officer to seize any property that was used or intended to be used in the commission of an offense as defined in NRS 453.301.

### **606.3**

#### **CONTROLLED SUBSTANCE SEIZURE AUTHORITY**

A deputy who seizes property shall ensure that a complaint for forfeiture is promptly filed within 60 days after the property was seized. The deputy and/or Washoe County District Attorney's Office shall (NRS 179.1171 and 179.1175(1)):

- a) Place the property under seal.
- b) Remove the property and store the property appropriately or as directed by the court.
- c) File the complaint for forfeiture in the district court for the county.
- d) Serve a summons and complaint upon any known claimant who can be identified through any reasonably exercised due diligence.
- e) Record with the county recorder if action is pending upon any real property (NRS 14.010).
- f) Subsections c, d, and e are conducted by the District Attorney's Office.

### **606.3.1**

#### **SEIZED PROPERTY**

Any property seized subject to forfeiture will be inventoried and booked into evidence under seal. The property will be checked to determine if the property has been stolen then booked into evidence under seal.

The property will be booked 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 will be booked on this form.

### **606.3.2**

#### **SEIZED CURRENCY**

Currency shall be booked into evidence and labeled "Hold for Forfeiture". The designated detective will be responsible for ensuring the seized currency is deposited into the Washoe County District Attorney's forfeiture account. (NRS 179.1175(2)).

### **606.4**

#### **CONTRABAND FORFEITURE LOG**

An inventory of all contraband forfeiture cases shall be kept in the Special Operations Division. The inventory shall include the following:

- Case number
- Date of seizure
- Value
- Type of seizure
- Status of seizure

Information maintained in the log will be provided to the Sheriff or authorized staff, as requested.

### **606.5**

#### **DISPOSITION ORDERED BY COURT**

Court-ordered disposition may include (NRS 179.1175(3)):

- Retention by the Office
- Destruction
- Sale
- Other disposition pursuant to applicable provisions of NRS

### **606.6**

#### **DISTRIBUTION OF PROCEEDS FROM FORFEITURE**

All forfeiture proceeds must be applied first to satisfy any established claims. The balance shall be deposited in the following manner (NRS 179.118):

- To the special account established pursuant to NRS 179.1187 by the governing body that controls the plaintiff
- In an equitable manner between agencies involved in the seizure to be directed by the court hearing the proceeding for forfeiture or as established by memorandum of agreements.

### **606.7**

#### **FORFEITURE REPORTING**

Each quarter the Division Commander shall provide a report of the approximate value, receipt and use of forfeiture proceeds with the County Finance Director (NRS 179.119).



## **608 Confidential Informants**

### **608.1**

#### **PURPOSE AND SCOPE**

In many instances, a successful investigation cannot be conducted without the use of confidential informants. To protect the integrity of the Washoe County Sheriff's Office and the deputies using informants, it shall be the policy of this office to take appropriate precautions by developing sound informant policies.

### **608.2**

#### **INFORMANT FILE SYSTEM**

Each file shall be coded with an assigned informant control number. An informant history shall be prepared to correspond to each informant file and include the following information:

- Informant's name and/or aliases
- Date of birth
- Physical description: height, weight, hair color, eye color, race, sex, scars, tattoos or other distinguishing features
- Current home address and telephone numbers
- Current employer(s), position, address(es) and telephone numbers
- Vehicles owned and registration information
- Places frequented
- Informant's photograph
- Evidence that a criminal history check has been made
- Briefs of information provided by the informant and his or her subsequent reliability. If an informant is determined to be unreliable, the informant's file will be marked as "Unreliable."
- Name of detective initiating use of the informant
- Signed informant agreement
- Update on active or inactive status of informant

The informant files shall be maintained in a secure area within the specific Regionalized Unit and/or Detective Division. These files shall be used to provide a source of background information about the informant, enable review and evaluation of information given by the informant and minimize incidents that could be used to question the integrity of detectives or the reliability of the confidential informant.

Access to the informant files shall be restricted to the Sheriff, a Division Commander, the specific Regionalized Unit Supervisor, Detective Supervisor or their designees.

### **608.3**

#### **USE OF INFORMANTS**

Before using an individual as a confidential informant, a detective must receive approval from the specific Regionalized Unit or Detective Supervisor. The detective shall compile sufficient information through a background investigation in order to determine the reliability, credibility and suitability of the individual, including age, maturity and risk of physical harm.

### **608.3.1**

#### **JUVENILE INFORMANTS**

The use of juvenile informants under the age of 13-years is prohibited. The use of any juvenile informant between the ages of 13 and 17-years is only authorized by court order or with permission from a parent or legal guardian.

For purposes of this policy, a "juvenile informant" means any juvenile who participates, on behalf of this office, in a prearranged transaction or series of prearranged transactions with direct face-to-face contact with any party, when the juvenile's participation in the transaction is for the purpose of obtaining or attempting to obtain evidence of illegal activity by a third party and where the juvenile is participating in the transaction for the purpose of reducing or dismissing a pending juvenile petition against the juvenile.

### **608.4**

#### **GUIDELINES FOR HANDLING CONFIDENTIAL INFORMANTS**

All confidential informants are required to sign and abide by the provisions of the office Informant Agreement. The detective using the confidential informant shall discuss each of the provisions of the agreement with the confidential informant.

Details of the agreement are to be approved in writing by the unit supervisor before being finalized with the confidential informant.

### **608.4.1**

#### **RELATIONS WITH CONFIDENTIAL INFORMANTS**

No member of the Washoe County Sheriff's Office 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 Washoe County Sheriff's Office shall neither solicit nor accept gratuities nor engage in any private business transaction with a confidential informant.

To maintain detective/informant integrity, the following must be adhered to:

- a) Detectives shall not withhold the identity of an informant from their superiors.
- 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 Washoe County Sheriff's Office and that they shall not represent themselves as such.
- e) The relationship between detectives and informants shall always be ethical and professional.
- f) Social contact shall be avoided unless necessary to conduct an official investigation, and only with prior approval of the specific Regionalized Unit and/or Detective supervisor.
- g) Detectives shall not meet with informants of the opposite sex unless accompanied by at least one additional detective or with prior approval of the specific Regionalized Unit



or Detective Supervisor. When contacting informants of either sex for the purpose of making payments detectives shall arrange for the presence of another detective, whenever possible.

- h) In all instances when investigative funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

## **608.5**

### **NARCOTICS INFORMANT PAYMENT PROCEDURES**

The potential payment of large sums of money to any confidential informant must be done in a manner respecting public opinion and scrutiny. Additionally, to maintain a good accounting of such funds requires a strict procedure for disbursements.

#### **608.5.1**

##### **PAYMENT PROCEDURE**

The amount of funds to be paid to any confidential informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The amount of assets seized
- The quantity of the drugs seized
- The informant's previous criminal activity
- The level of risk taken by the informant

The specific Regionalized Unit and/or Detective Supervisor will discuss the above factors with the Division Chief Deputy and arrive at a recommended level of payment that will be subject to the approval of the Sheriff or his/her designee.

#### **608.5.2**

##### **CASH DISBURSEMENT POLICY**

The following establishes a cash disbursement policy for confidential informants. No informant will be told in advance or given an exact amount or percentage for services rendered.

- 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.
- 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.

#### **608.5.3**

##### **PAYMENT PROCESS**

If the amount to be paid is over \$500.00, a check shall be requested, payable to the case agent. The case number shall be recorded justifying the payment. The signatures of the Sheriff, or his/her designee, are required for disbursements over \$500.00. The disbursement of money shall be handled in accordance with established State and County policies, ordinances and protocols. Payments of \$500 and under may be paid in cash out of the specific Regionalized Unit and/or Detective Division investigative fund. The specific Regionalized Unit and/or Detective Supervisor will be required to sign the voucher for amounts under \$500.

The specific Regionalized Unit and/or Detective Division investigative Fund is a petty cash fund managed by the specific Regionalized Unit and Detective Division Supervisor in compliance with Policy Manual § 708. These funds shall be maintained in a locked cash box secured in a locked safe in the specific Regionalized Unit and Detective Division 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 Washoe County Sheriff's Office 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 \$500.00, a complete written statement of the confidential informant's involvement in the case shall be placed in the confidential informant's file along with a copy of the completed case.

Each confidential informant receiving a cash payment shall be informed of his or her responsibility to report the cash to the Internal Revenue Service (IRS) as income.

#### **608.5.4**

##### **AUDIT OF PAYMENTS**

At least once every six months the Sheriff, or authorized designee, shall conduct a thorough audit of all informant funds for accountability and security of the funds. The petty cash records, transfer forms, invoices, receipts and logs will assist with the audit process.

#### **608.5.5**

##### **INVESTIGATIVE FUNDS**

Detectives may be issued a maximum of \$100.00 at a time from the investigative funds unless a specific amount is requested. These funds may be used at the Detective's discretion to further investigations including:

- a) The purchase of necessary items for the informant such as food, phone, minutes for phone, etc.
- b) Small payments to informants for information or assistance in an investigation.

When possible, Detectives will obtain receipts for items purchased for informants. All monies spent will be documented on an informant payment form or ledger form.



## **610 Eyewitness Identification**

### **610.1**

#### **PURPOSE AND SCOPE**

This policy sets forth the guidelines to be used when members of this office employ eyewitness identification techniques.

#### **610.1.1**

##### **DEFINITIONS**

Definitions related to the policy include:

**Blind Presentation** - Both the law enforcement official administering the identification procedure and the witness do not know the suspect's identity.

**Blinded Presentation** - The administrator may know who the suspect is but does not know which line-up member is being viewed by the eyewitness.

**Confidence Statement** - A statement in the witness's own words taken at the time an identification is made stating his or her level of certainty in the identification.

**Eyewitness Identification Process** - Any field identification, live line-up or photographic identification.

**Eyewitness** - A person, including a victim, who views a photo line-up, live line-up, or a show-up and whose identification by sight or another person may be relevant in a criminal proceeding.

**Field Identification** - Often referred to as a show-up. 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.

**Filler** - A person or photograph of a person, that is included in a line-up or photo array, who is not the suspect.

**Independent Administrator** - deputy, who is not participating in the investigation of the criminal offense, is unaware of which person in the line-up is the potential suspect and shows the photo line-up to the eyewitness. The use of an independent administrator in a photo line-up is known as the "Double Blind" method.

**Live Lineup** - An identification procedure conducted at a detention center in which a group of persons, including the suspect, is displayed to an eyewitness to determine whether the eyewitness identifies the suspect as the perpetrator of a crime.

**Photo Lineup** - An identification procedure in which an array of photographs, including a photograph of the suspect, is displayed to an eyewitness in hard copy or by digital image to determine whether the eyewitness identifies the suspect as the perpetrator of a crime. Photo line-ups are shown in either simultaneous or sequential format.

**Sequential Photo Line-up** - An array of photographs of individuals that includes the potential suspect and five (5) fillers who are similar in appearance to the description of the suspect provided by the eyewitness that are presented one at a time to an eyewitness for identification purpose.

**Show-Up** - (commonly referred to as "one on one" or "field identification")- An identification procedure in which the suspect appears individually for possible identification by the eyewitness as the perpetrator of a crime.

**Photo Array** - (commonly referred to as a "six pack") - A computer-generated array of photographs of individuals that includes the potential suspect and five (5) fillers who are similar in appearance that is presented on individual sheets of paper to an eyewitness for identification purpose.

## **610.2 POLICY**

This office will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

## **610.3 INTERPRETIVE SERVICES**

Deputies should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating deputy should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

## **610.4 EYEWITNESS IDENTIFICATION**

The Detective Supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process and any related forms or reports should provide:

- The date, time and location of the eyewitness identification procedure
- The name and identifying information of the witness
- The name of the person administering the identification procedure

- If applicable, the names of all the individuals present during the identification procedure
- 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
- A signature line where the witness acknowledges that he/she understands the identification procedures and instructions

The process and related forms should be reviewed at least annually and modified when necessary.

## **610.5**

### **EYEWITNESS IDENTIFICATION**

Deputies\Detectives shall not reveal to a witness whether any subject or photo presented in a line-up is in any way connected to the case. Deputies\Detectives should avoid mentioning that:

- a) The individual was apprehended near the crime scene.
- b) The evidence points to the individual as the suspect.
- c) 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 line-up individually and outside the presence of other witnesses. Witnesses will 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.

The steps below outline the procedures that will be followed when administering eyewitness identifications. Deputies shall avoid any suggestive language or behavior regarding the identity of the suspect throughout the entire process.

Sequential line-ups and blind administration shall be used whenever possible. However, if blind administration of a live or photographic line-up is not possible, investigators may administer a blinded photographic line-up, as described below. A sequential presentation should never be conducted without a blind or blinded administrator.

#### Obtaining a Description of the Perpetrator

- a) Prior to any line-up, the deputy shall record a thorough description of the perpetrator from each eyewitness, taken separately, in the witness' own words.

#### Witness Instructions:

- a) Instructions for Photographic/Live Line-up
  1. Prior to any photographic/live line-up, the deputy shall read the witness the following instructions:  
*You are being asked to view a group of people/photographs. You will be viewing them one at a time in random order. Please look at all of them. I am required to show you the entire series. The perpetrator may or may not be in the line-up you*

*are about to view. I do not know who the perpetrator is.*

*You should not feel compelled to make an identification. The Sheriff's Office will continue to investigate the incident whether or not you make a selection. If you do make an identification, I will ask you to state, in your own words, how certain you are. Please do not ask questions about the person you have selected because we cannot share that information with you at this time. Since this is an ongoing investigation, you should not discuss the identification procedures or results.*

b) Instructions for Show-Up

1. Prior to any show-up, the deputy shall read the following instructions to the witness:

*You are being asked to view some people (even if only one person is shown). The person you saw may or may not be among the people you are about to view.*

*You should not feel compelled to make an identification. The Sheriff's Office will continue to investigate the incident whether or not you select someone. If you make an identification, I will ask you to state, in your own words, how certain you are. Please do not ask questions about the person you have selected because we cannot share that information with you at this time. Since this is an ongoing investigation, you should not discuss the identification procedures or results.*

c) Witness Confident Statement

1. If an identification is made, the deputy shall ask the witness immediately after the presentation for a statement of confidence in his/her selection in his/her own words. The statement shall be documented by the deputy, at signed by the eyewitness. If a folder shuffle technique or sequential presentation is employed, the administrator will tell the eyewitness that he is still required to show the eyewitness the remaining line-up members, even if an identification is made by the eyewitness earlier in the series of photographs/individuals presented to the eyewitness.

### **610.5.1**

#### **PHOTOGRAPHIC LINE-UP AND LIVE LINE-UP CONSIDERATIONS**

The Washoe County Sheriff's Office recognizes that it is as much the responsibility of law enforcement to protect the innocent from misidentification, as it is to assist in the conviction of the guilty. Prior to utilizing any of the line-up methods, investigators should evaluate the case and all of the other evidence to determine if there will be a positive impact to the case by utilizing any eyewitness identification

When practicable, the person composing the line-up and the person presenting the line-up 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 line-up to a witness should not know which photograph or person is the suspect.

Other persons or photos used in any line-up should bear similar characteristics to the suspect to avoid causing him/her to unreasonably stand out. In cases involving multiple suspects, a separate line-up should be conducted for each suspect. The suspects should be placed in a different order within each line-up.

The employee presenting the line-up 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 line-up.

The order of the suspect or the photos and the fillers photos should be randomized before being presented to each witness.

A live line-up should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating deputy should contact the appropriate prosecuting attorney before proceeding.

### **610.5.2**

#### **PHOTO LINE-UP**

Photo line-ups are an investigative tool and will not be the sole basis of an arrest unless approved by a lieutenant and the District Attorney's office.

A Photo line-up should be generated using photographs electronically stored within the WebMug mug shot system. If a photograph of the suspect is not available in the WebMug mug shot system, a photo line-up may be generated using other data bases that provide similar photographs of every individual to be used in the array. Fillers should resemble the description of the suspect provided by the eyewitness and none of the line-up subjects should stand out. A sequential line-up may be used when the deputy cannot prepare a line-up from the WebMug mug shot system and must rely upon photographs from outside sources. These Sources for the line-up may include photos from the WebMug mug shot system, yearbook photographs, Department of Motor Vehicles photographs or other sources providing photographs. All photo line-ups conducted will be retained as evidence. In composing a photograph line-up, the deputy will adhere to the following guidelines:

#### Preparing Photos Line-ups:

- a) Use of any juvenile photos must comply with Policy 624 and NRS 624.010.
- b) Only one potential suspect will be included and randomly placed in each photo line-up.
- c) In the even a simultaneous photo line-up is shown to more than one eyewitness the same six (6) photographs will be used and the position of the photographs will be changed.
- d) Photo line-ups will contain six (6) photographs, one of the potential suspects and five (5) fillers who are similar in physical appearance to the description of the suspect provided by the eyewitness.
- e) Complete uniformity of features is not required. The deputy may avoid using fillers who so closely resemble the suspect that a person familiar with the suspect might find it difficult to distinguish the suspect from the fillers.
- f) The deputy will ensure that no writings, information concerning previous arrest, identifications or any other documentation associated with the identification process, is

visible to the eyewitness on any photo line-up.

- g) The deputy will view the line-up once it is completed to ensure the suspect does not stand out and appears only once in the photo line-up.

Conducting a simultaneous photo line-up:

Supervisor Responsibilities:

- a) Will ensure the lead detective identifies which method will be utilized to show the photo line-up to the eyewitnesses;
- b) Ensure all photographs used in the photo line-up depict a visual likeness of the potential suspect.
- c) Ensure photograph positions have been changed when simultaneous photo line-up is used;
- d) Review each photo line-up Witness Instructions to the eyewitnesses:
  - 1. When multiple eyewitnesses are involved, the deputy will separate the eyewitnesses and read the instructions to each separately.
  - 2. Eyewitnesses will not be allowed to confer with each other before or while being shown the photo line-up
- e) Once the instructions have been read, provide the eyewitness a copy of the Photo Line-up Witness Instructions and ask if they understand how the photo line-up procedure will be conducted. If they have no questions and fully understand the procedure, have the witness sign, and record the date and time.

Eyewitness viewing of the photo line-up:

- a) Show the photo line-up to the eyewitness for as long as the eyewitness wishes
- b) If the eyewitness indicates that they recognize someone in the photo line-up, the deputy will ask the circumstances from which the eyewitness recognizes the individual. The deputy will document the eyewitness' response in either an arrest or deputy's report;
- c) At the conclusion of the viewing have the witness indicate, in their own words, which photograph they have identified, if any, in the statement section of the photo line-up witness instructions and sign, date and time signature section at the bottom of the form;
- d) If the eyewitness identifies anyone in the photo line-up, the deputy will immediately seek and document a statement of confidence in the eyewitness's own words and will not provide the eyewitness any feedback regarding the individual selected or comment on the outcome of the procedure in any way. The deputy should have the witness sign and date the photo that he/she selects.
- e) The deputy will instruct the eyewitness not to discuss the line-up or its results with other eyewitnesses;
- f) In the event there are multiple eyewitnesses, each eyewitness will be shown an unviewed copy of the photo line-up, and the suspect photo will be placed in a different position in each line-up;
- g) The deputy will document all line-up procedures, the date and time the photo line-up was conducted, and the names of all persons present when the photo line-up was shown;
- h) All photo line-ups presented to eyewitnesses regardless of the outcome will become



part of the investigative case file.

Investigating Deputy:

- a) Will not inform the independent administrator the position of the potential suspects' photo before or after the viewing of the photo line-up by the eyewitnesses;
- b) Document in either an arrest/deputy's report following:
  1. Name and Commission number of the independent administrator
  2. Which method was used by the Independent Administrator?
  3. The outcome of the photo line-up, including the statement of confidence.

Independent Administrator:

- a) Prior to conducting the photo line-up, the Independent Administrator will inform the eyewitness they do not know if the potential suspect is in the photo line-up or what position they are in;
- b) Once the photo line-up has been viewed by the eyewitness inform the investigating deputy of the results;
- c) Return all photos and documentation to the investigating deputy.

### **610.5.3**

#### **LIVE LINE-UP**

Organizing a Live Line-Up

- Determine when a live line-up is appropriate by considering the availability of witnesses and lookalikes.
- Include only one suspect in each identification procedure, with a minimum of four fillers.
- Select fillers who generally fit the description of the witness' description of the suspect. No participant should stand out in the line-up.
- When conducting more than one line-up due to multiple witnesses, consider placing the suspect in different display positions.
- When showing a new suspect, avoid reusing fillers in line-ups shown to the same witness.

Conducting a Live Line-Up

- Use a blind administration technique.
- Prior to the presentation, read instructions to the witness, ensuring and documenting that they understand the instructions
- Begin with all line-up participants out of view of the witness.
- Present each individual to the witness separately, in a previously determined order, removing those previously shown.
- Present each participant to the witness, even if the witness identifies a previous participant as the suspect. Witnesses may view the line-up a second time if they request to do so.
- Any identifying actions, such as speech, gestures, or other movements, shall be performed by all eyewitness participants.
- If identification is made, record a statement of confidence, which shall be signed by the witness.

### **610.5.4**

## **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 line-up 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 line-up 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' 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 subject of the show-up should not be handcuffed or in a patrol vehicle.
- d) When feasible, deputies should bring the witness to the location of the suspect, rather than bring the suspect to the witness.
- e) A person should not be shown to the same witness more than once.
- f) In cases involving multiple suspects, witnesses should only be permitted to view the suspects one at a time.
- g) A person in a field identification should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
- h) If a witness positively identifies an individual as the perpetrator, deputies should not conduct any further field identifications with other witnesses for that suspect. In such instances deputies should document contact information for any additional witnesses for follow up, if necessary.
- i) If identification is made, the deputy shall ask the witness immediately after the presentation for a statement of confidence in his/her selection in his/her own words. The statement shall be documented by the deputy and signed by the eyewitnesses.

### **610.6**

#### **DOCUMENTATION**

The identification procedure shall be carefully documented. The preferred method of documenting the identification procedure is a video record with audio. Documentation, which shall be treated as evidence, shall include the following:

- Name of the administrator and eyewitness.
- Date and time of the identification procedure.
  
- Whether the administrator was blind, blinded or non-blind. Law enforcement officials shall provide written justification for using a live or photographic presentation other than

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a double-blind sequential presentation.

- Names and sources of fillers used in the photo and live line-ups.
- In a photo or live line-up, any eyewitness identification of a filler.
- All identification and non-identification results obtained during the procedure, including witness confidence statements, signed by the witness.
- If a photo line-up is developed electronically, the lineup shall be printed for documentation.



## **612 Brady Material Disclosure**

### **612.1**

#### **PURPOSE AND SCOPE**

This policy provides Washoe County Sheriff's Office personnel with the information necessary to fulfill the *Brady/Giglio* reporting and testimonial requirements.

### **612.1.1**

#### **DEFINITIONS**

Definitions related to this policy include:

***Brady/Giglio* Violations**—Violations involving the failure to disclose exculpatory evidence in violation of a defendant's right to due process.

**Duty to Disclose**—Affirmative constitutional duty of law enforcement to notify the prosecuting attorney of any exculpatory evidence or *Brady/Giglio* material.

**Material Evidence**—Evidence with a reasonable probability of changing the outcome of a criminal case. A reasonable probability is a probability sufficient to undermine confidence in the outcome of the trial or sentencing of a criminal case.

### **612.2**

#### **POLICY**

It is the policy of the Washoe County Sheriff's Office to comply with the disclosure requirements established in *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S. 150 (1972), and cases expounding on those decisions.

Under *Brady* and *Giglio*, this Office has a duty to identify and disclose to the prosecution the following:

1. evidence that would have a reasonable probability of altering a trial's results or material that could reasonably mitigate sentencing of a defendant; and
2. material relevant to the credibility of government witnesses, including law enforcement officers.

### **612.3**

#### **DISCLOSURE OF INVESTIGATIVE INFORMATION**

Deputies must include in their investigative reports' adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If a deputy learns of potentially incriminating or **exculpatory information any time after submission of a case, the deputy or the handling investigator** must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., confidential informant or protected personnel files); the deputy should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If a deputy is unsure whether evidence or facts are material, the deputy should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Office case file.

#### **612.4**

##### **GENERAL**

- A prosecuting attorney has the responsibility of determining whether material disclosed by the Washoe County Sheriff's Office must be provided to the defendant.
- Suppression of evidence by law enforcement favorable to an accused violates due process when the evidence is material either to guilt or to punishment, irrespective of good or bad faith. Both impeachment evidence and exculpatory evidence must be disclosed under *Brady/Giglio* and their progeny.
- The most effective method for making disclosures is to include the information within the criminal referral to the prosecuting attorney. Responsibility for disclosing such material extends through trial and sentencing process.
- The Washoe County Sheriff's Office shall exercise due diligence to ensure that material with possible *Brady/Giglio* relevance is timely disclosed to the prosecuting attorney.
- All Washoe County Sheriff's Office staff has an obligation to maintain knowledge of their personnel history.
- The Office of Professional Integrity (OPI) has a duty to provide any Washoe County Sheriff's Office staff member with an up to date summary of their disciplinary history.

#### **612.5**

##### **EXAMPLE OF BRADY/GIGLIO MATERIAL**

Examples of *Brady/Giglio* material that may be subject to disclosure include, but may not be limited to, the following:

1. Information that would directly negate or diminish the defendant's guilt concerning any charged criminal conduct
2. Information that would cast doubt on the admissibility of evidence that the government plans to offer that could be subject to a motion to suppress
3. Any criminal record or criminal case pending against any witness whom the prosecution anticipates calling
4. The failure of any proposed witness to make a positive identification of a defendant

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5. An inconsistent statement made orally or in writing by any proposed witness
6. Statements made orally or in writing by any person that are inconsistent with any statement of a proposed government witness regarding the defendant's alleged criminal conduct
7. Information regarding any mental or physical impairment of any governmental witness that may cast doubt on his or her ability to testify accurately or truthfully at trial
8. Information that a proposed witness has a racial, religious, or personal bias against a defendant individually or as a member of a group
9. An officer's untruthfulness, dishonesty, bias, or misconduct in connection with his or her service as a law enforcement officer
10. A finding of misconduct by OPR or any court of competent jurisdiction that reflects on the witness's truthfulness, bias, or moral turpitude

### **612.6**

#### **TRAINING**

All sworn members of the Washoe County Sheriff's Office shall receive training on the Brady/Giglio disclosure requirements.



## **700 Office-Owned and Personal Property**

### **700.1**

#### **PURPOSE AND SCOPE**

Office employees are expected to properly care for Office property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or office property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

### **700.2**

#### **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 Office, all issued equipment shall be returned and documentation of the return signed by a supervisor.

#### **700.2.1**

##### **CARE OF OFFICE PROPERTY**

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of Office property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of Office property may lead to discipline including, but not limited to, the cost of repair or replacement:

- a) Employees shall promptly report through their chain of command, any loss, damage to or unserviceable condition of any office issued property or equipment assigned for their use.
  1. A supervisor receiving such a report shall direct a memo to the appropriate division commander which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss, damage or unserviceable condition.
  2. A review by staff to determine whether misconduct or negligence was involved should be completed.
- b) The use of damaged or unserviceable office property should be discontinued as soon as practicable and, if appropriate and approved by staff, replaced with comparable Office property as soon as available and following notice to a supervisor.
- c) Except when otherwise directed by competent authority or required by exigent circumstances, Office property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- d) Office property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority.
- e) In the event that any Office property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

### **700.3**

#### **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 identifying the personal property used, the reason for its use, and the term of its use. Personal property of the type routinely carried by persons not performing law enforcement duties nor comprising a weapon are excluded from this requirement.

#### **700.3.1**

##### **DEFINITIONS**

**Personal Property** - Items or equipment owned by, provided by, or purchased totally at the expense of the employee. Includes optional equipment items identified in Policy Manual § 1046.

#### **700.3.2**

##### **FILING CLAIMS FOR PERSONAL PROPERTY**

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate division commander which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Sheriff who will then forward the claim to the Finance Department.

The Office will not replace or repair luxurious or overly expensive 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 functions, regardless of jurisdiction, shall report it as provided below.

- a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.



- b) A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report was made.

**700.4.1**

**DAMAGE BY PERSON OF ANOTHER AGENCY**

If employees of another jurisdiction cause damage to real or personal property belonging to the County, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off-duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate division commander.



## **702 Personal Communication Devices**

### **702.1**

#### **PURPOSE AND SCOPE**

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued by the 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 (PCD) but is intended to include all mobile telephones, Personal Digital Assistants (PDA) and similar wireless two-way communications and/or Portable Internet Access (PIA) devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, e-mailing, using video or camera features, playing games and accessing sites or services on the Internet.

### **702.2**

#### **POLICY**

The Washoe County Sheriff's Office allows employees to utilize Office issued PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty or used off-duty in any manner reasonably related to the business of the Office, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, employees are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the employee and the employee's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Employees who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

### **702.3**

#### **PRIVACY POLICY**

Employees shall have no expectation of privacy with regard to any communication made with or stored in or through PCDs issued by the Office and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities. The use of any office- provided or -funded PCD, computer, Internet service, telephone service or other wireless service while on-duty is without any expectation of privacy that the employee might otherwise have in any communication, including the content of any such communication. Communications or data reception on personal, password-protected, web-based e-mail accounts and any other services are subject to monitoring if office equipment is used.

In accordance with this policy, supervisors are authorized to conduct a limited administrative search of electronic files without prior notice, consent or a search warrant, on office-issued or personally owned PCDs that have been used to conduct office-related business. Administrative searches can take place for work-related purposes that may be unrelated to investigations of employee misconduct and, as practicable, will be done in the presence of the affected employee.

Prior to conducting any search of personally owned devices, supervisors shall consult with the Sheriff. All such searches shall be fully documented in a written report.

#### **702.4**

##### **OFFICE-ISSUED PCD**

Depending on an employee's assignment and the needs of the position, the Office may, at its discretion, issue a PCD. Office-issued PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Office and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless an employee is expressly authorized by the Sheriff or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

#### **702.5**

##### **PERSONALLY OWNED PCD**

Employees may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- a) Carrying a personally owned PCD is a privilege, not a right.
- b) The Office accepts no responsibility for loss of or damage to a personally owned PCD.
- c) Employees shall promptly notify the Office in the event the PCD is lost or stolen.
- d) The PCD and any associated services shall be purchased, used, and maintained solely at the employee's expense.
- e) The device should not be used for work-related purposes except in exigent circumstances (e.g. unavailability of radio communications). Employees will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any office business-related communication.
- f) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Office, without the express authorization of the Sheriff or the authorized designee.

Use of a personally owned PCD constitutes consent for the Office to access the PCD to inspect and copy data to meet the needs of the Office, which maybe include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, employees will provide the Office with all telephone access numbers of the device.

Except with prior express authorization from their supervisor employees are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If an employee is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the employee has prior express authorization from his/her supervisor, the employee may engage in business-related communications. Should employees engage in such approved off-duty communications or work, employees entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Employees 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.

## **702.6**

### **USE OF PERSONAL COMMUNICATION DEVICES**

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct office business:

- a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.
- b) All PCDs in the workplace shall be set to silent or vibrate mode.
- c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g. informing family of extended hours). Employees shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- d) Employees may use a PCD to communicate with other personnel in situations where the use of the radio is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid or in lieu of regular radio communications.
- e) Deputies are prohibited from taking pictures, video or making audio recording 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 express authorization of the Sheriff or the authorized designee, may result in discipline.
- f) Employees will not access social networking sites for any purpose that is not official office business.
- g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any employee having knowledge of such conduct shall promptly notify a supervisor.

## **702.7**

### **SUPERVISORY RESPONSIBILITIES**

Supervisors should ensure that members under their command are provided appropriate training on the use of PCDs consistent with this policy. Supervisors should monitor, to the extent practicable, PCD use in the workplace and take prompt corrective action if an employee is observed or reported to be improperly using a PCD. An investigation into improper conduct should be promptly initiated when circumstances warrant.

If, when carrying out any provision of this policy, the need to contact an employee who is off-duty arises, supervisors should consider delaying the contact, if practicable, until the employee is on-duty as such contact may be compensable.

### **702.8**

#### **USE WHILE DRIVING**

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Deputies operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, employees who are operating non-emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (NRS 484B.165). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

### **702.9**

#### **OFFICIAL USE**

Employees are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, employees shall conduct sensitive or private communications on a land-based or other office communications network.

The following situations are examples of when the use of a PCD may be appropriate:

- Barricaded suspects
- Hostage situations
- Mobile Command Post
- Catastrophic disasters, such as plane crashes, earthquakes, floods, etc.
- Major political or community events
- Investigative stakeouts
- Emergency contact with allied agency or allied agency field unit
- When immediate communication is needed, and the use of the radio is not available or appropriate and other means are not readily available



## **704 Vehicle Maintenance**

### **704.1**

#### **PURPOSE AND SCOPE**

Employees are responsible for assisting in maintaining county vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

### **704.2**

#### **DEFECTIVE VEHICLES**

When a county vehicle becomes inoperative or in need of repair that might affect the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition. Proper notification either by hard-copy or electronic, describing the correction needed, shall be promptly forwarded to vehicle maintenance for repair.

#### **704.2.1**

##### **SUSPECTED DAMAGE OR POOR PERFORMANCE**

Vehicles which may have suffered damage, perform poorly or whose control or safety features have been diminished shall be immediately removed from service for inspection and repair if required.

#### **704.2.2**

##### **SEVERE USE INSPECTION**

Vehicles operated under severe use conditions, including rough roadway or off-road operation, hard or extended braking, pursuits or prolonged high-speed operation, should be removed from service and subjected to a safety inspection as soon as reasonable.

### **704.3**

#### **VEHICLE EQUIPMENT**

Certain items shall be maintained in all county vehicles for emergency purposes and to perform routine duties. Operational Supervisors should ensure that all vehicle equipment is maintained according to 704.3.1 and 704.3.2.

#### **704.3.1**

##### **PATROL VEHICLES**

Members shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- 20 Emergency road flares.
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit, CPR mask
- 1 Blanket
- 1 Fire extinguisher
  
- 1 Hazardous Materials Emergency Response Handbook

During Fire Season vehicles should also be equipped with:

- Shovel

During winter months vehicles should also be equipped with:

- Snow chains or snow cables for the appropriate vehicle.

#### **704.3.2**

##### **UNMARKED OPERATIONAL VEHICLES**

An employee driving an unmarked operational office vehicle shall ensure that the minimum following equipment is present in the vehicle:

- 5 Emergency road flares
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit, CPR mask
- 1 Blanket
- 1 Fire extinguisher
- 1 Hazardous Materials Emergency Response Handbook

During Fire Season vehicles should also be equipped with:

- Shovel

During winter months vehicles should also be equipped with

- Snow chains or snow cables for the appropriate vehicle

#### **704.4**

##### **VEHICLE REFUELING**

Absent emergency conditions or supervisor approval, members driving patrol vehicles shall not place or operate a vehicle in service that has less than one-quarter tank of fuel. Vehicles shall only be refueled at the authorized locations.

#### **704.5**

##### **WASHING OF VEHICLES**

All units shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to enhance their appearance.

Deputies on patrol shall obtain clearance from the dispatcher 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 their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

#### **704.6**

##### **CIVILIAN EMPLOYEE USE**

Civilian employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Civilian employees not engaged in field support functions will also prominently display the "out of service" placards at all times. Civilian employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

**704.7**

**TOWING OF SHERIFF'S OFFICE VEHICLES**

Employees will notify the shift supervisor when a tow is needed. County owned vehicles requiring towing will be taken to Equipment Services or the evidence lot, if applicable, by the county designated tow company.

**704.8**

**ROADSIDE ASSISTANCE**

Washoe County Equipment Services contracts with a local company to provide roadside assistance. Employees should use this service for vehicle related issues when appropriate. This information is included in each vehicle's glove box packet.





## **706 Vehicle Use**

### **706.1**

#### **PURPOSE AND SCOPE**

The organization utilizes County-owned motor vehicles in a variety of applications operated by Office personnel. In order 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. Employees shall timely submit the appropriate forms when the vehicle appears to need repair or maintenance.

### **706.2**

#### **USE OF VEHICLES**

##### **706.2.1**

#### **SHIFT ASSIGNED VEHICLES**

Personnel assigned to routine scheduled field duties shall log onto the in-car computer and input the required information when going on-duty. If the vehicle is not equipped with a working in-car computer, they shall notify Dispatch for entry of the vehicle number on the shift roster. If the employee exchanges vehicles during the shift, the new vehicle number shall be entered.

The supervisor shall ensure a copy of the unit roster indicating personnel assignments and vehicle numbers is completed for each shift.

Employees shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shift. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

##### **706.2.2**

#### **UNSCHEDULED USE OF VEHICLES**

Personnel utilizing a vehicle for any purpose other than their normally assigned duties shall first notify their supervisor of the reasons for use and a notation will be made on the shift roster indicating the operator's name and vehicle number. This section does not apply to personnel permanently assigned an individual vehicle (e.g., command staff, detectives).

##### **706.2.4**

#### **AUTHORIZED PASSENGERS/OPERATORS**

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.

No employee of the Office shall allow an unauthorized person to operate a County vehicle.

### **706.2.5**

#### **PARKING**

Except in the performance of duties to park otherwise, all County vehicles will be legally parked with keys removed and the doors locked.

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 not designated as a parking space unless authorized by a supervisor. Privately-owned motorcycles shall be parked in designated areas.

### **706.2.6**

#### **INSPECTIONS**

The interior of any vehicle that has been used to transport any person other than an employee should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized items have not been left in the vehicle.

### **706.3.1**

#### **VEHICLES SUBJECT TO INSPECTION**

All County-owned vehicles are subject to inspection and or search at any time by a supervisor and no employee assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

### **706.4**

#### **SECURITY**

Employees may take home County-owned vehicles only with prior approval from their division chief deputy and shall meet the following criteria:

- a) The employee lives within a one-hour (rules of the road obeyed and based on average traffic flow) response time of the Washoe County limits. A longer response time may be appropriate depending on the special assignment of the employee.
- b) Off-street parking shall be available at the employee's residence.
- c) Vehicles shall be locked when not attended.
- d) All firearms, kinetic impact weapons and valuables shall be removed from the interior of the vehicle and placed in the trunk or properly secured in the residence when the vehicle is not attended (refer to Firearms Policy § 312 regarding safe storage of firearms at home).

When an employee is on vacation, leave, or out of the area in excess of one week, the vehicle shall be stored at the Sheriff's Office or in a secure garage at the employee's residence with prior approval from their supervisor.

### **706.4.1**

#### **KEYS**

All uniformed field personnel approved to operate marked patrol vehicles shall obtain their vehicle keys from their respective division key location. Personnel assigned a permanent vehicle shall be issued keys for their respective vehicle. The loss of any assigned key shall be promptly reported in writing through the employee's chain of command.

## **706.5**

### **ENFORCEMENT ACTIONS**

When driving an assigned vehicle to and from work outside of the jurisdiction of the Washoe 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 shall be armed at all times.

Deputies may render public assistance, e.g. to a stranded motorist when deemed prudent.

## **706.6**

### **MAINTENANCE**

- a) Each employee is responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicle.
  1. Employees may use designated wash locations to clean vehicles (detention work crews may be used to clean vehicles, when available).
  2. Cleaning/maintenance supplies will be provided by the office.
- b) Employees shall make daily inspections of their assigned vehicle for service/maintenance requirements and damage.
- c) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to employees under their command to ensure the vehicles are being maintained in accordance with policy.
- d) Routine maintenance and oil changes shall be done in accordance with the shop schedule. The vehicles will normally be serviced at the County maintenance shop.
  1. When leaving a vehicle at the maintenance shop, the employee will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash
  2. Vehicles requiring warranty service shall be taken to the nearest authorized dealer by Equipment Services or by the employee after receiving clearance from a supervisor.

### **706.6.1**

#### **ACCESSORIES AND/OR MODIFICATIONS**

No modifications, additions or deletions of any equipment or accessories shall be made to the vehicle without written permission from the Assigned Vehicle Program manager.

## **706.7**

### **ACCIDENT DAMAGE, ABUSE OR MISUSE**

- a) Any time a vehicle is involved in a traffic collision, either singularly or with another vehicle, an outside agency of authority should be requested to investigate the cause and responsibility. The employee will notify a supervisor. It is the supervisor's responsibility to ensure all accident forms are completed and turned in within 24 hours.
- b) Any damage to a vehicle, not caused by a traffic collision, shall be immediately reported within the shift in which the damage was discovered, documented in writing and forwarded to the shift sergeant.
- c) An administrative investigation will be conducted to determine any vehicle abuse or misuse. If it is determined that misuse or abuse was a result of negligent conduct or operation, appropriate disciplinary action may result.

- d) All accidents will be reported to Equipment Services in a timely manner once all internal documentation is completed.

**706.8**

**VEHICLE OPERATION**

While driving an Office vehicle, employees shall not violate the traffic laws, except in accordance with NRS 484.261 and Office policy.

All civilian staff who operate a county vehicle will follow the guidelines set forth in County policy for vehicle operation.

Commissioned staff will complete prescribed Emergency Vehicle Operation Course training.

All individuals occupying County or Office vehicles shall wear seat belts in accordance with NRS 484.641.

**706.9**

**USE OF PRIVATE VEHICLES**

Employees shall not use a privately-owned vehicle in an official law enforcement capacity without prior authorization from a supervisor.

**706.10**

**USE OF COUNTY-OWNED VEHICLE TO MOVE ANOTHER**

County vehicles will not be used to push, pull, or jump-start another vehicle, unless the County vehicle is specifically equipped for such purpose or a supervisor has given prior approval.



## **708 Cash Handling, Security and Management**

### **708.1**

#### **PURPOSE AND SCOPE**

The proper handling and documentation of cash transactions and the maintenance of accurate records of cash transactions are important to protect the integrity of Sheriff's operations, ensure the public trust and compliance with Washoe County Codes and Washoe County Comptroller and Treasurer policies.

### **708.2**

#### **PETTY CASH FUNDS**

Employees designated as fund managers and authorized to maintain and manage petty cash, change and investigative buy funds are the Manager and Division Chief Deputies. These persons may delegate this responsibility to another person with their oversight. All funds require the creation and maintenance of an accurate and current transaction ledger and filing of invoices, receipts and expense reports by the fund manager.

### **708.3**

#### **PETTY CASH TRANSACTIONS**

The fund manager or designee shall document all transactions on the ledger and other appropriate forms and each person participating in the transaction shall sign 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.

### **708.4**

#### **PETTY CASH AUDITS**

The manager of cash fund or accounting personnel shall audit the fund no less than once every six months. This audit requires that the manager and at least one other person, selected by the fund manager, review the ledger, records, receipts and funds, verifying the accuracy of the accounting. Each participant of the audit shall sign 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.

### **708.5**

#### **ROUTINE CASH HANDLING**

All members of the Office authorized to routinely handle cash as part of their assignment shall handle pursuant to their specific applicable internal policies and procedures (see Policy Manual § 608 and 804).

**708.6**

**OTHER CASH HANDLING**

Members of the 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 practical, verify the amount of cash 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 as may be appropriate.



## **800 Crime Analysis**

### **800.1**

#### **PURPOSE AND SCOPE**

Crime analysis should provide timely, accurate and pertinent crime information to decision makers. Tactical Analysis includes finding crime patterns and series, identifying offenders and solving crimes. It is used to link serial cases, support surveillance or tactical operations and communicate with surrounding agencies. Strategic Analysis involves identifying crime trends, causes of crime and problem areas of the community. It is used to educate the public, direct resources to problem areas and address specific causes of increase in crime. Administrative Analysis involves data collection, statistics and reports. It is issued to support grant requests, budgetary requests, long range planning and uniform crime reporting.

### **800.2**

#### **DATA SOURCES**

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field interview cards
- Parole and Probation records
- Computer Aided Dispatch data
- Jail records
- Open-source information
- Court records
- Law Enforcement list servers
- Law Enforcement databases
- Geographical information systems

### **800.3**

#### **CRIME ANALYSIS FACTORS**

The following minimum criteria should be used in collecting data for Crime Analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

**800.4**

**CRIME ANALYSIS DISSEMINATION**

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information sharing among other law enforcement agencies is critical for a successful crime analysis system. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to those units. Information relevant to the development of the Office's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.





## **802 Communication Operations**

### **802.1**

#### **PURPOSE AND SCOPE**

This policy provides guidance to assist Communications Operations in meeting the information needs of deputies during normal daily activities and during an emergency situation.

### **802.1.1**

#### **FCC COMPLIANCE**

Washoe County Sheriff's Office radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and guidelines.

### **802.2**

#### **COMMUNICATION OPERATIONS**

This organization provides 24-hour telephone service to the public for information or assistance that may be needed in emergencies. The ability of citizens to telephone quickly and easily for emergency service is critical. This organization provides access to the 9-1-1 system with a single emergency telephone number.

This organization has two-way radio capability providing continuous communication between Dispatch and deputies.

### **802.2.1**

#### **COMMUNICATIONS LOG**

It shall be the responsibility of Dispatch to record all relevant information on calls for criminal and non-criminal service or self-initiated activity. Employees shall attempt to elicit, record, and share as much information as possible to enhance the safety of the deputy and assist in anticipating conditions to be encountered at the scene. Desirable information would include, at a minimum, the following:

- Call or incident number
- Date and time of request
- Name and address of complainant, if possible
- Type of incident reported
- Involvement of weapons, drugs and/or alcohol
- Location of incident reported
- Identification of deputy(s) assigned as primary and backup
- Time of dispatch
- Time of the deputy's arrival
- Time of the deputy's return to service
- Disposition or status of reported incident

## Policy 802 - Communication Operations

### **802.3**

#### **RADIO COMMUNICATIONS**

Operations are more efficient and officer safety is enhanced when dispatchers, supervisors and fellow deputies know the status of deputies, their locations and the nature of cases.

#### **802.3.1**

##### **DEPUTY IDENTIFICATION**

Identification systems are based on factors such as beat assignment and deputy identification numbers. When calling Dispatch or another unit, the calling unit should state the call sign of the called unit followed by their own call sign, then pause for the called unit to reply. 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.

### **802.4**

#### **TELECOMMUNICATOR TRAINING**

All Communications personnel shall be trained and certified in Board-approved Emergency Medical Dispatch, with mandatory two-year recertification in Emergency Medical Dispatch, Cardio-Pulmonary Resuscitation, Basic Life Support (CPR)/BLS for the First Responder. (NRS 450B.063)



## **804 Property and Evidence**

### **804.1**

#### **PURPOSE AND SCOPE**

It is the policy of this Office to collect, store and secure evidence and property/evidence in conformity with procedures established by the Director of the Forensic Science Division. The requirement to follow the procedures established by the Director of the Forensic Science Division applies to all sworn staff and each person who interacts with the Forensic Science Division.

### **804.1.1**

#### **EVIDENCE SECTION SECURITY**

The Washoe County Sheriff's Office- Forensic Science Division Evidence Section shall maintain secure storage and control of all property/evidence necessitating custody by the Office. The Evidence and Property Control Clerks report to the Forensic Science Division- Section Supervisor and are responsible for the security of the Evidence Section. Evidence Section keys are maintained only by the Evidence and Property Control Clerks, the Section Supervisor, and the Laboratory Director. The Evidence and Property Control Clerks, the Section Supervisor, and the Laboratory Director shall not loan Evidence Section keys to anyone and shall maintain keys in a secure manner.

Any individual entering the Evidence Section other than the Evidence and Property Control Clerks, the Section Supervisor, or the Laboratory Director must sign into the log and be accompanied by an Evidence and Property Control Clerk, the Section Supervisor, or the Laboratory Director.

### **804.2**

#### **DEFINITIONS**

**Property** - Includes all items of evidence, including items taken for safekeeping and found property.

**Evidence** - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

**Safekeeping** - Includes the following types of property:

- Property obtained by the Office for safekeeping such as a firearm.
- Property taken for safekeeping under authority of a law.

**Found Property** - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

### **804.3**

#### **PROPERTY/EVIDENCE HANDLING**

Any employee who first comes into possession of any property/evidence, shall retain such property/evidence in his/her possession until it is properly tagged and placed in the designated property/evidence locker or storage room along with the property/evidence form. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the item(s).

### **804.3.1**

#### **PROPERTY/EVIDENCE BOOKING PROCEDURE**

All property must be booked prior to the employee going off-duty. Employees booking property/evidence shall observe the following guidelines:

- a) Complete a Chain of Custody form (S-299) for each item of property/evidence, including the case number and description. As much information as possible should be included, such as serial numbers, owner's name, finder's name, and other identifying information or markings.
- b) The employee shall seal all evidence packages and sign/initial/date the tape seal(s).
- c) The case number, control number, and item description must also be written on the evidence package.
- d) Unless the item is going into the impound lot, all items must be completely packaged with no part of the item protruding from the packaging. See the Evidence and Property Control Clerks or FIS for assistance if you are unsure of the proper packaging for an item.
- e) When the property/evidence is too large to be placed in a temporary property locker, or not suitable for outside storage in the impound lot, contact the Evidence and Property Control Clerks for assistance.
- f) An evidence log sheet (S-10G), listing all items submitted, should accompany each evidence submittal.

### **804.3.2**

#### **NARCOTICS AND DANGEROUS DRUGS**

Explosives that are known or suspected to be armed or live, other than fixed ammunition, should not be retained in the Sheriff's facility. Contact the Consolidated Bomb Squad for all fireworks, railroad flares, fuses, etc.

Deputies who encounter an explosive device shall immediately notify the immediate supervisor and/or Watch Commander. The Bomb Squad will be called to handle situations involving explosive devices and all such devices will be released to them for disposal.

### **804.3.4**

#### **EXCEPTIONAL HANDLING**

Certain property items require a separate process. The following items shall be processed in the described manner:

- a) Body fluids such as blood or semen stains shall be air dried prior to booking.
- b) License plates found not to be stolen or connected with a known crime should be placed in the designated container for return to the Nevada Department of Motor Vehicles. No formal property booking process is required.
- c) All bicycles and bicycle frames require a property tag/bar code. Property tags/bar codes will be securely attached to each bicycle or bicycle frame. The property will be transported to the impound lot and the chain of custody form placed in a temporary property locker.

- d) All cash shall be counted in the presence of another deputy and the envelope initialed by both deputies. A supervisor shall be contacted for such cash in excess of \$1,000 who shall also witness the count, initial and date the property form, and specify any additional security procedures to be used. Unless a notation is made on the chain of custody stating otherwise, all cash will be deposited into the “evidence holding account”.
- e) All evidence collected by personnel processing a crime scene requiring specific storage requirements pursuant to laboratory procedures should clearly indicate storage requirements on the chain of custody and/or package.

#### **804.4**

##### **PACKAGING OF PROPERTY**

Packaging will conform to the property packaging procedures. Certain items require special consideration and shall be booked separately as follows:

- a) Narcotics and dangerous drugs
- b) Firearms (must be unloaded)
- c) Valuable jewelry
- d) Biologicals
- e) Drug and narcotics paraphernalia
- f) Money
- g) Contraband

#### **804.4.1**

##### **PACKAGING CONTAINER**

Employees shall package all property in a suitable container available for its size. Knife boxes should be used to package knives, handgun boxes should be used for handguns, and rifle boxes for rifles.

#### **804.4.2**

##### **PACKAGING NARCOTICS**

The deputy seizing narcotics and dangerous drugs shall retain such property in their possession until it is properly weighed, packaged, tagged, and placed in a temporary storage locker, accompanied by all necessary paperwork. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the deputy's report.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size available in the evidence booking area. The booking deputy shall seal the envelope with evidence tape and initial across the tape to the envelope.

The booking deputy shall weigh the suspected narcotics or dangerous drugs in the container in which it was seized and 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 deputy.

#### **804.4.3**

##### **RIGHT OF REFUSAL**

All items submitted to the Forensic Science Division shall be properly documented and packaged. The Evidence and Property Control Clerks have the right to refuse any piece of evidence/property

without explanation. Any rejected item not retrieved by the submitting entity within 24 hours is subject to disposal.

#### **804.5**

##### **RECORDING OF PROPERTY**

The Evidence and Property Control Clerks receiving custody of property/evidence shall create an electronic entry, through the LIMS evidence module, for each piece of property/evidence received. This entry will be the permanent record of the property/evidence in the Evidence Section. The Evidence and Property Control Clerks will record his/her signature, the date the property was received, and where the property/evidence will be stored on the chain of custody.

Any changes in the location of property/evidence held by the Washoe County Sheriff's Office shall be updated in the Laboratory Information Management System LIMS evidence module.

#### **804.6**

##### **PROPERTY CONTROL**

Each time the Evidence and Property Control Clerks receive property/evidence or release property/evidence to another person, he/she shall update this information in the LIMS evidence module. No property or evidence is to be permanently released without first receiving written authorization from a sergeant or above. Deputies desiring property/evidence for court shall contact the Evidence and Property Control Clerks at least one day prior to the date needed. Requests for analysis shall be completed on the appropriate forms/computer entry and submitted with the item to be analyzed.

#### **804.6.1**

##### **STATUS OF PROPERTY**

Each person receiving property/evidence will be documented on the electronic chain of custody in the LIMS evidence module. Temporary release of property/evidence to deputies/detectives for investigative purposes, or for court, shall be noted in the LIMS evidence module indicating the date, time, and to whom released.

The Evidence and Property Control Clerk shall obtain the signature of the person to whom property/evidence is released, and the reason for release. Any employee receiving property/evidence shall be responsible for such property/evidence until it is properly returned to the Evidence Section or properly released to another authorized person or entity.

The return of the property/evidence should be recorded in the LIMS evidence module, indicating date, time, and the person who returned the property.

#### **804.6.3**

##### **AUTHORITY TO RELEASE PROPERTY/EVIDENCE**

The Evidence and Property Control Clerk shall not release any property/evidence without a signed authorization from an appropriate authorized member of the Sheriff's Office.

For property/evidence in custody of the Sheriff's Office for investigatory or prosecutorial purposes and owned by a victim or witness, an Evidence and Property Control Clerk shall, upon the request of the owner (NRS 178.5696):

- a) Provide a list describing the property/evidence unless such release would seriously impede an investigation.

- b) Return the property/evidence expeditiously unless the property is required as evidence in the investigation or prosecution of a case. A sergeant or above must sign a disposition form for any property/evidence to be returned.

Upon the direction of a prosecuting attorney, property held as evidence of a crime may be photographed and released to the owner of the property (NRS 52.385).

#### **804.6.4**

##### **RELEASE OF PROPERTY/EVIDENCE**

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property/evidence 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 a sergeant or above and must conform to the items listed on the property/evidence form or must specify the specific item(s) to be released. Release of all property/evidence shall be documented in the LIMS evidence module.

With the exception of firearms and other property specifically regulated by statute, found property shall be held for a minimum of 90 days. During such period, staff shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 30 days after notification (or receipt, if notification is not feasible) may be signed off by a sergeant or above for disposal, auction release, or other appropriate disposition. The final disposition of all such property shall be fully documented in related reports.

An Evidence and Property Control Clerk shall release property upon proper identification being presented by the owner for which an authorized release has been received. The owner shall also pay any costs incurred by the agency, including costs associated with vehicle towing. A signature of the person receiving the property shall be recorded. After permanent release of property/evidence, the signed release form and all other paperwork associated with the release shall be forwarded to the Records Section for filing with the case.

Prior to release or other form of disposal, the proper entry shall be documented in the LIMS evidence module.

#### **804.6.5**

##### **STOLEN OR EMBEZZLED PROPERTY/EVIDENCE**

Stolen or embezzled property or property believed to be stolen or embezzled in the custody of this Office shall be restored to the owner (NRS 205.290). Such property:

- a) May only be released from law enforcement custody upon the order of a magistrate (NRS 179.125; NRS 179.135). Such property requires (NRS 179.165(1)):
  - 1. Reasonable attempts to discover the identity of the owner
  - 2. Notification to the owner, if identified, by letter of the location of the property.
  - 3. Information to the owner, if identified, on claiming the property
- b) Obtained from a pawnbroker pursuant to NRS 646.047 additionally requires this office to notify the pawnbroker by certified or registered mail of a decision not to pursue charges, a conviction, or any other termination of the case (NRS 179.165(3); NRS 179.165(4)).

- c) Upon order of a magistrate, shall be restored to the owner (NRS 179.155).

#### **804.6.6**

##### **DISPUTED CLAIMS TO PROPERTY**

Occasionally more than one party may claim an interest in property being held by the Office, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Office may wish to file an interpleader to resolve the disputed claim.

#### **804.6.7**

##### **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) or NRS 202.362.

The notification regarding stolen or embezzled firearms is limited to an identified owner regarding the location and process for claiming the firearm (NRS 179.165(2)).

The Office is not required to retain a firearm or other deadly weapon, not retained as evidence, longer than 30 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal.

#### **804.7**

##### **DISPOSITION OF PROPERTY**

All property not held for evidence in a pending criminal investigation or proceeding and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The Evidence Technicians may 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 deputy.

#### **804.7.1**

##### **EXCEPTIONAL DISPOSITIONS**

The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances
- Counterfeiting equipment
- Gaming devices
- Obscene matter ordered to be destroyed by the court
- Altered vehicles or component parts
- Narcotics
- Unclaimed, stolen or embezzled property
- Destructive devices

#### **804.7.2**

##### **UNCLAIMED MONEY**

The fiscal division of the Sheriff's Office should be notified of any unclaimed money that is no longer required as evidence and has not been submitted for civil forfeiture to the Washoe County



District Attorney. As appropriate, the Fiscal division should initiate the unclaimed property procedures with the State Treasurer or interact with the District Attorney's Office regarding the appropriate resolution of the unclaimed money.

If found or seized money is no longer required as evidence and remains unclaimed after one year, the money is presumed abandoned property and is distributable (NRS 120A.500(1)(j)). If neither the owner nor the finder claims the property and secure its release within the times specified in Washoe County Code 15.167, it becomes the property of the county (Washoe County Code 15.167.5).

The State may take custody of abandoned money pursuant to NRS 120A.530 and the Office is required to pay or deliver to the State Treasurer money that is abandoned property (NRS 120A.570). The state may also decline to receive payment or delivery of such property (NRS 120A.660).

The abandoned property that isn't delivered to the County or State is deposited into the Forensic Science Division restricted fund as established by the County Auditor.

#### **804.8**

##### **INSPECTIONS OF THE EVIDENCE SECTION**

A scheduled audit of random evidence storage locations will be conducted by the Quality Assurance Manager.

Whenever a change is made in personnel who has access to the Evidence Section, a representative inventory of evidence/property shall be made by an individual(s) not associated to the Evidence Section or function to ensure that records are correct, and all evidence/property is accounted for.



## **806 Records Section Procedures**

### **806.1**

#### **PURPOSE AND SCOPE**

The Administrative Supervisor Records shall maintain the Office Records Section Procedures Manual on a current basis to reflect the procedures being followed within the Records Section. Policies and procedures that apply to all employees of this Office are contained in this chapter.

### **806.1.1**

#### **NUMERICAL FILING SYSTEM**

Case reports are filed numerically within the Records Section 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 11-00001 would be the first new case beginning January 2011.

### **806.2**

#### **FILE ACCESS AND SECURITY**

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 Records Section accessible only to authorized Records Section personnel.

### **806.2.1**

#### **REQUESTING ORIGINAL REPORTS**

Original reports shall not be removed from the Records Section.

### **806.3**

#### **ADMINISTRATIVE SUPERVISOR TRAINING**

The Administrative Supervisor shall receive training in Records Management including proper maintenance, retention and disposal of records and the proper release of records under the Public Information Act (NRS 239).



## **808 Restoration of Firearm Serial Numbers**

### **808.1**

#### **PURPOSE AND SCOPE**

The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms.

### **808.2**

#### **PROCEDURE**

Any employee taking possession of a firearm with removed or obliterated serial numbers shall book the firearm into evidence and request "serial number restoration" using standard evidence booking procedures.

#### **808.2.1**

##### **FIREARM TRACE**

After the serial number has been restored (or partially restored) by the Forensic Science Division, a Bureau of Alcohol, Tobacco and Firearms (ATF) NTC Obliterated Serial Number Trace Request Form (ATC 3312.1OBL) will be completed and forwarded to the National Tracing center in Falling Water, West Virginia.

#### **808.2.2**

##### **LABORATORY ANALYSIS**

The serial number restoration examination will be performed by personnel in the Forensic Science Division following standard procedures.

### **808.3**

#### **OTHER CONSIDERATIONS**

Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the ATF National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to search the national database and compare with ballistic evidence recovered from other crime scenes.



## **810 Records Release and Security**

### **810.1**

#### **PURPOSE AND SCOPE**

The purpose of this policy is to provide guidelines for dissemination of public and confidential records or information, pursuant to Nevada Revised Statute 179A, 178.569, 239.010. The Sheriff's Office shall comply with the State Public Records Act.

#### **810.1.1**

##### **DEFINITIONS**

**Public Records** - Any non-confidential record, which is required by law to be made, maintained or kept on file by the Sheriff's Office. A public record is one made by a public officer in pursuance of a duty, the immediate purpose of which is to disseminate information to the public, or to serve as a memorial of official transactions for public reference. Examples of public records are traffic accident reports and citizens' reports of crimes (excluding the criminal investigation and forensic reports). Public records maintained by this Office will be available at all times *during office hours* to inspection by any person, and the person may fully copy these records upon payment of service charges. Certified copies of public records will be provided to any person upon payment of service charges.

**Records Management** - The systematic control and management of information throughout the life cycle of the information, including, without limitation, the creation, use, maintenance, retention and ultimate disposition of the information (NAC 239.106).

**Criminal Justice Agency** - Any court or governmental agency, which performs a function in the administration of criminal justice, which allocates a substantial part of its budget to a function in the administration of criminal justice (NRS 179A.030). Conviction data - All notations of criminal transactions related to an offense that has resulted in a conviction, guilty plea or nolo contendere.

**Non-convictional data** - Records of incidents resulting in either acquittal or dismissal of charges. This also includes decision by police not to transfer the matter to a prosecutor or decision by prosecutor not to commence with criminal proceedings. "Non-convictions" also include records of criminal transactions with no final disposition.

**Record of Criminal History** - Defined (NRS 179A.070) as information contained in records collected and maintained by the Sheriff's Office, the subject of which is a natural person, consisting of descriptions which identify the subject person, notations of arrests, detention, indictments, information or other formal criminal charges, disposition of charges, including dismissals, acquittals, convictions, sentences, correctional supervision occurring in Nevada, and information concerning the status of an offender on parole or probation. "Record of criminal history" does not include:

- a) Investigative or intelligence information, reports of crime or other information concerning specific persons collected in the course of the enforcement of criminal laws (see NRS 239.010, *Donrey v Bradshaw*).
- b) Information concerning juveniles. Posters, announcements or lists intended to identify fugitives or wanted persons and aid in their apprehension.
- c) Original records of entry maintained by the Sheriff’s Office that are chronological and not cross-indexed in any other way.
- d) Records of application for an issuance, suspension, revocation or renewal of occupation licenses.
- e) Court indices and records of public judicial proceedings, court decisions and opinions and information disclosed during public judicial proceedings.
- f) Records of misdemeanor traffic violations, records of traffic offenses maintained by the Office to regulate the issuance, suspension, revocation or renewal of drivers’ or other operating licenses.
- g) Announcements of actions by the state Board of Pardons, commissioners and Parole Commissioners, except for information on the status of an offender on parole or probation.
- h) Records that originated in an agency, other than an agency of criminal justice in Nevada.

## **810.2**

### **PUBLIC REQUESTS FOR OFFICE**

The Office shall comply with the Records Retention Schedule prescribed by the Nevada State Library and Archives Administrator.

The Office shall prominently display a sign that contains basic rights of a person who requests public information, the responsibilities of the Office and the procedures, to include the cost, of inspecting or obtaining copies (NRS 239.052).

Requests for information that the Office believes is confidential and wishes to withhold from the public that is not specifically allowed by statute or judicial decision will be sent to the Deputy District Attorney for a decision (NRS 239.0113).

Records created by the Office shall be subject to inspection and release pursuant to lawful requests, except pursuant to exemptions established by statute or judicial order. Public requests for records of this office shall be processed as follows:

#### **810.2.1**

### **PROCESSING OF REQUESTS**

Any member of the public, including the media and elected officials, may access unrestricted records of this office by submitting a written and signed request for each record sought and paying any associated fees. Requests shall be completed as soon as possible under the specific circumstances of the request but no later than five business days. If the request cannot be fulfilled within five business days after the date of request, the Office shall notify the requester in writing (NRS 239.0107(1)).

The processing of requests is subject to the following limitations:

- An employee processing the request shall determine if the requested record is available and if so, whether the record is exempt from disclosure. If the requested record is exempt for confidential reasons, the employee must provide notice of that fact and include the statutory authority or other legal authority that makes the record confidential. Either the requested record or the reason for non-disclosure shall be provided within five days (NRS 239.0107(1)).

- In accordance with the Public Records Act, the Office is not required to create records that do not otherwise exist in order to accommodate a request under the Act.

### **810.3**

#### **REPORT RELEASE RESTRICTIONS**

Absent a valid court order or other statutory authority, records and/or unrestricted portions of such records of this Office shall be made public subject to the following restrictions:

#### **810.3.1**

##### **GENERAL CASE AND CRIME REPORTS**

Reports containing any of the items listed below will not be released:

- **Confidential Information** - Information involving confidential informants, intelligence information, information that would endanger the successful completion of the investigation or a related investigation shall not be made public.
  1. Opinions, recommendations or advice about agency policies that are part of a deliberative process may also be exempt from disclosure.
  2. Information on the actual identity of a victim of sexual assault or an offense involving a pupil who has filed a pseudonym name may not be made subject to public disclosure (NRS 200.377).
  3. The identity of persons making reports regarding cruelty to animals made pursuant to NRS 574.053.
- **General Information** – Absent statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public upon proper request.
- **Victim Information** – Victims of crimes who have requested that their identifying information be kept confidential, victims who are minors and victims of certain offenses shall not be made public. It is unlawful to release confidential victim information to unauthorized persons (NRS 200.3772; NRS 178.5691).

#### **810.3.2**

##### **ARREST REPORTS**

Arrestee information shall be subject to release in the same manner as information contained in other reports as set forth above.

Local criminal history information including, but not limited to, arrest history and disposition, and booking photos shall only be subject to release to those agencies and individuals as prescribed by law.

#### **810.3.3**

##### **TRAFFIC COLLISION REPORTS**

Traffic collision reports, and related supplemental reports prepared by this office are considered public records and subject to release. However, any personal identifying information obtained directly from the Department of Motor Vehicles (DMV) to prepare the report is confidential and shall be redacted prior to release (18 USC § 2721; NRS 484E.110).

A traffic collision report shall be released to a person who provides two or more of the following items in addition to any fee required:

- a) The date of the accident
- b) The specific address of the highway or street

- c) The name of any person involved in the accident

#### **810.3.4**

##### **PERSONNEL RECORDS**

Personnel records, medical records and similar records which would involve personal privacy shall not be made public.

Peace officer personnel records are deemed confidential and shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.

The identity of any deputy subject to any criminal or administrative investigation shall not be released without the consent of the involved deputy, prior approval of the Sheriff or as required by law (NRS 289.025).

#### **810.4**

##### **OTHER RECORDS**

Any other record not addressed in this policy shall not be subject to release where such record is exempted or prohibited from disclosure pursuant of court or evidentiary rules relating to privilege.

The Office maintains the right to refuse to disclose or release any other record when it would appear that the public's interest in accessing such record is outweighed by the need for nondisclosure.

A non-record as defined in (NAC 239.051) may, if not otherwise prohibited by law, be destroyed at any time by the Sheriff to his/her designee without being scheduled for destruction by the State Library and Archives Administrator (NAC 239.131).

#### **810.4.1**

##### **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 department record except as authorized by the Office and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721 and 18 USC § 2722).

#### **810.5**

##### **SUBPOENA DUCES TECUM**

Any Subpoena Duces Tecum (SDT) or discovery request should be promptly provided to the Administrative Supervisor of the Cases Unit 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 legal counsel for the Office so that a timely response can be prepared.

**810.6**

**RELEASED RECORDS TO BE STAMPED**

Each page of any record released pursuant to a Subpoena Duces Tecum shall be stamped in red ink with a stamp identifying the individual to whom the record was released.

**810.7**

**PRIVACY AND SECURITY OF RECORDS**

Records such as offense reports, arrest reports, juvenile records or other sensitive records shall be maintained in a secure and authorized area.





## **812 Protected Information**

### **812.1**

#### **PURPOSE AND SCOPE**

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information, which includes criminal history information as described in NRS 179A, by members of the Washoe County Sheriff's Office. This policy addresses the protected information that is used in the day-to-day operation of the Office and not the public records information covered in the Records Release and Security Policy.

### **812.1.1**

#### **DEFINITIONS**

Definitions related to this policy include:

**Protected information** - Any information or data that is collected, stored or accessed by members of the Washoe County Sheriff's Office and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

### **812.3**

#### **RESPONSIBILITIES**

The Sheriff shall select a member of the Office to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

- a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the Department of Justice (DOJ) Security Policy, National Crime Information Center (NCIC) Nevada Criminal Justice Information System (NCJIS), International Justice and Public Safety Network (NLETS), Department of Motor Vehicle (DMV) records and the Central Repository for Nevada Records of Criminal History
- b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy
- c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information
- d) Developing procedures to ensure training and certification requirements are met
- e) Resolving specific questions that arise regarding authorized recipients of protected information
- f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information
- g) Maintaining a detailed log pursuant to NCJIS Administrative Policies of each dissemination of information relating to records of criminal history for at least one audit cycle

## **812.4**

### **ACCESS TO PROTECTED INFORMATION**

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Washoe County Sheriff's Office policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a fingerprint/background check which includes wants/ warrants and DMV check and Federal and State required security awareness training, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

#### **812.4.1**

##### **CRIMINAL RECORD SECURITY OFFICER**

The Administrative Supervisor Criminal is the designated Terminal Agency Coordinator (TAC) for the Washoe County Sheriff's Office. This manager is responsible for ensuring compliance with this procedure and with applicable records security regulations and requirements imposed by federal and state law. The TAC will resolve specific questions that arise regarding authorized recipients of criminal history.

The TAC will be in charge of maintaining a detailed, dissemination log as required by law for at least one audit cycle (NCJIS Administrative Policies).

#### **812.4.2**

##### **RELEASE OF CRIMINAL HISTORY RECORD INFORMATION (CHRI)**

Only the persons listed below are authorized to release criminal history. Each authorized person releasing criminal history is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

- Terminal Agency Coordinator.
- Assistant Terminal Agency Coordinators.
- Full-time employees of the Records Section.
- Certified personnel specifically trained in the release of criminal information process with the concurrence of the Division Manager.

#### **812.4.3**

##### **RELEASE OF CRIMINAL HISTORY RECORD INFORMATION TO FIELD PERSONNEL**

Personnel shall not have access to criminal history until a fingerprint-based background investigation which includes a wants/warrant and DMV check and Federal and State Security Awareness Training has been completed and approved.

Criminal history shall not be transmitted by radio, cellular phone or through computer terminals to field personnel or vehicles except in cases where circumstances reasonably indicate that the immediate safety of the deputy or the public are at significant risk. Examples of situations where the transmission of summary criminal history information would be justified include a hostage situation or an armed suspect although a routine investigation or traffic enforcement stop would not be sufficient justification.

Nothing in this procedure is intended to prohibit broadcasting warrant information concerning wanted persons.

#### **812.4.4**

##### **PRE-REQUISITES PRIOR TO DISSEMINATION OF RECORDS**

This office may not disseminate any record of criminal history which includes information about a felony or a gross misdemeanor without first making inquiry of the Central Repository to obtain the most current and complete information available, unless (NRS 179A.090):

- a) The information is needed for a purpose in the administration of criminal justice for which time is essential and the Central Repository is not able to respond within the required time.
- b) The full information requested and to be disseminated relates to specific facts or incidents which are within the direct knowledge of an officer, agent or employee of the agency which disseminates the information.
- c) The full information requested and to be disseminated was received as part of a summary of records of criminal history from the Central Repository within 30 days before the information is disseminated.
- d) The statute, executive order, court rule or court order under which the information is to be disseminated refers only to information which is in the files of the agency which makes the dissemination.
- e) The information requested and to be disseminated is for the express purpose of research, evaluation or statistical activities to be based upon information maintained in the files of the agency or agencies from which the information is sought.
- f) The information is requested by a compensation officer of the State Board of Examiners pursuant to NRS 217.090.

#### **812.4.5**

##### **RELEASE OF CRIMINAL HISTORY RECORD INFORMATION WITHOUT RESTRICTION**

Records of criminal history may be disseminated without restrictions pursuant to state law (NRS 179A.100(1) and (2):

- a) Any which reflect records of conviction only
- b) Any which pertain to an incident for which a person is currently within the system of criminal justice including parole or probation
- c) Disclosed among agencies which maintain a system for the mutual exchange of criminal records
- d) Furnished by one agency to another to administer the system of criminal justice, including the furnishing of information by a law enforcement agency to a district attorney
- e) Reported to the Central Repository

#### **812.4.6**

##### **MANDATORY RELEASE OF CRIMINAL HISTORY RECORD INFORMATION**

- a) A criminal justice agency shall disseminate to a prospective employer, upon request, records of criminal history from our local database only (Tiburon) concerning a prospective employee or volunteer which (NRS 179A.100(3)):
  1. Reflect convictions only.
  2. Pertain to an incident for which the prospective employee or volunteer is currently within the system of criminal justice, including parole or probation.

- b) Local Criminal History Records must be disseminated by a criminal justice agency, upon request, to (NRS 179A.100(7)):
  - 1. The person who is the subject of the criminal history record for the purposes of NRS 179A.150
  - 2. The person who is the subject of the criminal history record or his attorney of record when the subject is a party in a judicial, administrative, licensing, disciplinary or other proceeding to which the information is relevant
  - 3. Any private or government entity listed by statute under (NRS 179A.100(7)(c) - (u))

#### **812.4.7**

##### **PENALTIES FOR MISUSE OF RECORDS**

It is a crime to obtain criminal history record information in an unauthorized manner, use the information for an unauthorized purpose, disclose the information to a person who is not entitled to the information or provide a person with a copy of the person's criminal history record information or violation of a rule adopted by the Department of Public Safety under state law (NRS 179A.110).

#### **812.5**

##### **RELEASE OR DISSEMINATION OF PROTECTED INFORMATION**

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Division Manager for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Office may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Section to ensure proper documentation of the release (see the Records Release and Security Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of deputies, other office members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

#### **812.6**

##### **SECURITY OF PROTECTED INFORMATION**

The Sheriff will select a member of the Office to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

- a) Developing and maintaining security practices, procedures and training

- b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems
- c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks
- d) Tracking, documenting and reporting all breach of security incidents to the Sheriff and appropriate authorities

### **812.6.1**

#### **MEMBER RESPONSIBILITIES**

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

### **812.7**

#### **PROTECTION OF CRIMINAL HISTORY RECORD INFORMATION**

Criminal history shall be stored in the Records Section where constant personnel coverage will be provided. Criminal history stored elsewhere shall be secured in locked desks, locked file cabinets or in locked rooms.

Direct access to criminal history stored in the Records Section shall be restricted to the Records Section personnel authorized to release it. Direct access to criminal history stored in desks, file cabinets and rooms outside the Records Section shall be restricted to those persons who possess both the right to know and the need to know the information.

### **812.7.1**

#### **COMPUTER TERMINAL SECURITY**

Computer terminal equipment capable of providing access to automated criminal offender record information is located in the Records Section, Dispatch and any other authorized area to preclude access by unauthorized persons.

No employee shall be authorized to operate computer terminal equipment with access to criminal history until the operator has completed the appropriate training.

### **812.7.2**

#### **RELEASE OF CRIMINAL HISTORY RECORD INFORMATION WITHOUT RESTRICTION**

The following criminal history records may be disseminated without restrictions (NRS 179A.100(1); NRS 179A.100(2)):

- a) Records reflecting a conviction only
- b) Records pertaining to an incident for which a person is currently within the criminal justice system, including parole or probation
- c) Disclosing records among agencies which maintain a system for the mutual exchange of criminal history records
- d) Agency to agency transfers, such as between this office and the prosecuting agency

**812.8  
TRAINING**

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

**812.9  
PENALTIES FOR MISUSE OF RECORDS**

It is a crime to obtain criminal history record information in an unauthorized manner, use the information for an unauthorized purpose, disclose the information to a person who is not entitled to the information or provide a person with a copy of the person's criminal history record information or violation of a rule adopted by Department of Public Safety under state law (NRS 179A.110).

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of Policy Manual § 341.

Employees who obtain, or attempt to obtain, information from the Office files other than that to which they are entitled in accordance with their official duties is a violation of Policy Manual § 341.



## **814 Computers and Related Digital Evidence**

### **814.1**

#### **PURPOSE AND SCOPE**

This policy establishes a guideline for the seizure and storage of electronic devices capable of storing digital evidence; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established case law and search and seizure provisions. This policy covers electronic devices capable of storing digital evidence to include, but not limited to: computers, cellular telephones, digital cameras, digital recording devices, digital media devices, and any other electronic or magnetic device capable of storing data to include DVD/CD's, and flash media drives. This policy applies to such evidence only when the data within the device is relevant to the investigation.

### **814.2**

#### **SEIZING COMPUTERS AND RELATED EVIDENCE**

Digital evidence requires specialized training and handling to preserve its value as evidence. Personnel should be aware of the potential to alter or destroy information through careless or improper handling and utilize the most knowledgeable available resources. When seizing digital evidence and accessories the following steps should be taken:

- a) Photograph each item in place, from multiple sides when possible. Make attempts to photograph any cord or data line connections before alteration or removal of data lines when applicable.
- b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence and/or documents including possible passwords.
- c) If the device is a laptop or desktop computer and is found in the powered off state, do not turn it on.
- d) If the device is a laptop or desktop computer and is found in the powered-on state, members of the Northern Nevada Cyber Center should be contacted for direction. Any access to files or live examination should be avoided by non-trained personnel except for exigent circumstances. If members of the Northern Nevada Cyber Center or other specially trained personnel cannot be contacted, shutdown the computer or laptop through the normal shutdown procedure.
  1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
  2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery.
- e) Label each item with case number, evidence sheet number and item number.
- f) Handle and transport the electronic devices and other digital evidence (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost. Do not transport or store near speakers.
- g) Properly log and submit all seized evidence to the Evidence Section. Do not store computers where normal room temperature and humidity is not maintained.

- h) At minimum, personnel should document the following in related reports:
  - 1. Where the evidence was located and whether it was in operation.
  - 2. Who was using it at the time?
  - 3. Who claimed ownership?
  - 4. If it can be determined, how it was being used.
- i) In most cases when digital evidence is involved in criminal acts and is in the possession of the suspect, the evidence itself and all storage devices (e.g., hard drives, tape drives and disk drives) should be seized along with all media. Accessories (e.g., printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should be seized when used directly in the commission of the crime and all evidence may be subject to forfeiture.
- j) If a cellular telephone is located and it is powered on leave the phone on and attempt to put it into airplane mode. If the phone cannot be put into airplane mode, then remove the SIM card and place the phone in a Faraday bag. If a Faraday bag is unavailable, then wrapping the cellular telephone with several layers of aluminum foil can isolate the cellular telephone from the network. If the cellular telephone is powered off, then leave it off. If you encounter an iPhone that is powered on and passcode protected, then contact members of the Northern Nevada Cyber Center immediately as successful extraction of data is time sensitive (typically five hours of less from last successful unlock).
- k) All other digital devices which may include pagers, DVR's, GPS units, etc., should be shut down and batteries removed if possible. If charging cables are available from the scene, they should also be seized with the devices.
- l) Members of the Northern Nevada Cyber Center may use other techniques and procedures not listed in the policy as long as it's consistent with operating procedures and techniques approved by the Northern Nevada Cyber Center.

#### **814.2.1**

##### **BUSINESS OF NETWORKED COMPUTERS**

If the device is a business server, special care must be taken to prevent undue business interruptions or damage to the business network. Cases involving servers require specialized handling. Personnel should contact a trained individual for instructions or a response to the scene. In some cases, personnel may need to include business or corporate IT staff to assist or properly shut the system down prior to seizure. It may be possible to perform an on-site inspection, or to image the hard drive of the involved computer. Digital Evidence Examiners from the Northern Nevada Cyber Center or designee should be contacted prior to any seizure.

#### **814.2.2**

##### **FORENSIC EXAMINATION OF COMPUTERS**

If an examination is being requested of the data contained upon any of the devices listed in 814.1, a request will be submitted to the Northern Nevada Cyber Center or other authorized entity. A request shall include the following information:

- a) Copy of report(s) involving the digital evidence or case number of the report if electronically stored.
- b) Copy of a consent to search form signed by the computer owner, user of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.
- c) A listing of the items to search for (e.g., photographs, financial records, E-mail, documents, names, words, etc.).
- d) Current storage location of the evidence and must have a chain of custody form associated with the item(s).
- e) Any special circumstances relating to the evidence such as upcoming court proceedings.



- f) Digital Evidence will be examined only by trained personnel.

### **814.3**

#### **SEIZING DIGITAL STORAGE MEDIA**

- a) The original digital media shall remain in evidence until properly authorized to release or when properly checked out for investigative or court purposes.
- b) Digital images that are enhanced to provide a better-quality photograph for identification and investigative purposes must only be made from a copy of the original media.
- c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.
- d) If any digital evidence contains personal identifying information (other than the owner's) or images/videos of child pornography, proper release or disposal of the evidence must be completed. Under no circumstances should digital evidence containing images/videos of child pornography be released to any unauthorized person. Digital evidence containing personal identifying information from unknown sources may not be released except to the owner of the device when they are authorized to maintain that information.



## **901 Incline Substation Temporary Holding Facility**

### **901.1**

#### **PURPOSE AND SCOPE**

The Incline Substation is a temporary holding facility. Each detainee held there should only be held for the time needed for processing and either transfer to the Washoe County Detention Facility or release. A detainee who is eligible for an O/R release or able to post bail shall be released in a timely manner.

### **901.1.1**

#### **SUPERVISION OF PRISONERS**

A deputy or constable will monitor arrestees for the duration of their time at the Incline Substation.

### **901.1.2**

#### **DEFINITION OF PRISONERS IN THE TEMPORARY HOLDING FACILITY**

- a) Arrestees will be given one (1) hour in which to arrange for bail or a bail bond.
  - 1. If the arrestee states that they cannot arrange bail and the subject does not qualify for an own recognizance release, the arresting deputy will make arrangements to transport the arrestee to the Washoe County Detention Facility.
- b) Arrestees who are unable to make arrangements within the initial 60 minutes may have their time extended, dependent upon the circumstances causing the delay and/or the effect that the delay will have on substation staffing.
  - 1. Time extensions should be reasonable in duration and require a supervisor's approval.

### **901.1.3**

#### **PHONE CALLS**

- a) Arrestees will be allowed a reasonable amount of phone calls to coordinate their release in accordance with NRS 171.153.
  - 1. Reasonable includes one completed call to a friend or bail bondsman and one completed call to an attorney.
- b) A deputy or constable will be in the booking office when phone calls are made to ensure the calls are reasonable and the arrestee is not making threats, etc. to the person being called.
  - 1. Long distance calls must be made either "collect" or with a phone/credit card.



## 902 Custody Searches

### 902.1

#### **PURPOSE AND SCOPE**

The purpose of this policy is to establish consistent Office procedures regarding frisks (pat-down searches), searches incident to arrest, booking and strip searches of arrested persons, pre-arraignment detainees, and post arraignment inmates.

### 902.2

#### **DEFINITIONS OF SEARCHES**

**Frisk (Pat-Down Search)** - This is a limited type of search used by deputies in the field when a deputy has a reasonable suspicion that an individual may be in possession of a weapon or other potentially dangerous item. Unlike a full search, a frisk is generally limited to a patting down of the outer clothing or the area immediately accessible to the individual to check for the possible presence of a potential weapon or dangerous items that could pose a danger to the deputy or others.

**Inventory Search** - This search involves a thorough search of an arrested individual's clothing and personal possessions. All pockets, cuffs and folds on the clothing are checked to locate all personal property, contraband or weapons. The prisoner's personal property is taken and inventoried. All bags and containers are searched and inventoried.

**Unclothed of Visual Body Cavity Search** - This is a search that requires a person to remove or rearrange some or all of his/her clothing to permit visual inspection of the underclothing, breasts, buttocks or genitalia of such a person.

**Physical Body Cavity Search** - This is a search that includes physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of a person, and the vagina of a female person.

### 902.3

#### **FRISKS (PAT DOWN SEARCHES)**

- a) When any deputy has reasonable suspicion to believe that a person suspected of criminal behavior or of violating conditions of parole or probation may possess weapons or other dangerous items, or in such circumstances the deputy reasonably believes that the individual may present a threat to officer safety, that deputy may frisk that individual (NRS 171.1232).
- b) Prior to detaining any individual in any Sheriff's Office vehicle, a deputy should conduct a frisk of that individual.
- c) Whenever practicable, a frisk of an individual should be conducted by a deputy of the same sex as the person being frisked. Absent the availability of a same sex deputy, it is recommended that a witness deputy be present during any frisk of an individual of opposite sex as the deputy conducting the frisk.
- d) For inmates, any time a deputy has an objective or administrative reason related to safety and security.

#### **902.4**

##### **BOOKING SEARCHES**

A booking search will be conducted on all detained persons upon entrance into the Washoe County Jail.

#### **902.5**

##### **UNCLOTHED SEARCHES**

Persons held at a Washoe County Sheriff's Office facility shall be subjected to an unclothed search at the Intake showers (Station 6). All persons will be viewed in an unclothed manner by a commissioned member of the same sex and shall be completed either prior or at the conclusion of showering process.

An unclothed search outside of the scope of the Intake showers (Station 6) shall be conducted when there is reasonable suspicion based upon specific and articulable fact(s) to lead a reasonable officer to believe the person 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 pat-down search that may be a weapon or contraband and cannot be safely retrieved without an unclothed-search.
- b) Circumstances of a current arrest that may specifically indicate the person may be concealing a weapon or contraband. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- c) Custody history (past possession of contraband while in custody, assaults on staff, escape attempts).
- d) The person's actions or demeanor.
- e) Criminal history (level of experience in a custody setting).
- f) Nature of charges relating to Controlled Substances, possession and/or sales.
- g) Any arrested person who turns themselves in to the Washoe County Sheriff's Office as a self-surrender.
- h) Any arrested person being transferred into the custody of the Washoe County Sheriff's Office through the Department of Prisons or Parole and Probation.

No transgender or intersex prisoner shall be searched or examined for the sole purpose of determining the prisoner's genital status. If the prisoner's genital status is unknown, it may be determined during conversations with the prisoner, by reviewing medical records, or, if necessary, as part of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

#### **902.6.1**

##### **UNCLOTHED SEARCH PROCEDURES**

Unclothed searches at Washoe County Sheriff's Office facilities shall be conducted as follows:

- a) Authorization from the Intake Sergeant or Watch Commander shall be obtained prior to the unclothed search.
- b) Unless the search is conducted by authorized medical personnel, all employees involved with the unclothed search shall be of the same sex as the person being searched. (28 CFR 115.115).

- c) All unclothed searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that the search cannot be observed by persons not participating in the search. The search shall not be reproduced through a visual or sound recording.
- d) Whenever possible, a second deputy of the same sex should be present during the search for security and as a witness to the finding of evidence.
- e) Employees conducting an unclothed search shall not touch the breasts, buttocks or genitalia of the person being searched.
- f) The primary employee conducting the search shall prepare a written report to include:
  - 1. The facts that led to the decision to perform a strip search
  - 2. The reasons less intrusive methods of searching were not used or were insufficient
  - 3. The verbal notification of authorization for the search, obtained Intake Sergeant or the Watch Commander
  - 4. The name of the person who was searched
  - 5. The name and sex of the persons who conducted the search
  - 6. The name, sex and role of any person present during the search
  - 7. The time and date of the search
  - 8. The place at which the search was conducted
  - 9. A list of items, if any, recovered during the search
  - 10. The facts upon which the employee based his/her belief that the person searched was concealing a weapon or controlled substance, if the person was not arrested for a felony
- g) No employee should intentionally view a prisoner's private underclothing, buttocks, genitalia or female breasts while that person is showering, performing bodily functions or changing clothes unless the prisoner otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the prisoner with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the prisoner's consent and/or otherwise protect the prisoner's privacy and dignity.

### **902.6.2**

#### **VISUAL/PHYSICAL BODY CAVITY SEARCH**

- a) No person arrested shall be subjected to a body cavity search without a search warrant and approval of a supervisor.
- b) A copy of the search warrant and the results of any body cavity search shall be included with the related reports and made available, upon request, to the prisoner or authorized representative.
- c) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse or Intermediate or Advanced Medical Technician (EMT) may conduct a manual body cavity search.
- d) Except for the above mentioned licensed medical personnel, persons present must be of the same sex as the person being searched. Privacy requirements, including restricted touching of body parts, are the same as the strip search standard.
- e) A body cavity search of any form shall be conducted at the hospital and by the appropriate hospital staff.



## **904 Prison Rape Elimination Act**

### **904.1**

#### **PURPOSE AND SCOPE**

The Washoe County Sheriff's Office has zero tolerance to all forms of sexual abuse and sexual harassment of inmates. 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 inmates in the Washoe County Detention Facility. This Office will take immediate action to protect an inmate who is reasonably believed to be subject to a substantial risk of imminent sexual abuse or sexual harassment. This 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.

### **904.1.1**

#### **DEFINITIONS**

Definitions related to this policy include:

**Sexual abuse** – Any of the following acts, if the prisoner does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6)

Sexual abuse also includes abuse by a staff member, contractor or volunteer as follows, with or without consent of the prisoner or resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Contact between the mouth and any body part where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire

- Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described above
- Any display by a staff member, contractor or volunteer of his/her uncovered genitalia, buttocks or breast in the presence of a prisoner or resident.
- Voyeurism by a staff member, contractor or volunteer (28 CFR 115.6).

**Sexual harassment** - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one prisoner or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a prisoner or resident by a staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

**Transgender** - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

**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).

## 904.2

### **SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS**

Prisoner victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

No prisoner who alleges sexual assault abuse shall be required to submit a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.

## 904.3

### **PREA COORDINATOR**

The Sheriff shall appoint an upper-level manager to develop, implement and oversee office efforts to comply with PREA standards in the Washoe County Sheriff's Office Temporary Holding Facilities (28 CFR 115.11). 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 Washoe County Sheriff's Office prisoners includes the requirement to adopt and comply with applicable PREA and PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112)
- c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect prisoners from sexual abuse (28 CFR 115.113). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year

- d) Developing methods for staff to privately report sexual abuse and sexual harassment of prisoners (28 CFR 115.151)
- 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; 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 and administrative investigation is completed on all allegations of sexual abuse or sexual harassment
  - 3. A process to document all referrals to other law enforcement agencies
  - 4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented
  - 5. In accordance with security needs, provisions to permit, to the extent available, prisoner access to victim advocacy services if the prisoner is transported for a forensic examination to an outside hospital that offers such services
- g) Ensuring that prisoners with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing or vision disabilities) (28 CFR 115.116)
  - 1. The agency shall not rely on other prisoners for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the prisoner's safety, the performance of first-response duties under this policy, or the investigation of a prisoner's allegations of sexual abuse, harassment or retaliation.
- h) Publishing on the Office's website:
  - 1. Information on how to report sexual abuse and sexual harassment on behalf of a prisoner (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 for lockups.
  - 2. The data shall be aggregated at least annually.



- j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Temporary Holding Facilities used to house prisoners overnight (28 CFR 115.193).
- k) Ensuring contractors or others who work in the Temporary Holding Facility are informed of the agency's zero-tolerance policy regarding sexual abuse or sexual harassment (28 CFR 115.132).

#### **904.4**

##### **REPORTING SEXUAL ABUSE AND SEXUAL HARASSMENT**

Prisoners may make reports verbally, in writing, privately or anonymously of any of the following (28 CFR 115.151):

- Sexual abuse
- Sexual harassment
- Retaliation by other prisoners or staff for reporting sexual abuse or sexual harassment
- Staff neglect and violation of responsibilities that may have contributed to sexual abuse or sexual harassment

During intake the Office shall notify all prisoners of the zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Office and that is able to receive and immediately forward prisoner reports of sexual abuse and sexual harassment to agency officials. This allows the prisoner to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

#### **904.4.1**

##### **MEMBER RESPONSIBILITIES**

Office members shall accept reports from prisoners and third parties and shall promptly document all report (28 CFR 115.151).

All members shall report immediately to the Watch Commander any knowledge, suspicion or information regarding:

- a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility
- b) Retaliation against prisoners of the member who reports any such incident
- c) Any neglect or violation of responsibilities on the part of any office member that may have contributed to an incident or retaliation (28 CFR 115.161)

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

#### **904.4.2**

##### **WATCH COMMANDER RESPONSIBILITIES**

The Watch Commander 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 Watch Commander shall also report the allegation as required under mandatory reporting laws and Office policy.

Upon receiving an allegation that a prisoner was sexually abused while confined at another facility, the Watch Commander 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 Watch Commander shall document such notification (28 CFR 115.163).

If an alleged prisoner victim is transferred from the Temporary Holding Facility to a jail, prison or medical facility, the Office shall, as permitted by law, inform the receiving facility of the incident and the prisoner's potential need for medical or social services, unless the prisoner requests otherwise (28 CFR 115.165).

## **904.5 INVESTIGATIONS**

The 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).

### **904.5.1 FIRST RESPONDERS**

The first deputy responding to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

- a) Separate the parties
- b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.
- c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.
- d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

If the first responder is not a deputy the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

### **904.5.2 INVESTIGATOR RESPONSIBILITIES**

Investigators shall (28 CFR 115.171):

- a) Gather and preserve direct and circumstantial evidence, including any available physical or 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 suspect
- d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be obstacle for subsequent criminal prosecution
- e) Assess the credibility of the alleged victim, suspect or witness on an individual basis and not by the person's status as a prisoner or a member of the Washoe 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 District Attorney for possible prosecution, including any time there is probable cause to believe a prisoner sexually abused

another prisoner in the Temporary Holding Facility (28 CFR 115.178)

- h) Cooperate with outside investigators and remain informed about the progress of any outside investigation

### **904.5.3**

#### **ADMINISTRATIVE INVESTIGATIONS**

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this office shall not be used as a basis for terminating an investigation (28 CFR 115.171).

### **904.5.4**

#### **CONCLUSIONS AND FINDINGS**

A final written report that details the investigation into the incident should be forwarded to the Sheriff. The Sheriff 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 prisoners and reported to any relevant licensing bodies (28 CFR 115.177). The Sheriff shall take appropriate remedial measures and consider whether to prohibit further contact with prisoners by a contractor or volunteer.

### **904.6**

#### **RETALIATION PROHIBITED**

All prisoners and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Watch Commander or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for prisoner victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for prisoners or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Watch Commander or the authorized designee shall identify a staff member to monitor the conduct and treatment of prisoners or members who have reported sexual abuse and of prisoners who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of prisoners, such monitoring shall also include periodic status checks.

## **904.7**

### **REVIEWS AND AUDITS**

#### **904.7.1**

##### **INCIDENT REVIEWS**

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

- a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.
- b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.
- c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
- d) Assess the adequacy of staffing levels in that area during different shifts.
- e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Sheriff and the PREA Coordinator. The Sheriff or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

#### **904.7.2**

##### **DATA REVIEWS**

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

- a) Identification of any potential problem areas.
- b) Identification of any corrective actions taken.
- c) Reconditions for any additional corrective actions
- d) A comparison of the current year's data and corrective actions with those from prior years.
- e) An assessment of the office's progress in addressing sexual abuse.

The report shall be approved by the Sheriff and made readily available to the public through the office website or, if it does not have one, through other means. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from Washoe County Sheriff's Office facilities and private facilities with which it contracts shall be made readily available to the public at least annually

through the office website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

#### **904.8**

##### **RECORDS**

The Office shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Office, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

#### **904.9**

##### **TRAINING**

All employees, volunteers and contractors who may have contact with prisoners shall receive office-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Sergeant shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- a) The Office's zero-tolerance policy and prisoners' right to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment
- b) The dynamics of sexual abuse and harassment in confinement settings, including which prisoners are most vulnerable
- c) The right of prisoners and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse and harassment
- d) Detecting and responding to signs of threatened and actual abuse
- e) Communicating effectively and professionally with all prisoners
- f) 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):

- a) Techniques for interviews sexual abuse victims
- b) Proper use of *Miranda* and *Garrity* warnings
- c) Sexual abuse evidence collection in confinement settings
- d) Criteria and evidence required to substantiate a case of administrative action or prosecution referral

The Training Sergeant shall maintain documentation that employees, volunteers, contractors and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current employees and volunteers who may have contact with prisoners shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such employees and volunteers to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.



## **1000 Recruitment and Selection**

### **1000.1**

#### **PURPOSE AND SCOPE**

The employment policy of the Washoe County Sheriff's Office shall provide equal opportunities for applicants and its employees regardless of race, sexual orientation, gender identity or expression, age, pregnancy, religion, creed, color, national origin, ancestry, disability, 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 NRS Chapter 613. The rules governing employment practices for this Office are maintained by the Washoe County Department of Human Resources.

### **1000.2**

#### **APPLICANT QUALIFICATIONS**

Candidates for job openings will be selected based on merit, ability, competence and experience.

### **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 Washoe County Department of Human Resources maintains standards for all positions.

The Nevada Peace Officer Standards and Training Commission (POST) statutorily prescribes minimum standards for employment and a pre-employment investigation of a candidate's background (NRS 289.510 and NAC 289.110) (Commissioned applicants only).

The Washoe County Sheriff's Office also conducts background checks for civilian candidates seeking employment. In addition, background checks are conducted on individuals assigned to the Sheriff's Office by other County departments or individuals temporarily working at the Sheriff's Office such as contractors or vendors.

The purpose of the background investigation is threefold:

1. to learn how an applicant has behaved under a wide variety of circumstances (and from this base a prediction concerning future performance as an employee),
2. to verify all statements made by an applicant in his/her application,
3. to prevent this office from hiring a person who will prove unqualified.

### **1000.3.1**

#### **BACKGROUNDS INVESTIGATION UNIT**

Members selected to screen the applicant must carefully evaluate the information developed from the background investigation before giving the Sheriff's Office the facts of each applicant's suitability for employment. Investigators are tasked with investigating criminal history,

employment history, driving history, and personal history in order to provide the Office with all pertinent information for an informed decision in applicant selection.

Investigators are fact finders reporting all facts of an investigation to the Office regarding each applicant's suitability for employment based on "Rejection Criteria" established by the Washoe County Sheriff's Office and minimum standards defined in Nevada Administrative Code 289.110 (NRS 289.510) used by the selected member to document all facts necessary to the background investigation.

#### **1000.4**

##### **DECEPTION DETECTION DEVICE**

The Nevada Peace Officer Standards and Training Commission (POST) statutorily requires a lie detector test to be completed on each applicant applying for a Deputy Sheriff position. The Washoe County Sheriff's Office uses a Computer Voice Stress Analysis (CVSA) to fulfil the statutory requirement.

The investigator operating the CVSA, being used in the selection process will be certified in the use of the instrument. A candidate must successfully pass the CVSA to be considered for a Deputy Sheriff position.

#### **1000.5**

##### **BACKGROUND INVESTIGATIONS**

Background investigations are conducted on all Washoe County Sheriff's Office 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 is included along with interviews of individuals familiar with the candidate. This information is used to make an informed decision on the candidate's suitability for employment (NAC 289.110 1 (a)).

Background investigations shall be conducted by members of the Office who have been trained in conducting background investigations or in accordance with the Background Investigation Manual adopted by the Office.

#### **1000.6**

##### **RECORDS**

All background source materials will be filed in the candidate's background file at the Washoe County Sheriff's Office. All testing/selection materials certifying a job class list will be maintained by the Washoe County Human Resources Department.

#### **1000.7**

##### **RECORDS RETENTION**

Selection materials will be retained as required by the Office records retention schedule. All selection materials for those individuals not hired will be maintained for a minimum of three years in the Department of Human Resources.

- a) A record of each applicant's background investigation must be maintained on file for at least two years, archived at Records Retention for five years, and scanned into Web Extender. All background investigations for candidates that are hired as employees shall be maintained for the length of employment.

- b) The background investigation of applicants and candidates are confidential, and these records or information cannot be released to the public or news media.
- c) The foregoing records and information will be disseminated only:
  - 1. To criminal justice agencies as necessary or appropriate for the administration of criminal justice
  - 2. Upon the lawful order of a court of competent jurisdiction
  - 3. As required by law or ordinance, or written directive of this Office
  - 4. Upon signed waiver for release of information from the member

## **1000.8**

### **SECURITY BACKGROUND CLEARANCES**

The following guidelines are provided to maintain a standard procedure for complying with federal, state and local security guidelines. The Washoe County Sheriff's Office adheres to the federal DOJ CJIS Security Policy and the state NCJIC Security Policy.

#### **1000.8.1**

##### **DEFINITIONS (SECURITY CLEARANCE)**

**Auxiliary Support** - Any Washoe County employee or contracted employee from any agency within the county other than the Sheriff's Office, who has any type of access to confidential and/or secured areas within the Sheriff's Office. These include, but are not limited to, full-time, part-time or contracted employees of:

- Washoe County Technology Services
- Washoe County Reprographics
- Washoe County Micrographics
- Washoe County General Services
- Washoe County Public Works

**Vendor/Contractor** - A company that the Sheriff's Office has contracted with (i.e., any vendor who install computer equipment and/or software, helpdesk employees, construction company employees and any employee of any vendor that has access to secure areas within the Office, including but not limited to:

- Technical Vendors
- Construction Companies
- Security Vendors
- Janitorial
- Office Supply Companies

**Professional** - Any employee of a company or agency requesting visiting privileges with inmates. Any employee of a company or agency providing professional services to inmates. Professionals include, but are not limited to:

- Lawyers
- Social Workers
- Counselors

**Volunteer** - Any member of any volunteer organization including those units sanctioned and run by the Sheriff's Office and **who do not have access to the secure areas within the Office.**



**Medical** - All contracted medical personnel will be assigned to the Washoe County Sheriff's Office's Detention Division administration for clearance. Any person hired by the contracted medical vendor for the Detention Bureau, including but not limited to:

- Doctors
- Nurses
- Any health service staff from another agency or department
- Counselors

**Nevada DPS Criminal History Repository** - The state of Nevada Criminal history Repository is part of the Department for Public Service of the Nevada Highway Patrol. The repository is responsible for maintaining all aspects of the state criminal history databases.

**Nevada Department of Public Safety/Nevada Highway Patrol (NDPS/NHP)** - The control terminal agency for the State of Nevada and the liaison between the FBI and all criminal justice agencies within the state. The CJIS Security Office (CSO) is the final authority on any NCIC/NCJIS questions within the state.

**Nevada Crime Information Center (NCIC)** - Federal criminal justice computer systems and database maintained by the FBI.

**Nevada Criminal Justice Information System (NCJIS)** - Maintained and run by the Nevada Department of Public Safety and the only way to transmit information to NCIC.

#### **1000.9**

##### **DISQUALIFYING CRITERIA (SECURITY CLEARANCE)**

The following criteria may disqualify an individual from having access to the office:

- Any felony or gross misdemeanor arrest(s) without a disposition
- Any felony or gross misdemeanor conviction(s)
- Fugitive from Justice Status
- Any misdemeanor charge(s) deemed unacceptable by reviewing the authorized employee from either the state or FBI. See 1000.3.1, 1000.3.2, 1000.3.3

#### **1000.10**

##### **REVIEW (SECURITY CLEARANCE)**

- Any background check that includes criminal history printouts (NCIC/NCJIS) must be reviewed by an authorized Sheriff's Office employee who has passed a state and national fingerprint-based record check and has been certified for NCIC/NCJIS access.
- Depending on the circumstances of the arrest/conviction, the age of the arrest/conviction, and/or the degree of security required in the area to be accessed, the Nevada CSO may grant or deny access.
- All records relating to backgrounds must be maintained on site and available to the TAC for review by federal and state auditors. These records must be maintained until the end of the project or until a person no longer needs or has access to the facility.
- Once the review is completed, the requester will receive whatever ID access card is deemed appropriate.



## **1002 Evaluation of Employees**

### **1002.1**

#### **PURPOSE AND SCOPE**

The Office's employee performance evaluation system is designed to record work performance for both the Office and the employee, providing recognition for good work and developing a guide to improvement.

### **1002.2**

#### **POLICY**

The Washoe County Sheriff's Office utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Office evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to 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 objective documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

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.

If the efforts mentioned above do not change the behavior or the performance, non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Employees may receive progressive discipline or be placed on a Performance Improvement Plan (PIP) if unacceptable behavior and/or substandard performance is not corrected.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing within 10 days of the employee receiving the evaluation in memorandum format.

### **1002.3.1**

#### **RESERVE DEPUTY EVALUATIONS**

Reserve deputy evaluations are covered in the Reserve Deputy Policy.

### **1002.4**

#### **FULL-TIME PROBATIONARY PERSONNEL**

Washoe County Code 5.219 requires a report of performance at the end of the 3rd and 5th month for each employee serving a 6-month probationary period. For those employees serving a 12-month period, a performance report is due at the end of the 3rd, 8th, and 11th month of employment. Employees in a documented Field Training Program (FTO) may receive daily, weekly and/or monthly reports which can be used as supporting material for the employee's performance evaluation.

### **1002.5**

#### **FULL-TIME REGULAR STATUS PERSONNEL**

Regular employees are subject to three types of performance evaluations:

**Annual** – An Employee Performance Evaluation shall be completed once each year by the employee's supervisor 15 days before, but no more than 15 days after 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 15 days before, but no more than 15 days after the anniversary of the employee's date of last promotion (reference Washoe County Code 5.283).

**Periodic** – A periodic observation form referred to as an S-400 should be completed by a Supervisor to record an employee's overall performance so that the employee will be evaluated objectively during the entire rating period.

**Special** – A special evaluation, or Performance Improvement Plan (PIP), may be completed any time the rater or the rater's supervisor determines one is necessary due to employee performance and/or behavior that is deemed less than standard. In all cases, the employee will be placed on a Special Evaluation if the employee receives two or more unsatisfactory ratings resulting in an overall rating of "Does Not Meet Proficiencies." Generally, the Special Evaluation is a 90-day evaluation period tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (e.g., action plan, remedial training, retraining).

### **1002.5.1**

#### **RATINGS**

When completing the Employee Performance Evaluation, the rater will place a check mark in the column that best describes the employee's performance/ the definition of each rating category is as follows:

**Meets Proficiencies** – Is the performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

**Does Not Meet Proficiencies** – Is a level of performance less than that expected of a fully competent employee and less than standard required of the position. A "Does Not Meet

Proficiencies” rating must be thoroughly discussed and documented with the employee. Two or more unsatisfactory ratings on an annual evaluation will result in the employee receiving an overall rating of “Does Not Meet Proficiencies,” which will then trigger a Special Evaluation.

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. Supervisor comments are optional but if used, will only contain information directly related to an employee’s job performance. Comments should be supported by S400’s, actual events, training certificates, progressive discipline, or other quantifiable means. Any rating under any job dimension marked unsatisfactory shall be substantiated in the rater comments section.

### **1002.6**

#### **EVALUATION INTERVIEW**

When the supervisor has completed the preliminary evaluation, arrangements should be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the just completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor will ensure that the employee initials the acknowledgment areas for Harassment/Discrimination policies and other information available and document the discussion with the employee of the Washoe County reporting requirements in any instance where an employee claims to have been harassed or discriminated against. In any instance where an employee refuses to initial the acknowledgement or report, that refusal will be documented in writing.

### **1002.7**

#### **EVALUATION REVIEW**

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the Division Captain. The subsequent levels of supervision should review the evaluation for fairness, impartiality, uniformity, and consistency.

### **1002.8**

#### **EVALUATION DISTRIBUTION**

The original performance evaluation shall be maintained in the employee’s personnel file in the Personnel/Payroll Office of the Sheriff for the tenure of the employee’s employment. A copy will be given to the employee and a copy will be forwarded to the Washoe County Department of Human Resources.



## **1004 Special Assignment and Transfer Policy**

### **1004.1**

#### **PURPOSE AND SCOPE**

It is the policy of the Washoe County Sheriff's Office to assign and use human resources in the most efficient, effective, and productive manner. Personnel should, whenever possible, gain new skills and training from their duty assignments which will allow for advancement and professional progression. Professional development requires a certain amount of job movement.

### **1004.2**

#### **SPECIAL AND ADMINISTRATIVE ASSIGNMENTS DEFINED AND LENGTH OF ASSIGNMENTS**

A deputy sheriff shall be considered assigned to a special assignment when the following applies:

- The deputy occupies a position for which he/she tested or interviewed for and for which the deputy is taken off the shift bid for Detention or Patrol.
- A deputy temporarily assigned on a Temporary Duty (TDY) shall be considered in a special assignment if the length of the temporary assignment exceeds 180 days. Said deputy shall be required to wait the term of one year before being eligible to apply for any special assignment.

Special assignments will include, but not be limited to the following list. The Sheriff may, for reasonable and articulable operational needs, reassign members when necessary.

#### **Operations**

- Detectives/Special Operations Division (SOD)
  1. Detective assignments include the following units: Crimes Against Children, Crimes Against Persons, Property Crimes, Cyber, DEA, FBI, ROP, RNU, RSONU, RCSU, RGU, HEAT, U.S. Marshalls, FIST, or any other regional unit staffed with a detective.
  2. Detective division assignments will be four (4) consecutive years. Detectives may be extended following their initial four years, in increments of one year, not to exceed Fourteen (14) consecutive years.
- Civil
  1. Civil deputy assignments will be three (3) consecutive years.
- Regional Gang Unit
  1. Gang unit assignments will be three (3) consecutive years.
- Search and Rescue
  1. SAR deputy assignments will be three (3) consecutive years.

- K9/HIDTA
  1. K9 deputies will remain in the unit for the working life of their K9. Based on circumstances, such as the failure of the K9 to perform or injury or death of the K9, the Sheriff may extend the deputy for the duration of a replacement K9's working life.
  2. Deputies assigned to HIDTA, without a K9, will be four (4) consecutive years.
  
- Raven
  1. The RAVEN pilot(s), based on performance and the needs of the agency, are permanently assigned.
  2. RAVEN Full-time TFO will not exceed three (3) consecutive years.

**Patrol**

- Community Liaison
  1. Community Liaison assignments will be three (3) consecutive years.
- Misdemeanor Complaints
  1. Misdemeanor Complaints assignments will be three (3) consecutive years.
- Motors
  1. Motors will be six (6) consecutive years.
  2. Deputies assigned as a Certified Motor Training Officer will be given an additional three (3) years, not to exceed nine (9) consecutive years.
- Gerlach Resident
  1. Gerlach resident deputy assignments will be a minimum three (3) consecutive years; however, may be extended based on the needs of the agency and the member's desire to continue their residency.

**Detention**

- Detention Services Unit (DSU)
  1. Detention Services Unit assignments will be three (3) consecutive years.
- Fire Safety
  1. Fire Safety assignments will be three (3) consecutive years.
- Inmate Management Unity
  1. Inmate Management Unit assignments will be three (3) consecutive years.
- District Court
  1. A deputy assigned to District Court as a bailiff will not exceed four (4) consecutive years.
  2. Video Court/Video Arraignment positions will not exceed four (4) consecutive years.
- Court Transportation
  1. Court Transportation unit assignments will be three (3) consecutive years.

**Administration**

- Academy Deputy
  1. A deputy assigned to the academy will be three (3) consecutive years.
- Backgrounds
  1. A deputy assigned to backgrounds will be five (5) consecutive years.
- Training
  1. A deputy assigned to training will be three (3) consecutive years.

- Public Information Officer
  1. A deputy assigned as a PIO will be three (3) consecutive years.
- Armorer/Ranger Master
  1. A deputy assigned as the full-time range master and armorer will be assigned for four (4) consecutive years. Deputies may be extended following their initial four years in increments of two (2) years, not to exceed twelve (12) consecutive years.

### **1004.3**

#### **ADMINISTRATIVE ASSIGNMENTS**

Based on unique performance requirements, certain other special assignments will be made by the Sheriff or his/her designee to meet the needs of the Office, a bureau or division.

These assignments are "at will" assignments.

All other special assignments will be for a period of three (3) years unless extended by the Sheriff based on the needs of the Office and after meeting and conferring with the Deputies Association.

Members assigned to special assignments will be in probationary status as it relates to the special assignment for the first six (6) months of their assignment. The deputy will be returned to his/her previous duty assignment if he/she cannot perform in the capacity of the special assignment.

### **1004.3.1**

#### **TRANSFERS**

- A member may request a transfer from a specialized unit back to the "line" (patrol/detention) at any time. Such transfers are not considered automatic. The final decision will be based on training funds expended and needs of the Sheriff's Office.
- The division captain will request such a release be approved by their bureau chief.

### **1004.3.2**

#### **INSUFFICIENT APPLICATION/BIDS**

If advertised positions receive insufficient or no applications/bids, the Sheriff may fill the positions by either interviewing or assigning deputies to those positions.

### **1004.4**

#### **ANNOUNCEMENTS, APPLICATION AND DISPUTES**

- Openings will normally be announced by the posting and distribution of a memo by the Administrative Captain initiated by the division chief deputy/manager/captain or his/her designee.
- Eligibility criteria will be outlined in the announcement.
- Announcements will normally be posted and advertised for a minimum period of two (2) weeks.
- Applications will be made in writing.
- The application should set forth why the member believes he/she is qualified and meets the criteria.
- Disputes over qualifications, procedures, or final selections will be mediated by the Sheriff or his/her designee in discussion with the association(s).

### **1004.5**

#### **ELIGIBILITY**

- A newly hired member must have completed one (1) year of service before he/she is eligible to apply for any special assignment.
- The division chief deputy will be responsible for approving the criteria for selection.
- Seniority can be considered during the selection process if the applicant demonstrates an ability and competency to perform the job.
- Members rotating out from a specialized assignment will not be eligible for another special assignment, nor may they apply for another special assignment for a period of one (1) year after leaving the special assignment, even if the new special assignment is within another division.
- Members on light duty may not apply or test for a special assignment.
- If a deputy is in special assignment for over half of their commitment and the position is eliminated. The deputy will not be eligible for another special assignment until completing one (1) year on the line.

### **1004.6**

#### **SUPERVISOR EXEMPTION**

All commissioned supervisory positions of captain, lieutenant, and sergeant are considered special assignments and subject to periodic rotation as delineated by the Sheriff or his/her designee. None of the aforementioned policy statements apply to supervisors.

### **1004.7**

#### **SPECIAL ASSIGNMENT AGREEMENT**

Each special assignment deputy mentioned in this policy will complete a Special Assignment Agreement. This agreement will identify the unit of assignment, the length of assignment, and any unique conditions associated with the assignment.





## **1008 Hepatitis and HIV Testing**

### **1008.1**

#### **PURPOSE AND SCOPE**

The purpose of this policy is to provide for the reporting of exposure to a contagious disease and the testing procedures in accordance with state law.

### **1008.2**

#### **REPORTING REQUIREMENTS**

Any employee who believes he/she has been exposed to a contagious disease, including contact with bodily fluids of an individual, while on duty shall complete all forms and petitions as required by the local health authority (NRS 441A.195(1) and (3)) and Washoe County Policy. These documents include Employer's Report of Industrial Injury or Occupational Disease (C-3 Form), Washoe County Risk Management Supervisor's Report of Injury Form, Notice of Injury or Occupational Disease Incident Report (C-1 Form) and the Exposure Report Form.

The completed forms shall be submitted to payroll by the end of the shift during which the incident occurred, or if not practicable, within 48 hours of the incident.

Following a report of an exposure incident, the Sheriff's Office shall make immediately available to the exposed employee a confidential medical evaluation and follow-up. Certain treatment options, including post exposure prophylaxis, are time sensitive and may be most effective within two hours of exposure.

When possible, medical treatment should be sought at Washoe County's contracted medical provider (Concentra Medical Center).

- Concentra after hours and weekend contact number: (775)223-2502.

### **1008.2.1**

#### **CONFIDENTIALITY OF ALL REPORTS**

All information obtained and reported pursuant to this procedure shall be kept confidential and may not be released except as provided by law (NRS 441A.220).

### **1008.2.2**

#### **FILE FALSE REPORT**

Any employee who willfully files a false request for HIV testing may be subject to discipline.

### **1008.3**

#### **REQUEST FOR HEPATITIS OR HIV TESTING**

Any employee who may have been exposed and desires that the individual be tested for Hepatitis B, Hepatitis C or HIV may petition a court to obtain an order requiring the individual to be tested (NRS 441A.195(1) and NRS 212.189).

Voluntary written consent should be sought from the individual being tested before a court order is requested.

**1008.3.1**

**TESTING PROCEDURE**

If an individual has consented or is ordered by the court to be tested, such tests shall consist of two blood samples withdrawn in accordance with generally accepted medical practices. All test samples shall be submitted in accordance with Medical Staff's protocol and will be sent to appropriate contract lab for testing (NRS 441A.195(3)).

**1008.3.2**

**TEST RESULTS**

The hospital or laboratory shall disclose all test results to the exposed employee (NRS 629.069(1)) and to the Worker's comp medical provider, Concentra Medical Center.

**1008.4**

**POST-EXPOSURE**

A post-exposure evaluation will be made available to the employee by a licensed healthcare professional (ARC Health and Wellness) as soon as possible. Part of the evaluation will include the Hepatitis B vaccine, if requested (29 CFR 1910.1030(f)).

The Sheriff's Office shall obtain and provide the employee with a copy of the healthcare professional's written opinion within 15 days of the completion of the evaluation.

**1008.5**

**AVAILABLE COUNSELING**

Employees who have been exposed and/or have tested positive, may seek counseling through Washoe County's Employee Assistance Program (EAP) or Workman's Compensation Benefits.



## **1010 Reporting of Employee Arrests, Court Proceedings, Court Orders, and Convictions.**

### **1010.1**

#### **PURPOSE AND SCOPE**

Arrests and 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 Office of any arrests, court proceedings, court orders past and/or current criminal convictions.

### **1010.2**

#### **DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS**

Nevada 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.

### **1010.3**

#### **CRIMINAL CONVICTIONS**

Any person convicted of a felony is prohibited from being a peace officer in the State of Nevada. This prohibition applies regardless of whether the convicted person's civil rights were restored (NRS 289.555).

Even when legal restrictions are not imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by a member of this office may prohibit him/her from carrying out law enforcement duties.

- State law prohibits any person convicted of a felony, an unlawful user or addict of any controlled substance, a person who is mentally ill or illegally in the United States from possessing a firearm (NRS 202.360).
- If a person is convicted of a crime involving family violence or stalking or is currently subject to a restraining order, injunction of the other order for protection against domestic violence, it will be unlawful for the person to carry a concealed weapon (NRS 202.3657).

### **1010.3.1**

#### **COURT ORDERS**

All employees shall promptly notify through their chain of command, if they are part of any court order. Court orders for failure to pay child support or comply with certain subpoenas or warrants may require suspension of their peace officer certificate (NRS 289.580).

**1010.4**  
**REPORTING PROCEDURES**

All members of this office and all retired deputies with an identification card issued by the Office shall promptly notify their immediate supervisor (or the Sheriff in the case of retired deputies) in writing of any arrest, court proceeding, court order, past and/or 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 Office shall further promptly notify their immediate supervisor (or the Sheriff in the case of retired 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.

**1010.5**  
**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 similar 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 a sealing/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 up to and including termination. The 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.



## 1012 Substance Abuse

Refer to Washoe County Policy and Practice.



## **1014 Sick Leave Policy**

### **1014.1 PURPOSE AND SCOPE**

Employees of this office are provided with a sick leave benefit that gives them continued compensation during times of absence due to personal or family illness. The number of hours available is detailed in the employee's respective personnel manual or applicable collective bargaining agreement. 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 (FMLA) (29 CFR 825.100).

The intent of this policy is to comply with county, state and federal law regarding the use of sick leave.

### **1014.2 EMPLOYEE RESPONSIBILITIES**

Sick leave may be used for absences caused by illness, injury, temporary disability, including pregnancy and maternity, for adoption of a child if the member is required to stay home with the child, or for medical, dental or vision exams or medical treatment of the member or the member's immediate family when it is not possible to schedule such appointments during nonworking hours.

Sick leave is not considered vacation and abuse of sick leave may result in discipline. Members on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational or other activity which may impede recovery from the injury or illness.

#### **1014.2.1 NOTIFICATION**

Members, whether commissioned or civilian, shall notify an immediate supervisor, the Watch Commander or other appropriate supervisor as soon as they are aware that they will not be able to report to work. At a minimum, members shall, make such notification 2 hours before the start of their scheduled shift. Extenuating circumstances may exist in which the employee is unable to notify a supervisor two hours in advance, at which time the employee shall notify an immediate supervisor as soon as they are aware that they will not be able to report to work. If a member is unable to contact the supervisor in the case of an emergency, every effort should be made to have a representative contact the supervisor.

Members shall notify the on-duty supervisor from their unit of assignment when they have any temporary or permanent medical condition or mental health problem which impairs the members' ability to fully perform all of the duties which the member may be required to perform on the job. Except as otherwise provided by law/CBA, any member having such a condition shall provide relevant medical or psychological records to the Office upon request.

When the necessity for leave is foreseeable, such as an expected birth, adoption or planned medical treatment, the employee shall, if required, provide the Sheriff or designee (through proper chain of command) with evidence of such need.

### **1014.3 EXTENDED ILLNESS**

Members on extended absences shall, if possible, contact their unit supervisor during absence to



provide an update on their absence and expected date of return. For absences in excess of three (3) days, or in cases where there is reasonable suspicion of abuse, the office may require the employee to submit substantiating evidence, including, but not limited to, a physician's certificate.

Members on modified duty and/or absent for more than eighty (80) work hours will be required to have their treating health care provider complete the Essential Job Functions worksheet for their current position prior to their release to full duty; and/or in the event the release to full duty after being on modified duty be conditioned on continuing limitations imposed by the treating health care provider.

In the event the member returns to full duty without having the Essential Job Functions completed by the treating health care provider, the member may be temporarily reassigned to other duties until the Office receives the completed Essential Job Functions. Members are responsible for notifying their Division Captain or his/her designee in advance, when possible, of ongoing treatment and potential return date to full or modified duty. Members are responsible for obtaining the Essential Job Functions Worksheet from their supervisor.

#### **1014.4 SUPERVISOR RESPONSIBILITY**

Supervisors will monitor sick leave usage and regularly review the attendance of members under their command to ensure that the use of sick leave is consistent with this policy. Supervisors will address sick leave use in the member's performance evaluation when it has negatively affected the member's performance or ability to complete assigned duties and when unusual amounts of sick leave by the member has had a negative impact on office operations. When appropriate, supervisors should council members regarding the excessive use of sick leave and should consider referring the member to the Employee Assistance Program.

[Washoe County Manager/Supervisor Sick Leave Usage Guide](#)



## **1016 Communicable Diseases**

### **1016.1**

#### **PURPOSE AND SCOPE**

This policy is intended to provide guidelines for office personnel to assist in minimizing the risk of contracting and/or spreading communicable diseases and to minimize the incidence of illness and injury. The policy will offer direction in achieving the following goals:

- a) To manage the risks associated with blood borne pathogens (BBP), aerosol transmissible diseases, and other potentially infectious substances
- b) To assist Office personnel in making decisions concerning the selection, use, maintenance, limitations, storage, and disposal of personal protective equipment (PPE)
- c) To protect the privacy rights of all Office personnel who may be exposed to or contract a communicable disease during the course of their duties
- d) To provide appropriate treatment and counseling should an employee be exposed to a communicable disease

### **1016.1.1**

#### **DEFINITIONS**

**Biohazard or Bloodborne Pathogen** - Infectious biological agents or hazardous biological materials that present a potential or actual health risk.

The words "blood" or bloodborne" refer not only to blood but also to other fluids or materials that could include pathogens, including but not limited to blood, saliva, semen, mucous, tears, vomit, vaginal fluid, feces, and any combination of any such fluids or materials.

### **1016.2**

#### **PROCEDURES FOR CONTACT WITH BLOOD OR BODY FLUIDS**

All Office personnel who may be involved in providing emergency medical care or who come in contact with another person's blood or body fluids (e.g., during an altercation or while attending to any injured person) shall follow these procedures and guidelines.

### **1016.2.1**

#### **EXPOSURE CONTROL OFFICER**

For purposes of this policy, the Sheriff will refer to the County Risk Manager as this Office's Exposure Control Officer (ECO). The Training Section will liaison with the Risk Manager to help facilitate the following:

- a) The overall management of the BBP Exposure Control Plan (ECP).
- b) 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 BBP and other communicable diseases.
- c) 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 exposure control plan.



- d) The ECO will maintain an up-to-date list of Sheriff's Office personnel requiring training, develop and implement a training program, maintain class rosters and quizzes and periodically review the training program.
- e) The ECO will review and update the Exposure Control Plan annually (on or before January 1st of each year).

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.

#### **1016.2.2**

##### **UNIVERSAL PRECAUTIONS**

All human blood and body 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 body fluid types, all body fluids are to be assumed potentially infectious.

#### **1016.2.3**

##### **PERSONAL PROTECTIVE EQUIPMENT**

Personal protective equipment 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:

- a) Not less than two pair disposable latex gloves (Keeping a box in the car recommended)
- b) Safety glasses or goggles
- c) Rescue mask with a one-way valve
- d) Alcohol, or similar substance, to flush skin at emergency site.
- e) Maintaining alcohol hand wipes in the car is recommended

The protective equipment is personal issue and/or available to employees as they need to be replenished. The deputies are accountable for the items at the start of each shift.

#### **1016.2.4**

##### **IMMUNIZATIONS**

All 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.

#### **1016.2.5**

##### **WORK PRACTICES**

All personnel shall use the appropriate barrier precautions to prevent skin and mucous membrane exposure whenever contact with blood or body 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 body fluids. Should one's disposable gloves become contaminated with blood or other body 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 material.

Eating, drinking, smoking, applying lip balm and handling contact lenses shall be prohibited in areas where a potential for an exposure exists.

### **1016.3**

#### **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 body fluids:

##### **1016.3.1**

#### **USE OF WASTE CONTAINERS**

Deputies shall dispose of biohazard with the on-scene fire response vehicle, at the attending clinic or hospital with their approval or in an appropriately marked biohazard waste container at the station immediately upon arrival.

The biohazard waste container located at the station shall be leak-proof, red or appropriately labeled with a biohazard warning and routinely emptied.

##### **1016.3.2**

#### **DECONTAMINATION OF SKIN AND MUCOUS MEMBRANES**

Personnel shall wash their hands immediately, on scene if possible, or as soon as possible following the removal of potentially contaminated gloves. 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 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.

##### **1016.3.3**

#### **SHARPS AND ITEMS THAT CUT OR PUNCTURE**

All personnel shall avoid using or holding sharps (e.g., needles, blades) unless needed to do so while assisting a paramedic or collecting them for evidence. Unless required for evidentiary reasons related to evidence preservation, employees are not to 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. In addition, 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. Rather, 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.

#### **1016.3.4**

##### **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 Office 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 discarding.

#### **1016.3.5**

##### **DECONTAMINATION OF PERSONAL PROTECTIVE EQUIPMENT**

After using any reusable personal protective equipment, it shall be washed or disinfected and stored appropriately. If the personal protective equipment is non-reusable (e.g., disposable gloves), it shall be discarded in a biohazard waste container as described in Policy Manual §

1016.3.4.

Any personal protective equipment that becomes punctured, torn or loses its integrity, shall be removed as soon as feasible. The employee shall wash up and replace the personal protective equipment if the task has not been completed. If any failure of personal protective equipment results in a contaminated non-intact skin event, Policy Manual § 1016.3.2 shall be implemented.

Contaminated reusable personal protective equipment that must be transported prior to cleaning it shall be placed into a biohazard waste bag and transported in the ambulance, paramedic truck or Sheriff's Office 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.

#### **1016.3.6**

##### **DECONTAMINATION OF NON-DISPOSABLE EQUIPMENT**

Contaminated non-disposable equipment (e.g., flashlight, gun, baton, clothing, portable radio) shall be decontaminated as soon as 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 Environmental Protection Agency (EPA).

While cleaning equipment, pay close attention to handles, controls, corners, crevices and portable radios. Equipment cleaning shall not be done in the kitchen, bathrooms or other areas not designated as the 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 of.

### **1016.3.7**

#### **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. 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 into a biohazard waste bag and make arrangements for processing with the Washoe County Purchasing's contracted dry-cleaning vendor designated to provide decontamination services. This dry cleaning will be done at the Office's 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.

### **1016.3.8**

#### **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.

### **1016.3.9**

#### **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 and consuming food and drink are prohibited in this designated area at all times.

### **1016.4**

#### **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(s).

### **1016.4.1**

#### **EMPLOYEE RESPONSIBILITY TO REPORT EXPOSURE**

In order to provide appropriate and timely treatment should exposure occur, all employees shall verbally report the exposure to their immediate supervisor and complete a written exposure report as soon as possible following the exposure or suspected exposure. The report shall be submitted to the employee's immediate supervisor. Additionally, employees should document in the exposure report whether they would like the person who was the source of the exposure to be tested for communicable diseases.

### **1016.4.2**

#### **SUPERVISOR REPORTING REQUIREMENTS**

The supervisor on-duty shall investigate every exposure that occurs as soon as possible following the incident, while gathering the following information:

- a) Names and social security numbers of the employee(s) exposed
- b) Date and time of incident
- c) Location of incident
- d) The potentially infectious materials involved
- e) Source of material or person
- 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 incident
- j) Actions taken post-event (e.g., clean-up and notifications)

The supervisor shall use the above information to prepare a written summary of the incident, its causes and recommendations for avoiding similar events. This report will be provided to the Personnel/Payroll Department, the consulting physician and to the County's Risk Manager.

### **1016.4.3**

#### **MEDICAL CONSULTATION, EVALUATION, AND TREATMENT**

Any employee who received exposure or suspected exposure shall be seen by a physician (or qualified health care provider) as soon as possible (NRS 441A.200).

An employee who may have been exposed to a contagious disease may petition a court for an order requiring testing of another person who may have exposed the deputy to a reportable disease (NRS 441A.195(1)).

The employee petitioning the court shall submit information concerning the possible exposure to the designated health care provider and Risk Manager (NRS 441A.195(2)).

If the court determines that a possible transfer of blood or other bodily fluids occurred, the court shall order the blood of the person responsible for the exposure to be taken and tested (NRS 441A.195(3)).

The employee shall be made aware of the laws and regulations concerning disclosure of the identity and infectious status of a source. If possible, the exposed employee will be informed of the source's test results.

The health care professional shall provide the Personnel/Payroll Department and/or the County's Risk Manager with a written opinion/evaluation of the exposed employee's situation. This opinion shall only contain the following information:

- a) If a post-exposure treatment is indicated for the employee
- b) If the employee received a post-exposure treatment
- c) Confirmation that the employee received the evaluation results
- d) 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.

### **1016.4.4**

#### **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 in the strictest confidence (NRS 441A.220).

The Personnel/Payroll Department shall be responsible for maintaining 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 (NRS 441A.230).

**1016.5**

**TRAINING**

The Sheriff's Office shall ensure that all employees with a risk of occupational exposure participate in a training program related to the Bloodborne Pathogens Exposure Control Plan. Employees will be required to participate in annual refresher training program required by the Blood borne Pathogen Standard, 29 CFR 1910.1030.



## **1018 Smoking**

Refer to Washoe County Policy and Practice



## **1020 Personnel Complaints**

### **1020.1**

#### **PURPOSE AND SCOPE**

The purpose of this procedure is to provide guidelines for the reporting, investigation and disposition of complaints regarding the conduct of commissioned and non-commissioned members of the Washoe County Sheriff's Office). The Office investigates all complaints and allegations of misconduct, whether initiated through a citizen's complaint or from within the Office. All allegations will be documented and investigated in an adequate and expedient manner.

Additional guidance, provisions, changes or additions may be contained in the Collective Bargaining Agreements and NRS Chapter 289, which applies only to commissioned members.

### **1020.1.1**

#### **DEFINITIONS**

**Citizen Complaint** – Any allegation or complaint regarding misconduct or poor performance by a member of this Office is brought forth by a person who is not a member and is not being handled as a Class I or Class II complaint. The term does not include incidents of member misconduct or poor performance that are discovered or reported from within the Office.

- a) Citizen complaints may be reclassified as needed to ensure a complete investigation.

Inquiries about member conduct or performance which, even if true, would not qualify as a violation may be handled informally by an Office supervisor and shall not be considered a complaint. These may generally include clarifications regarding policy, procedures or the Office's response to specific incidents.

**Class I Complaints** - All complaints or issues brought forward or reported concerning a member that involve:

- b) Corruption or illegal conduct
- c) Unnecessary or excessive force
- d) Abuse of authority
- e) Violation of rights
- f) Language, conduct, or behavior that is derogatory of a person's race, religion, creed, or nationality
- g) Sexual harassment
- h) Violence in the workplace

**Class II Complaints** - All complaints or issues brought forward or reported concerning a member that does not involve the characteristics of a Class I Complaint.

**Investigation** - An administrative investigation, conducted by the Office, of alleged misconduct by a member that could result in punitive action.



**Punitive Action** - A disciplinary action, including, but not limited to, dismissal, demotion, suspension, reduction in salary, written reprimand or transfer. **Report of Misconduct** – Any allegation of misconduct that is brought forward by another member of this Office. The term does not include incidents of member misconduct that are reported as citizen’s complaints.

**Risk Management Investigation** – An investigation of all incidents for which litigation has begun, or there is the appearance the issue may result in litigation.

## **1020.2**

### **AVAILABILITY AND ACCEPTANCE OF COMPLAINTS**

#### **1020.2.1**

##### **AVAILABILITY OF CITIZEN COMPLAINT FORMS**

Citizen complaint forms will be maintained at the front desk and the website of the Office.

Watch commanders and supervisors will maintain Citizen Complaint forms as part of their equipment and shall make them available to citizens.

Each Watch Commander shall be responsible for monitoring public satisfaction or inquiries regarding the citizen complaint process and shall forward any suggestions for improvement or changes up the chain of command.

#### **1020.2.2**

##### **ACCEPTANCE OF CITIZEN COMPLAINTS**

All citizen complaints will be courteously accepted by any member of the Office and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may be filed verbally either in person or by telephoning the Office and will be accepted by any supervisor. If a supervisor is not immediately available to take a verbal complaint, the receiving member shall obtain contact information sufficient for the supervisor to re-contact the complainant. The supervisor upon re-contact of the complaint shall complete and submit the Citizen Complaint form as appropriate.

This administration recognizes that some complaints are minor in nature and may be resolved at the lowest level of supervision, without the need for an investigation. In these cases, the supervisor of the member complained about will resolve the issue, document the circumstances in a memorandum form and forward the information to the chief deputy for review. The chief deputy shall determine whether any additional action is needed.

**Citizen Complaints Lodged in Person** - Although not required, citizens should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained. The following should be considered before taking a complaint:

- a) When the complainant is intoxicated to the point where his/her credibility appears to be unreliable, identifying information should be obtained and the person should be provided with a Citizen Complaint form to be completed and submitted at a later time. However, if the intoxicated person insists on filing the complaint, the complaint shall be taken and properly processed.
- b) When it appears to the member accepting the complaint that the complainant is under the influence, may be suffering from a mental disorder, or there are indications that the

complainant displays any other trait or condition that may have bearing on the complainant's credibility, the member shall note these observations and conditions or any other pertinent remarks on the reverse side of the original report. This report will include the observation of any physical marks, injuries or characteristics that may have bearing on the complaint. All such remarks and statements on the reverse side of this report shall be followed by the signature and commission number of the member making the remarks. This information will not be provided to the complainant.

- c) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with their parents or guardians present and after the parents or guardians have been informed of the circumstances prompting the complaint.
- d) The original and first copy of the report will then be placed into a sealed envelope and forwarded to the Office of Professional Integrity.
- e) When an uninvolved supervisor or the Watch Commander determines that the reporting person is satisfied that their complaint required nothing more than an explanation regarding the proper/improper implementation of Office policy or procedure, a complaint need not be taken.
- f) When the allegations of a complaint concern a situation of felonious conduct, excessive force within the previous 8 hours, or any other incident considered to be urgent or of significance, the on-duty supervisor will be made aware of the situation and immediately contact a member of the Office of Professional Integrity, in addition to any other command staff which may warrant notification. The member accepting the complaint is still responsible for the initial report even though other investigators may respond. The fact that appropriate notifications have been made will be noted on the reverse side of the original report forwarded to the Office of Professional Integrity.

**Citizen Complaints Received by Mail** - Any member receiving a citizen's complaint by mail will place the complaint and the envelope in a sealed envelope and forward to the Office of Professional Integrity.

**Citizen Complaints Received by Telephone** - Any member accepting a complaint by telephone must complete a Citizen Complaint Report and shall enter on the report, either typed or in the member's own handwriting, all the pertinent information. In the complainant's signature box, the accepting member shall print or type the words, "telephone complaint".

- a) Once completed, the accepting member shall place all the copies in a sealed envelope and forward to the Office of Professional Integrity. The complainant will be advised that the complaint will be forwarded to the Office of Professional Integrity. If the complainant revealed his or her name, address and telephone number, the complainant will also be advised that a member of this Office will contact the complainant.
- b) For any type of complaint, the receiving supervisor will initiate a report using "BLUE TEAM" to collect the necessary information and make a secondary notification to the Office of Professional integrity. This will be done in accordance with SOP 20.00.

The requirement of Complaints Lodged in Person above apply to telephone complaints.

### **1020.2.3**

#### **REPORT OF MISCONDUCT BY A MEMBER OF OFFICE**

**Misconduct Observed or Discovered by a Member's Superiors** - The majority of observed or discovered incidents of member misconduct or poor performance are minor departures from the directives of this Office. Supervisors have the responsibility and the authority to adjudicate these

minor transgressions and administer the proper corrective action. Any incidence of misconduct or poor performance requiring an interview, interrogation and/or an investigation and which may result in disciplinary action will be forwarded or submitted to the Office of Professional Integrity. Any member discovering or observing Class I misconduct shall immediately notify their division chief deputy, who shall notify the Undersheriff. The Undersheriff will notify the Office of Professional Integrity.

**Reports of Misconduct** - In all cases of misconduct, members are not only encouraged, but required to report incidents of misconduct. Members may report misconduct by other members to any of the following:

- a) Their immediate supervisor or the supervisor of the member(s) perpetrating the misconduct.
- b) Their division chief deputy
- c) The Undersheriff
- d) The Office of Professional Integrity

### **1020.3**

#### **INITIAL SUPERVISOR RESPONSIBILITY**

A supervisor who becomes aware of alleged misconduct or receives a citizen complaint shall take reasonable steps to prevent aggravation of the situation.

In general, the primary responsibility for the investigation of a citizen complaint shall rest with the member's immediate supervisor. The Sheriff or authorized designee may, however, direct that another supervisor investigates it. The supervisor shall be responsible for the following:

- a) A supervisor receiving a citizen complaint involving allegations of a potentially serious nature shall ensure that the Watch Commander, Commanding Officer, the Office of Professional Integrity and Sheriff are notified as soon as practicable.
- b) A supervisor receiving or initiating any citizen complaint shall ensure that a Citizen Complaint form has been completed as fully as possible. The original Citizen Complaint form will then be directed to the Commanding Officer of the accused member, via the chain of command, who will take any appropriate action and/or forward the complaint to the Office of Professional Integrity for further action.
  1. During the preliminary investigation of any complaint, the supervisor should make every reasonable effort to obtain names, addresses and telephone numbers of additional witnesses.
  2. When appropriate, immediate medical attention should be provided and photographs of alleged injuries as well as accessible areas of non-injury should be taken.
  3. 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 and/or the Sheriff or his/her designee who will initiate appropriate action.
  4. A supervisor dealing with an accused member shall ensure that the procedural rights of the member are followed pursuant to the member's Collective bargaining agreement and state and federal law.
  5. When the nature of a citizen complaint relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination, the supervisor receiving the complaint shall promptly contact the Sheriff or his/her designee for direction regarding their role in investigating and/or addressing the complaint.

#### **1020.4**

##### **ASSIGNMENT TO ADMINISTRATIVE LEAVE**

A member shall be placed on administrative leave pending an investigation when gross misconduct is alleged, when the safety of the public or employees is at risk, when the presence of the member in the workplace presents an impediment to the continued functioning of the workplace.

A commissioned member may be reassigned without his/her consent during or pursuant to an investigation or hearing related to a complaint of misconduct when the Office finds, based on specific facts or circumstances, that reassignment is necessary to maintain the efficient operation of the Office. NRS 289.057(5).

#### **1020.4.1**

##### **ADMINISTRATIVE LEAVE**

A member placed on administrative leave may be subject to the following guidelines:

- a) Except as provided in a collective bargaining agreement, a member placed on administrative leave shall continue to receive regular pay and benefits until all investigations relating to the matter have concluded.
- b) A member placed on administrative leave may be required by a supervisor to relinquish any badge, Office identification, assigned weapon(s) and any other office property and equipment.
- c) A member placed on administrative leave may be ordered to refrain from taking any action as an office employee or in an official capacity. The member shall be required to continue to comply with all policies and lawful orders of a supervisor.
- d) A member placed on administrative leave may be temporarily reassigned to a different shift, generally within normal business hours, during the pendency of the investigation and the member may be required to remain available for contact at all times during such shift and report as ordered.
- e) It shall be the responsibility of the assigning supervisor to promptly notify the member's Division Commander.

#### **1020.5**

##### **ALLEGATIONS OF CRIMINAL CONDUCT**

Where a member of this Office is accused of criminal conduct, a separate supervisor or assigned detective shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any administrative investigation may parallel a criminal investigation.

The Sheriff shall be notified as soon as practicable. The Sheriff may request a criminal investigation by an outside agency be conducted.

A member accused of criminal conduct shall be provided with all rights and privileges afforded by law and the applicable collective bargaining agreement.

Information administratively compelled from a member may be provided to a criminal investigator.

Criminal history may be disseminated by a law enforcement agency if the member has been convicted or the member is currently incarcerated or participating in parole and probation.

## **1020.6**

### **ADMINISTRATIVE INVESTIGATION WITH THE MEMBER**

Investigations of a minor nature may be assigned to the member's supervisor for investigation. More serious complaints will be assigned to the Office of Professional Integrity for investigation.

The following procedures shall be followed:

- a) The investigator shall not be the complainant, the ultimate decision-maker regarding disciplinary action, or have any personal involvement regarding the alleged misconduct.
- b) A commissioned member who is the focus of the investigation shall be provided notice in accordance with NRS Chapter 289.
- c) Interviews of accused members shall be conducted during reasonable work hours of the employee and, if the member is off duty, the member shall be compensated. (NRS 289.060(3)(a)).
- d) Off-duty interviews should only be conducted based on the seriousness of the investigation and other factors requiring that time is of the essence.
- e) An investigator may not interview a commissioned member at that person's home without prior permission of the commissioned member.
- f) No more than two interviewers should ask questions of an accused employee to prevent confusion or misunderstandings.
- g) All interviews shall be for a reasonable period and the member's personal needs shall be accommodated.
- h) No member shall be subjected to offensive or threatening language nor shall any promises, rewards or other inducements be used to obtain answers. Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively or be subject to discipline for insubordination. Nothing administratively ordered may be provided to a criminal investigator.
- i) Absent circumstances preventing it, the interviewer should record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that interview shall be provided to the member prior to any subsequent interview.
- j) A commissioned member who is the subject of an investigation that could result in punitive action may have two representatives of his/her choosing during his/her interrogation in accordance with NRS 289.080(1)). However, in order to maintain the integrity of each individual employee's statement, involved employees shall not consult or meet with representatives or attorneys collectively or in groups prior to being interviewed.

## **1020.6.1**

### **ADMINISTRATIVE SERVICES**

#### **1020.6.1.1**

##### **TESTING**

A member of this Office may be administratively ordered to submit to a blood, breath or urine test for alcohol and drugs under any of the following circumstances:

- a) When the member, whether on- or off-duty, is involved in a shooting or police related death
- b) When the member is involved in an injury or fatal accident while on-duty
- c) When the member is involved in an injury or fatal accident while operating any County owned vehicle whether on- or off-duty
- d) When the member is found to be exhibiting objective symptoms of intoxication or drug influence while on-duty

The use of compelled testing results shall be restricted to the administrative investigation.

#### **1020.6.1.2.**

##### **DISCLOSURE OF FINANCIAL INFORMATION**

Any commissioned member may be compelled to disclose personal financial information pursuant to proper legal process, if such information tends to indicate a conflict of interest with official duties, if the member is assigned to or being considered for a special assignment or to determine if the member is engaged in unlawful activity (NRS 289.030).

#### **1020.6.1.3**

##### **SEARCH OF OFFICE AREAS AND EQUIPMENT**

Members shall have no expectation of privacy when using telephones, computers, radios or other communications provided by the Office. These devices may be monitored or searched at any time.

Assigned lockers and personal storage spaces may be administratively searched upon a reasonable suspicion that misconduct has occurred and when the member has been given reasonable notice that the search will take place. The member may be present if such an accommodation does not delay the investigation.

All other Office-assigned areas (e.g., desks, office space and assigned vehicles) may be administratively searched by a supervisor, in the presence of an uninvolved witness, for non-investigative purposes (e.g., obtaining a needed report or radio). An investigative search of such areas shall only be conducted upon a reasonable suspicion that official misconduct is involved.

#### **1020.6.2**

##### **ADMINISTRATIVE INVESTIGATION POINT**

**Basic Procedures Applicable to Investigations** - Members who have been assigned the task of investigating citizen's complaints, misconduct, performance related issues or risk management cases may, consistent with the specific directives of this Office, utilize any recognized method of investigation.

Investigations generally follow a routine format, however, the need to conduct a thorough investigation may require some additional techniques the assigned investigator may not be familiar with. In each case, members should seek guidance from the Office of Professional Integrity regarding the format that best suits the individual case.

General investigative guidelines are provided in a training manual to all newly promoted supervisors. This manual is also available from the Office of Professional Integrity for anyone who may wish to review it.

**Request for Investigation** - Include the identity of the member(s), the identity of the assigned investigator(s), the initial date and source of the complaint. An investigation of a commissioned member shall not be conducted if the alleged misconduct occurred more than 1 year from the date of the filing of a complaint with the Office unless the alleged misconduct would be a crime punishable by state or federal law. NRS 289.057(1).

**Brief** - Provide a very brief summary of the facts giving rise to the investigation.

**Summary** - 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/Recommendation** - Disposition of each allegation and if the investigation warrants a recommendation regarding further action.

**Exhibits** - A separate list of exhibits (e.g., recordings, photos and documents) should be attached to the report.

## **1020.7**

### **DISPOSITION OF PERSONNEL COMPLAINTS**

Each allegation shall be classified with one of the following dispositions based on the totality of circumstances:

**Unfounded** - When the investigation discloses that the alleged act(s) did not occur or did not involve Office personnel. Additionally, 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 produced insufficient evidence or information to prove clearly or to disprove the allegations. This category is justified when, because of a lack of witnesses or other objective and persuasive proof, the complaint cannot be sustained. A lack of cooperation or unavailability of the complainant may also necessitate this conclusion. Under these circumstances, the determination of "not sustained" is justified but does not necessarily mean the allegation is untrue.

**Sustained** - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct. Evidence in a sustained complaint will be weighed by a preponderance of the factual evidence.

**Misconduct Not Based on Original Complaint** - Is used to indicate the discovery of sustained acts of misconduct that were not alleged in the original complaint.

**Successfully Concluded Through Conciliation** - "Conciliation" is an acceptable method of case resolution. Conciliation will be employed only after consultation with the Office of Professional Integrity and/or the Undersheriff. Conciliation does not replace disciplinary action but may lessen the severity of discipline, in some cases.

Policy 1020 – Personnel Complaints

## **1020.8**

### **COMPLETION OF INVESTIGATIONS**

Following completion of the investigation, the complete file is reviewed, and a Case Summary prepared by the investigator. The Case Summary a condensed version of the investigation (case point) in chronological order.

When the investigation is completed, the investigator shall forward all copies of the case report to the Office of Professional Integrity for review.

The investigator shall complete the assignments given by the Office of Professional Integrity and shall return the completed case to the Office of Professional Integrity.

Every investigator or supervisor assigned to investigate a complaint shall proceed with due diligence. Recognizing that factors such as witness availability and the complexity of allegations will affect each case, every effort should be made to complete each investigation and impose any disciplinary action in a timely manner.

Investigations should be completed within three months of the date the office becomes aware of the allegation. The Sheriff or his/her designee may extend the period to six months if the investigation reasonably requires such an extension.

Should additional time be required, a written request should be made to the Sheriff or his/ her designee, generally 30 days before the period expires, requesting an extension. A request for extension should include the reason for the request and the related completion date required. Such a request must be approved by the Sheriff or his/her designee.

If the nature of the allegation dictates that confidentiality is necessary to maintain the integrity of the investigation, the involved member(s) need not be notified of the pending investigation unless and until the member is interviewed or formally charged.

When considered complete, the case will be submitted to the Undersheriff for final approval. If the investigation determined the allegations to be Unfounded, Not Sustained or Exonerated, the Office of Professional Integrity will submit letters to the complainant as well as the member, stating the findings of the investigation.

Should the investigation determine the allegations to be Sustained, the case report will be submitted through the Undersheriff and appropriate chain of command to the lowest level of supervision for a recommendation for discipline. (This administration recognizes that certain cases may require a determination of discipline or resolution at a higher level.)

Once received, the Sheriff may accept or modify the classification and recommendation for disciplinary action contained in the report.

Within 30 days of the final review by the Sheriff, written notice of the findings shall be sent to the complaining party. This notice shall indicate the findings, however, will not disclose the amount of discipline, if any imposed.

Any complaining party who is not satisfied with the findings of the Office concerning their complaint may contact the Sheriff or designee to discuss the matter further.

## **1020.9**

### **CONFIDENTIALITY OF CONTENT OF INVESTIGATION**

The content of all investigations of complaints are confidential member personnel files. The content of the investigation shall not be revealed to other than the involved member or authorized personnel



except as required by applicable law this Policy. Legal counsel should be consulted prior to disclosure of investigation content not otherwise covered in this policy.

- a) After the investigation is completed and except as otherwise provided in Subsection (b), the reporting member, the member complained about and/or their officially recognized representatives may inspect the official file relating to their particular report of misconduct. The request must be in writing. All requests to inspect the official file relating to a report of misconduct must be submitted to the Office of Professional Integrity or to the Undersheriff. All such access to the Office of Professional Integrity investigation files shall be strictly controlled by the Undersheriff and the Lieutenant of the Office of Professional Integrity.
- b) After the investigation is completed, the following documents and information are confidential and may not be inspected or released except as required by applicable law and this Policy.
  1. Contents of the investigation of any criminal matter
  2. Intelligence information
  3. Information from a member's personnel file
  4. The performance or results of tests or the refusal of the accused to take a test, except that the results of a test may be released to the person submitting to the test
  5. Statements of members under penalty of discipline
  6. Internal memoranda between the Sheriff's Office and its legal counsel
  7. Materials compiled in anticipation of litigation, such as an attorney-investigator's worksheet
  8. Information provided by other governmental agencies, without their authorization for release
  9. Information that cannot be disseminated pursuant to Federal statute, state law, local ordinance or court order
  10. Identity of any person who has supplied information and has requested that his or her identity be withheld
  11. Identity of informants and the contents of their statements
  12. Information on matters totally unconnected to the requested report of misconduct
- c) After the investigation: The focus of an investigation may waive confidentiality and authorize release of the investigation to a third party. In the event that an accused member, or the representative of such member, knowingly makes false representations regarding any internal investigation and such false representations are communicated to any media source, the Office may disclose sufficient information from the member's personnel file to refute such false representations.
- d) During the investigation: A representative of the peace officer may inspect the following if related to the investigation and in the possession of the Office: (1) Physical evidence; (2) Audio recordings, photographs and video recordings; and (3) Statements made by or attributed to the peace officer. NRS 289.080(4). A request to inspect these materials shall be made in writing by the focus of the investigation and shall designate the representative who will inspect the materials. No copying of the items inspected will be allowed.

### **1020.9.1**

#### **RECORDS RETENTION**

The Office of Professional Integrity will maintain and secure files in accordance with current acceptable methods for the storage of classified documents. The Office of Professional Integrity will retain files of investigations for the period of time directed by current law and by recommendation of the Office of the District Attorney.

All records of investigations shall be securely maintained no less than the periods indicated below:

- a) Sustained Complaints resulting in formal discipline - 20 years
- b) Sustained Complaints resulting in informal discipline, such as verbal counseling or additional training - 18 months
- c) Inconclusive findings - 5 years, provided a 1-year infraction-free period proceeds date of destruction
- d) Complaints that are Not Sustained, Unfounded or Exonerated - 3 years
- e) Complaints that do not lead to an investigation - 2 years
- f) The Office of Professional Integrity will destroy original investigative files only:
  - 1) After the statute of limitations has passed for that particular case; and
  - 2) After the destruction of the case has been approved by the Undersheriff

## **1020.9.2**

### **SUSTAINED COMPLAINTS**

Before being placed in the member's file, the member will have an opportunity to read and initial the comment or document. If the commissioned member submits a written response within 30 days, the response will be attached to the comment or document (NRS 289.040(1) & (2)).

The commissioned member will receive a copy of any comment or document placed in the member's file (NRS 289.040(4)).

A copy of the disposition of the allegation of misconduct and a copy of the notice or adjudication of any punitive or remedial action will be the only documents related to the investigation which will be placed in the commissioned member's file.

If punitive action is taken, the commissioned member or a representative authorized by the member may, except as otherwise prohibited by federal or state law, review any administrative or investigative file maintained by the office relating to the investigation including any recordings, notes, transcripts of interviews and documents pursuant to NRS 298.057(3)(a).

Sustained complaints shall be maintained in the member's personnel file for the prescribed period. Complaints which are unfounded, exonerated or not sustained shall be maintained by the Office of Professional Integrity apart from the member's personnel file.

If the investigation concludes that the commissioned member did not violate a statute, policy, rule or regulation, the investigation shall not be reopened unless there is newly discovered material evidence. (NRS 289.057(3)(C)).

## **1020.9.2**

### **REMOVAL OF ACTION FROM PERSONNEL FILE**

Upon request, a commissioned member may review any administrative file of that commissioned member that does not relate to a current investigation (NRS 289.040(5)).

Records of the investigation and/or any punitive action may be maintained in a commissioned member's personnel file in accordance with the collective bargaining agreement. If a member identifies a complaint or allegation that should be removed from his/her personnel file, the member will write an office memorandum specifically asking for the item to be removed and the reasons for removal. (NRS 289.057(3)(b)) states that the law enforcement agency shall not, except as

otherwise required by federal or state law, keep or make a record of the investigation or the imposition of punitive action after the record is required to be removed.)



## **1022 Seat Belt Procedure**

### **1022.1**

#### **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 collision. 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 operating or riding in Office vehicles (NRS 484D.495).

#### **1022.1.1**

##### **DEFINITION**

**Child Passenger Safety Seat System** - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards set forth in 49 CFR Part 571 (NRS 484B.157).

### **1022.2**

#### **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 this office while on- or off-duty, or in any privately-owned vehicle while on-duty. The member driving such a vehicle shall ensure all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member of the public. Members must be prepared to justify any deviation from this requirement.

#### **1022.2.1**

##### **TRANSPORTING CHILDREN**

To be properly restrained as required in this policy, child passengers younger than 6 years of age and weighing 60 pounds or less shall be transported in an approved child restraint system in compliance with Nevada state law (NRS 484B.157).

A properly adjusted seat belt shall be worn by any child age 6 or older and by any child who is under age 6 and weighs more than 60 pounds (NRS 484D.495).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system or booster seat may be secured in the front seat of these vehicles provided this positioning meets the vehicle and child restraint system manufacturer's design and use recommendations and federal safety standards. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger side air bag should be deactivated. In the event this is not possible, deputies should arrange alternate transportation.

**1022.3**

**TRANSPORTING PRISONERS**

Safety belts are not required for the rear seats of Sheriff's Office vehicles. 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 (NRS 484D.495).

**1022.4**

**INOPERABLE SEAT BELTS**

No Sheriff's Office 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 belts except for vehicle maintenance and repair staff who shall do so only with the express authorization of the Sheriff of their designee.

Employees who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

**1022.5**

**VEHICLES MANUFACTURED WITHOUT SEATBELTS**

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.



## **1024 Body Armor**

### **1024.1**

#### **PURPOSE AND SCOPE**

The purpose of this policy is to provide sworn uniformed personnel with guidelines for the proper use of soft body armor.

### **1024.1.1**

#### **DEFINITIONS**

**Stakeout** - For purposes of this section, a stakeout is a pre-planned event where time and practicality allow deputies to put on body armor in anticipation of encountering armed or dangerous suspects or circumstances.

**Field Activities** - Duty assignments and/or tasks that place or could reasonably be expected to place deputies in situations where they would be required to act in enforcement rather than administrative or support capacities.

### **1024.2**

#### **POLICY**

It is the policy of the Washoe County Sheriff's Office to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

### **1024.2.1**

#### **USE OF SOFT BODY ARMOR**

The Office requires all personnel in Class A, B, or TDU uniforms to wear soft body armor while on duty.

The Office strongly encourages all personnel in Class C uniforms and civilian attire to wear soft body armor while on duty.

When deputies are assigned to an active tactical operation, stakeout, service of felony arrest warrant(s) or are serving a search warrant at a location where there is reason to believe a felony suspect may be present, body armor shall be worn unless circumstances dictate otherwise.

Body armor must be either Office-issued or Office-approved.

The Sheriff or his designee may exempt personnel from wearing soft body armor.

### **1024.2.2**

#### **NON-COMMISSIONED UNIFORMED PERSONNEL**

The Office makes it optional for all Sheriff Support Specialists (Field) and Outside Inmate Work Program Leaders in TDU or approved Sheriff's Office uniforms to wear soft body armor while on duty when outside the building, regardless of the assignment.

Body armor will be provided by the Washoe County Sheriff's Office for all Sheriff Support Specialists assigned to work in Uniformed Field Services and Outside Inmate Work Programs Leaders.

While on office / front desk duty, the wearing of soft body armor will be optional, however it will be stored within the secured area of the office kept close by if required for protective needs of the individual.

If purchased by the individual, an externally worn body armor carrier may be used. The carrier will be kept in a neat and clean condition, representing the Sheriff's Office in a professional manner. The carrier will be of standard issue and color, representing a uniform appearance.

### **1024.3**

#### **BODY ARMOR REPLACEMENT**

Body armor will be replaced within the manufacturer guidelines or within five (5) years. It is the individual deputy's responsibility to comply with expiration guidelines and turn in the vest being worn to supply upon receipt of their new vest.

### **1024.4**

#### **RANGEMASTER RESPONSIBILITIES**

The Rangemaster should:

- a) Monitor technological advances in the body armor industry for any appropriate changes to Office-approved body armor
- b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats
- c) Provide training that educates deputies about the safety benefits of wearing body armor



## **1026 Peace Officer Personnel Files**

### **1026.1**

#### **PURPOSE AND SCOPE**

This section governs the maintenance, retention and access to peace officer personnel files in accordance with applicable law. It is the policy of this Office to maintain the confidentiality of peace officer personnel files as required by law.

### **1026.2**

#### **TYPES OF PEACE OFFICER PERSONNEL FILES**

Under Nevada law, any file of a peace officer containing information, comments or documents about the peace officer is defined broadly as an "administrative file." (NRS 289.010(1)) The term does not include any file relating to an investigation into allegations of misconduct conducted pursuant to NRS 289.057 or a criminal investigation Under Nevada law, any file of a peace officer containing information, comments or documents about the peace officer is defined broadly as an "administrative file." (NRS 289.010(1)) The term does not include any file relating to an investigation into allegations of misconduct conducted pursuant to NRS 289.057 or a criminal investigation.

This Office maintains the above-described "administrative file" information in the following locations:

**Departmental File:** A file which is maintained in WCSO Payroll as a permanent record of a sworn deputy's employment with this office. This is different from the file maintained by Washoe County Department of Human Resources, which is not under the control of the Sheriff.

**Division/Supervisor File:** Any file which is separately maintained internally by an employee's supervisor(s) within an assigned bureau for the purpose of completing timely performance evaluations.

**Office of Professional Integrity (OPI) Files:** Those files that contain records relating to internal or criminal investigations of the employee (NRS 289.057).

**Training File:** Any file which documents the training records of an employee. Training files are kept in the WCSO Training section.

**Medical File:** A file which is maintained separately in WCSO payroll that exclusively contains material relating to an employee's medical history.



### **1026.2.1**

#### **THE DEPARTMENTAL FILE**

The Department File should contain, but is not limited to, the following:

- a) Performance evaluation reports regularly completed by appropriate supervisor(s) and signed by the affected employee shall be permanently maintained and a copy provided to the employee.
  1. The employee will have 30 calendar days after receiving the report to make a statement in writing which shall be attached to the performance evaluation.
- b) Disciplinary action.
- c) If a negative letter, memorandum, document or other notation of negative impact is included in a deputy's personnel file, the Office shall, within 30 days after the date of the inclusion, notify the affected deputy. The deputy may, on or before the 30th day after the date of receipt of the notification, file a written response to the negative letter, memorandum, document or other notation pursuant to NRS 289.040(1) and NRS 289.040(2).
  1. Any such employee response shall be attached to and retained with the original adverse comment.
  2. If an employee refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination nor shall it prohibit the entry of the adverse comment into the employee's file.
- d) Commendations shall be retained with a copy provided to the involved employee.
- e) Personnel Action Reports reflecting assignments, promotions and other changes in the employee's employment status.
- f) Personal data, including marital status, family members, educational and employment history or similar information.
- g) Election of employee benefits.
- h) Employee advancement or promotion.
- i) Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

### **1026.2.2**

#### **DIVISION/SUPERVISOR FILES**

The Division/Supervisor Files may contain, but are not limited to, the following:

- a) Supervisor log entries, notices to correct and other materials intended to serve as a foundation for the completion of timely Performance Evaluations.
  1. All materials intended for this interim file shall be provided to the employee prior to being placed in the file.
  2. Duplicate copies of items that will also be included in the employee's Office file may be placed in this interim file in anticipation of completing any upcoming performance evaluation.
  3. Once the permanent performance evaluation form has been made final, the underlying foundational material(s) and/or duplicate copies should be purged in accordance with this policy.
- b) All rules of confidentiality and disclosure shall apply equally to the division and/or supervisor file.
- c) A record of a supervisory intervention procedure or a policy and procedure inquiry regarding a deputy shall not be maintained except in the departmental file.

### **1026.2.3**

#### **PROHIBITED PERSONNEL FILE CONTENTS**

The personnel file may not contain:

- a) A letter, memorandum or document relating to alleged misconduct when there is insufficient evidence to sustain the charge of misconduct
- b) Documents regarding non-sustained complaints or violations. These may be retained by the Office of Professional Integrity files

### **1026.2.4**

#### **OFFICE OF PROFESSIONAL INTEGRITY FILES**

Office of Professional Integrity (OPI) files shall be maintained under the exclusive control of the Office of Professional Integrity in conjunction with the office of the Sheriff. Access to these files may only be approved by the Sheriff, the supervisor of the Office of Professional Integrity, or other applicable law or policy. These files shall contain:

- a) The complete investigation of all formal complaints of employee misconduct regardless of disposition.
  1. Each investigation shall be numbered within a calendar year beginning with the type of investigation; RM - Risk Management, CC - Citizen Complaint, IA - Internal Investigation, UOF - Use of Force, PUR - Pursuit, AC - Accident, followed by the calendar year and ending in the sequential number (e.g., RM/11-001, RM/11-002).
- b) Internal investigations shall be securely maintained for the minimum periods as identified in Policy Manual § 1020.9. Investigations that result in other than a sustained finding shall be maintained for the minimum statutory period but may not be used by the Office to adversely affect an employee's career.

### **1026.2.5**

#### **TRAINING FILES**

An individual training file shall be maintained by the Training Section for each employee. Training files will contain records of all training and education mandated by law or the Office, including firearms qualifications and mandated annual proficiency requalification.

- a) It shall be the responsibility of the involved employee to provide the Training Section or immediate supervisor with evidence of completed training/education in a timely manner.
- b) The Training Sergeant or supervisor shall ensure that copies of such training records are placed in the employee's training file.
- c) Employees are ultimately responsible for maintaining their own Training Records and should keep all original training documents for their personal records.

### **1026.2.6**

#### **MEDICAL FILES**

All medical information must be kept separate from other types of personnel files. There cannot be any medical information, medical notes, fitness for duty workers comp, FMLA etc. in any personnel file including the Department and/or the Divisional/Supervisor file. All medical information is kept in a medical file located in the Sheriff's payroll office only.

Medical history including medical leave of absence forms, fitness for duty examinations, workers compensation records, medical releases and all other records which reveal an employee's past, current or anticipated future medical conditions must be kept in a separate file located in the Sheriff's payroll office.

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, including but not limited to the following:

- a) Materials relating to 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 which reveals the employee's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

### **1026.3**

#### **CONFIDENTIALITY OF PEACE OFFICER PERSONNEL FILES**

The above-defined personnel records shall be deemed confidential and shall not be subject to disclosure except pursuant to applicable law or with the employee's consent.

### **1026.4**

#### **REQUESTS FOR RELEASE OF INFORMATION**

- a) Requests for the disclosure of information contained in any peace officer personnel file must be in writing and comply with applicable law. All requests shall be promptly brought to the attention of the Watch Commander, the Sheriff's payroll office, or other supervisor charged with the maintenance of such records.
- b) The request shall be logged in the applicable file(s).
- c) Upon receipt of any such request, the responsible supervisor shall notify the affected employee as soon as practicable that such a request has been made.
- d) The responsible supervisor shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this will require assistance of approved and available legal counsel.

### **1026.4.1**

#### **RELEASE OF INFORMATION**

- a) Except as provided by applicable law, no information contained in a peace officer personnel file shall be disclosed to any unauthorized person(s) without the expressed prior consent of the involved deputy or written authorization of the Sheriff or his/ her designee.
- b) Except as otherwise provided by law, the home address and any photograph of a deputy in the possession of the Office are not public information and are confidential (NRS 289.025).
- c) The Office may also release any factual information concerning a disciplinary investigation if the deputy who is the subject of the investigation (or the deputy's representative) publicly makes a statement which is published in the media and which the deputy, or representative, knew to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement.

## Policy 1026 - Peace Officer Personnel Files

The Office shall make available to a panel of an authorized review board any personnel file or other material necessary for the panel to conduct a review (NRS 289.387(5)).

### **1026.6**

#### **EMPLOYEE ACCESS TO OWN FILE**

Upon request, a deputy may review any administrative file of that deputy maintained by the Office that does not relate to a current investigation (NRS 289.040(5) and 613.075).

After the conclusion of the investigation, the deputy or his/her authorized representative may, except as otherwise prohibited by federal or state law, review any administrative or investigative file maintained by the Office relating to the investigation, including any recordings, notes, transcripts of interviews and documents if the investigation causes the Office to impose punitive action and the peace officer has received notice of the imposition of the punitive action (NRS 289.057(3)(a)).

Any peace officer seeking the removal of any item from his/her personnel file shall file a written request to the Sheriff through the chain of command. The Office shall thereafter remove any such item if appropriate or within 30 days provide the employee with a written explanation why the contested item will not be removed. If the contested item is not removed from the file, the employee's request and the Office's written response shall be retained with the contested item in the employee's personnel file. (NRS 289.040(1) and NRS 289.040(2)).

Employees may be restricted from accessing files containing any of the following information:

- a) Ongoing Office of Professional Integrity 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 Office of Professional Integrity files that have not been sustained against the employee.
- c) Criminal investigations involving the employee.

### **1026.7**

#### **BRADY MATERIAL IN PERSONNEL FILES**

Refer to policy 612 regarding Brady Material disclosures.



## **1028 Request for Change of Assignment**

### **1028.1**

#### **PURPOSE AND SCOPE**

It is the intent of the Office that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

### **1028.2**

#### **SPECIAL ASSIGNMENTS**

Personnel wishing a change of assignment are to make application in writing whenever an announcement is posted, and eligibility criteria is met.

#### **1028.2.1**

##### **SPECIAL ASSIGNMENT AGREEMENT**

This agreement will identify the unit of assignment, the length of assignment and any unique conditions associated with the assignment.

### **1028.3**

#### **PATROL TRANSFER LIST**

The Patrol transfer list is established once a year at the January shift rotation and remains in effect through the calendar year. The list applies to all sergeants and deputies within the Detention Bureau and the Administrative Bureau who may be offered the opportunity for change of assignment and to transfer within the agency.



## **1030 Employee Commendations**

### **1030.1**

#### **PURPOSE AND SCOPE**

Special recognition may be in order whenever an employee performs his/her duties in an exemplary manner. This procedure provides general guidelines for the commending of exceptional employee performance.

### **1030.2**

#### **WHO MAY MAKE COMMENDATIONS**

A written commendation may be made by any commissioned or non-commissioned member of the Office. The nomination should be submitted in the form of a memorandum that describes the incident in chronological sequence and the acts of the member(s) nominated. The nomination should be accompanied by supporting documentation such as reports, statements of eyewitnesses, photographs, diagram, etc., where available.

A written commendation may also be made by a member of the public regarding any Office employee.

### **1030.3**

#### **COMMENDABLE ACTIONS**

A meritorious or commendable act by an employee of this 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

### **1030.3.1**

#### **AWARD AND COMMENDATION NOMINATION FORM**

(WCSO FORM S-25)

The Awards Nomination Form shall be used to document the commendation of the employee and shall contain the following:

- a) Employee name, bureau and assignment at the date and time of the commendation
  1. Award nomination must be submitted within one (1) year of the event absent extraordinary circumstances.
- b) A brief account of the commendable action with report numbers, as appropriate
- c) Signature of the commending supervisor

Nominations and accompanying reports shall be forwarded to the Awards Committee for review and action.

### **1030.3.2**

#### **AWARD AND COMMENDATION BOARD**

Upon receipt of the nomination form the Awards and Commendation Board will evaluate the basis of the nomination(s) submitted and will recommend which type of award or commendation is merited, if any, in each case.

The composition of the board is as follows:

- a) The board is chaired by a Chief Deputy
- b) The board will additionally be comprised of eight (8) members, to include:
  1. At least one (1) Deputy Sheriff member
  2. At least one (1) Non-commissioned member
  3. At least one (1) Sergeant Deputy member
  4. At least one (1) Lieutenant or higher rank member
- c) Participation on the board is voluntary
- d) Members of the board serve for 24 months
  1. Following the initial 24 months members may be extended year to year.

Members of the board will meet as directed by the Chief Deputy.

Completed recommendations for awards will be voted on by the board. Five (5) members are needed for a quorum.

The Sheriff has the authority to approve any award without board approval if deemed appropriate.

### **1030.3.3**

#### **AWARD DESCRIPTIONS**

**Medal of Honor:** The Medal of Honor is the Sheriff's highest award and shall be awarded to members of this Office who distinguish themselves by personal heroism under exigent or life-threatening conditions and consciously perform acts of bravery or other outstanding feats while facing imminent danger and without detriment to their mission. The Medal of Honor may be awarded to a member of another law enforcement agency or a citizen who, while assisting a member of this Office, performs in the aforementioned manner. This award consists of a medallion suspended from a ribbon, a ribbon bar, a certificate, and a citation.

**MEDAL:** Entenmann Rovin Award #1300 in bright gold. Nevada State Seal in center. Blue lettering: "MEDAL OF HONOR," "Washoe County Sheriff's Office." Solid blue ribbon.

**UNIFORM BAR:** Solid blue with gold accent lines and gold centered star.

**Medal of Valor:** The Medal of Valor shall be awarded to members of this Office who distinguish themselves by acts of heroism performed at personal risk of life or limb. These acts shall demonstrate great courage while facing extreme danger, but to a lesser degree than required for the Medal of Honor. The Medal of Valor may be awarded to a member of another law enforcement agency or a citizen who, while assisting a member of this Office, performs in the aforementioned manner. This award consists of a medallion suspended from a ribbon, a ribbon bar, a certificate, and a citation.

**MEDAL:** Entenmann Rovin Award #1400 in bright gold. Nevada State Seal in center. Blue lettering: "MEDAL OF VALOR," "Washoe County Sheriff's Office." Solid red ribbon.

**UNIFORM BAR:** Solid red with gold accent lines and gold centered star.

**Bronze Star:** The Bronze Star shall be awarded to members of this Office who distinguish themselves in a duty of great responsibility in which extraordinary efforts were used and personal risk was involved, but to a lesser degree than required for the Medal of Honor or the Medal of Valor. Personal risk can be, but is not limited to, risk associated with HAZMAT and disaster responses. The Bronze Star may be awarded to a member of another law enforcement agency or a citizen who, while assisting a member of this Office, performs in the aforementioned manner. This award consists of a medallion suspended from a ribbon, a ribbon bar, a certificate, and a citation.

**MEDAL:** Entenmann Rovin Award # 1600 in bronze. Nevada State Seal in center. Blue lettering: "BRONZE STAR", "Washoe County Sheriff's Office". Blue/Red/Blue ribbon.

**UNIFORM BAR:** Blue/red/blue ribbon with bronze accent lines and bronze entered star.

**Meritorious Service Medal:** The Meritorious Service Medal shall be awarded to members of this Office who, while acting in an official capacity, perform superior accomplishments that result in significant contributions to the efficient operation of the Office and/or the good of the community. Such accomplishments shall result in major improvements in technology, organization, procedures, or community relations, and may be based upon a single act or exceptional personal efforts. The Meritorious Service Medal may be awarded to a member of another law enforcement agency or a citizen who performs a service worthy of merit for the Office. This award consists of a medallion suspended from a ribbon, a ribbon bar, a certificate, and a citation.

**MEDAL:** Entenmann Rovin Award #1550 in silver low-shine finish. Nevada State Seal in center. Blue lettering: "Washoe County Sheriff's Office," "MERITORIOUS SERVICE." Red/White/Red ribbon.

**UNIFORM BAR:** Red/White/Red with silver accent lines and silver centered star.

**Distinguished Service Medal:** The Distinguished Service Medal shall be awarded to members of this Office who have demonstrated exceptional achievement in assigned duties with loyalty and dedication over a prolonged period. This award is not intended to recognize length of service per se but sustained distinguished performance above and beyond normal job requirements. The Distinguished Service Medal may be awarded to a member of another law enforcement agency or a citizen who performs sustained distinguished service to this Office. This award consists of a medallion suspended from a ribbon, a ribbon bar, a certificate, and a citation.

**MEDAL:** Entenmann Rovin Award #1550 in gold low-shine finish. Nevada State Seal in center. Blue lettering: "Washoe County Sheriff's Office," "DISTINGUISHED SERVICE." Blue/White/Blue ribbon.



**UNIFORM BAR:** Blue/White/Blue with gold accent lines and gold centered star.

**Purple Heart:** The Purple Heart shall be awarded to members of this Office who, while acting in an official capacity, sustain serious injuries from a dangerous or deadly weapon. This award consists of a medallion suspended from a ribbon, a ribbon bar, a certificate, and a citation.

**MEDAL:** Entenmann Rovin Award #1500 in silver finish. Nevada State Seal or Purple Heart in center. Purple lettering: "PURPLE HEART," "Washoe County Sheriff's Office." Solid purple ribbon.

**UNIFORM BAR:** Purple with silver accent lines and silver centered heart.

**Medal for Lifesaving:** The Medal for Lifesaving shall be awarded to members of this Office who act to save or preserve a life or lives that would otherwise have expired without the direct action taken by the member. The victim(s) must have survived for a reasonable amount of time after the incident as determined by the Awards and Commendations Board. The member need not have been subjected to personal risk by performing the act. The member is eligible to receive only one (1) Medal of Lifesaving for each incident, regardless of the number of victims involved. This award consists of a medallion suspended from a ribbon, a ribbon bar, a certificate, and a citation.

**MEDAL:** Entenmann Rovin Award #1525 in gold finish. Nevada State Seal or lifesaving specific seal in center. Blue lettering: "LIFESAVING," "Washoe County Sheriff's Office." Red/White ribbon.

**UNIFORM BAR:** Red/White with gold accent lines and gold centered cross.

**Vincent Swinney Medal:** The Vincent Swinney Medal of Excellence in Search and Rescue is awarded to members of this Office or citizens who, by their actions, have provided the Washoe County Sheriff's Search and Rescue program with exemplary service through leadership, volunteer service, and/or introduced programs and techniques to Search and Rescue that significantly contribute to the statutory mandate of the Sheriff to preserve life and property, all of which is clearly beyond normal expectations.

**MEDAL:** Gold medallion with a gold replica of Sheriff's badge with inscription "Excellence" and "Washoe County Sheriff's Office Vincent Swinney Search and Rescue".

**UNIFORM BAR:** Orange, black and red bar.

**Letter of Commendation:** A Letter of Commendation shall be awarded to members of this Office who, while acting in an official capacity, demonstrate exceptional job performance, which materially contribute to the mission of the Office, but to a lesser degree than is required for a Medal. The Letter of Commendation may be initiated by the recipient's supervisor or any member of this office, providing a description of performance that merits recognition. The award consists of a certificate signed by the Sheriff.

The following awards may be recommended by the board; however, the Sheriff has the sole discretion regarding their issuance:

**Silver Cross**: The Silver Cross shall be awarded when a member of this Office is killed in the performance of duty under honorable circumstances. The Silver Cross may be awarded when a member of another law enforcement agency or a citizen, while assisting a member of this Office, is killed as a result of that assistance. This award consists of a medallion suspended from a ribbon, a certificate, and a citation.

**MEDAL**: Entenmann Rovin Award #1499 in silver. Small Nevada State Seal in center. Blue lettering: "SILVER CROSS," "Washoe County Sheriff's Office." Blue/White ribbon.

**Sheriff's Star**: The Sheriff's Star may be awarded by the Sheriff to members of this Office, members of other law enforcement agencies, or citizens who, by their actions, have demonstrated conduct that is clearly beyond normal expectations. The Sheriff's Star shall be awarded at the sole discretion of the Sheriff without review of the Awards and Commendations Board. This award consists of a medallion suspended from a ribbon, a ribbon bar, a certificate, and a citation.

**MEDAL**: Entenmann Rovin Award #1000 in bright gold. Nevada State Seal in center. Blue lettering: "SHERIFF'S STAR", "Washoe County Sheriff's Office". Red/White/Blue ribbon.

**UNIFORM BAR**: Red/White/Blue with gold accent lines and gold centered star. The star denotes one award: additional like awards will be indicated by additional stars on the bar.

#### **1030.3.4**

##### **PRESENTATION OF AWARDS AND COMMENDATIONS**

Awards and commendations shall be presented at an appropriate ceremony at the earliest practical date.

Medal awards shall be presented by the Sheriff or, if such is impracticable, by his/her designee.

- Posthumous awards shall be presented to the next-of-kin of the deceased member.
- Medal awards presented to private citizens shall be in the form of a plaque engraved with the design of the medal and appropriate language, together with a certificate and citation.

Letters of Commendation from Executive Staff may be presented by the member's division chief deputy.

#### **1030.3.5**

##### **WEARING OF AWARDS**

Members are encouraged to wear their uniform bar medals while in uniform.

Ceremonial medals will be worn only during special events. Examples include formal ceremonies, funerals and official department photographs.

Medal awards will be worn on the pocket flap beneath the badge.



## **1032 Fitness for Duty**

### **1032.1**

#### **PURPOSE AND SCOPE**

All employees are required to be free from any physical, emotional or mental condition which might adversely affect their ability to perform their duties. The purpose of this policy is to ensure that all personnel of this Office remain fit for duty and able to perform their job functions.

### **1032.2**

#### **EMPLOYEE RESPONSIBILITIES**

- a) It shall be the responsibility of each member of this Office to maintain good physical condition sufficient to safely and properly perform essential duties of his/her 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 his/her 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.

### **1032.3**

#### **SUPERVISOR RESPONSIBILITIES**

- a) A supervisor observing an employee, or receiving a report of an employee, who is perceived to be unable to safely perform his/her duties due to a physical, medical or mental condition shall take prompt and appropriate action to resolve the situation. ([http://www.washoecounty.us/repository/files/13/Fitness\\_for\\_Duty\\_Prcedures.pdf](http://www.washoecounty.us/repository/files/13/Fitness_for_Duty_Prcedures.pdf))
- b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine if the employee can perform his/her duties.
- 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 Watch Commander or employee's available Division Commander, a determination should be made whether the employee should be temporarily relieved from his/her duties.
- e) The Sheriff shall be promptly notified in the event that any employee is relieved from Duty.

### **1032.4**

#### **NON-WORK-RELATED CONDITIONS**

Any employee suffering from a non-work-related condition which warrants a temporary relief from duty may be required to use sick leave or other paid time off (PTO) in order to obtain medical treatment or other reasonable rest period.

### **1032.5**

#### **WORK-RELATED CONDITIONS**

Any employee suffering from a work-related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Watch Commander or unit supervisor and concurrence of a chief deputy, any employee whose actions or use of force in an official capacity that result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the well-being of the employee and until such time as the following may be completed:

- a) A preliminary determination that the employee's conduct appears to be in compliance with policy or law.
- b) If appropriate, the employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

### **1032.6**

#### **PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS**

- a) Sworn employees shall submit to an annual physical examination of heart and lung functioning pursuant to NRS 617.455 and NRS 617.457.
- b) 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 Department of Human Resources, to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- c) The examining physician or therapist will provide the Office with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties. 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 which is relevant to such proceeding.
- d) In order to facilitate the examination of any employee, the Office will provide all appropriate documents and available information to assist in the evaluation and/or treatment. Link here to [Fitness Document](#).
- e) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential medical file.
- f) 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.
- g) 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.
- h) If an employee is deemed unfit for duty by the Office, the employee may submit a report from the employee's personal physician, psychiatrist, psychologist or other health care provider that will be taken into consideration.

### **1032.7**

#### **LIMITATION ON HOURS WORKED**

Absent emergency operations members should not work more than:

- 16 hours in one-day (24 hour) period or
- 30 hours in any two-day (48 hour) period or
- 84 hours in any seven-day (168 hour) period

Except in very limited circumstances members should have a minimum of eight hours off in 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, special events, contract work, general overtime and any other work assignments.

### **1032.8**

#### **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 Conduct Policy.



## **1034 Meal Periods and Breaks**

Refer to Washoe County Policy and Practice.



## **1035 Lactation Break Policy**

Refer to Washoe County Policy and Practice.



## **1036 Timecard Procedures**

Refer to Washoe County Policy and Practice





## 1038 Overtime Payment Requests

### 1038.1

#### **PURPOSE AND SCOPE**

It is the policy of the Office to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Collective Bargaining Agreement (CBA), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must have supervisory approval first.

#### 1038.1.1

##### **DEPARTMENT POLICY**

Because of the nature of police work, and the specific needs of the Office, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the 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 shift in which the overtime is worked.

The individual employee may request compensatory time in lieu of receiving overtime payment; however, the employee may not exceed the number of hours identified in the Collective Bargaining Agreement.

##### **1038.1.1 DEPARTMENT POLICY.**

Because of the nature of police work, and the specific needs of the Office, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the 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 shift in which the overtime is worked.

The individual employee may request compensatory time in lieu of receiving overtime payment; however, the employee may not exceed the number of hours identified in the Collective Bargaining Agreement.

TIME WORKED	INDICATE ON CARD
Up to 15 minutes	.25 hour
16 to 30 minutes	.50 hour
31 to 45 minutes	.75 hour
46 to 60 minutes	1.0 hour

**1038.3.1**

**GRANT FUNDED OVERTIME**

All grant-funded overtime must be taken as paid, not compensatory time off, for grant reimbursement purposes.



## **1040 Outside Employment**

Refer to Washoe County Policy and Practice.



## **1041 Special Event Assignments**

### **1041.1**

#### **PURPOSE AND SCOPE**

Members working special event assignments will be scheduled through the SOD Lieutenant or designee.

### **1041.1.1**

#### **DEFINITIONS**

**Special Event Overtime** -- Overtime involving any member of this Office who performs duties or services on behalf of an outside organization, company or individual within this jurisdiction on behalf of the Office. Such outside overtime shall be requested and scheduled directly through the Special Operation Captain or his/her designee so that the Office may be reimbursed for the cost of wages and benefits.

### **1041.2**

#### **REVOCATION/SUSPENSION OF WORKING SPECIAL EVENT ASSIGNMENT**

Any assignment for special event duty may be revoked or suspended after the member has received notification of the reasons for revocation or suspension.

The special event duty may be revoked if:

- The special event duty assignment interferes with normal day to day operations of the Sheriff's Office; or
- The member has received a sub-standard evaluation and/or is currently on a work-performance contract; or
- The member's performance during the special event declines to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of minimum acceptable competency.

### **1041.3**

#### **SPECIAL EVENT ASSIGNMENT**

Any private organization, entity or individual seeking services.

If such a request is approved by the Sheriff and County Commissioners, any member working outside overtime shall be subject to the following conditions:

- The member(s) shall wear the assigned uniform/identification.
- The member(s) shall be subject to the rules and regulations of this Office.
- Compensation for such approved outside services shall be pursuant to normal overtime procedures.
- No member may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Sheriff.

**1041.3.1**

**SPECIAL ASSIGNMENT ARREST AND REPORTING PROCEDURE**

Any member making an arrest or taking other official law enforcement action while working in a special event duty assignment shall be required to complete all related reports in a timely manner pursuant to Office policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

**1041.3.2**

**SPECIAL RESTRICTIONS**

Except for emergency situations or with prior authorization from the Division Chief Deputy/ Manager, undercover deputies or deputies assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the deputy's law enforcement status.

**1041.3.3**

**TERMINATION OF SPECIAL AGREEMENT**

The Sheriff's Office may terminate the Special Events Agreement in conformity with the terms set forth in the Special Agreement.



## **1042 On-Duty Injuries**

### **1042.1**

#### **PURPOSE AND SCOPE**

The purpose of this policy is to provide for the reporting of on-duty injuries, occupational illnesses or deaths to Risk Management, to ensure proper medical attention is received and document the circumstances of the incident. Employee and Supervisors should always refer to Washoe County's "Guide to Work Comp" literature for reference.

### **1042.2**

#### **WORKER'S COMPENSATION**

#### **1042.2.1**

##### **INJURIES REQUIRING MEDICAL CARE**

All work-related injuries and work-related illnesses requiring medical care must be documented and also reported to the Risk Management Office. A claim form shall be provided to the injured employee within 24 hours from the time the injury was discovered, excluding weekends and holidays. Records of work-related injuries and work-related illnesses shall be maintained as prescribed by Nevada law.

#### **1042.2.2**

##### **DEFINITIONS**

**Accident** – Any occurrence from which bodily injury or property damage may result, regardless of whether any injury or damage actually does occur (e.g. exposure where no immediate injury is apparent).

**Recordable Occupational Injury or Illness** – An occupational injury or illness that results in a fatality, a lost workday or an injury/illness which results in a transfer to another assignment, termination of employment, requires medical treatment other than first aid, involves the loss of consciousness or the restriction of work or motion.

#### **1042.2.3**

##### **EMPLOYEE RESPONSIBILITY**

An employee sustaining any work-related injury, as well as any employee who is involved in any accident while on-duty, shall report such injury or accident immediately to his/her supervisor. An employee sustaining any work-related illness shall report such injury illness to his/her supervisor as soon as practicable but no later than five days after gaining knowledge of the illness.

An employee observing or learning of a potentially hazardous condition is to promptly report the condition to his/her immediate supervisor.

An employee sustaining a work-related injury or illness that requires relief from duty is required to be examined and treated by an authorized medical provider for Worker's Compensation.

An employee sustaining a work-related injury or illness that requires relief from duty is also required to comply with Office policies and directives relating to the duty to periodically call in during absences in addition to the duty to notify the 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 Office. Modified duty may be available for employees whose injuries prevent resumption of regular duties.

An injured 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.

#### **1042.2.4**

##### **SUPERVISOR RESPONSIBILITY**

A supervisor learning of any work-related injury, illness or accident shall promptly prepare the C-1 Form as outlined under Policy Manual § 1042.2. Updated copies of forms with instructions for completion provided by Risk Management are kept in the Division Administrative office.

For work-related accidents, injuries or illness not requiring professional medical care, a Supervisor's Report of Injury form shall be completed. The completed form shall be forwarded to the supervisor's division chief deputy/manager, through the chain of command.

When an accident, injury or illness is reported initially on the Supervisor's Report of Injury form and the employee subsequently requires professional medical care, the State of Nevada Notice of Injury or Occupational Disease form shall be completed. The injured employee shall sign the form in the appropriate location.

Upon completion of the C-1 Form, the "Supervisor's Report of Injury" and the C-3 Employer's Report of Industrial Injury Forms, they will be forwarded to the Administrative Assistant of the employee's Division. **Payroll/Personnel Office must receive all the forms within three (3) days of the reported injury as Risk Management requires the completed forms within five (5) days.**

#### **1042.2.5**

##### **DIVISION COMMANDER RESPONSIBILITY**

The division chief deputy/Manager receiving a report of a work-related accident or injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Payroll/Personnel Office.

A supervisor shall promptly notify any employee exposed to toxic materials or harmful physical agents in concentrations or at levels which exceed those prescribed by Nevada Occupational Safety and Health Standard and shall inform the employee of any action taken to correct the condition (NRS 618.380).

**1042.2.6**

**SHERIFF RESPONSIBILITY**

The Sheriff shall review and forward copies of the report to Washoe County Risk Management. Any copies of the report and any related documents retained by the Office shall be filed in the employee's confidential medical file and not in the employee's personnel file (see Policy §1026).

**1042.3**

**INJURY NOT REQUIRING MEDICAL ATTENTION**

Even though medical attention may not be sought, injured workers are to complete the Form C-1 Notice of Injury or Occupational Disease on the date of the incident. Supervisors' are to complete the Supervisors Report identifying the cause of the incident and what action(s) are needed in order to prevent a recurrence.

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 (90 days to file a Work Comp claim). Completed forms are to be sent to Payroll.

**1042.4**

**SETTLEMENT OF INJURY CLAIMS**

No offer of settlement of injury or property damage claims will be authorized without approval through Washoe County Risk Management. All such requests will be directed to Risk Management.





## **1044 Personal Appearance Standards**

### **1044.1**

#### **PURPOSE AND SCOPE**

In order to project uniformity and neutrality toward the public and other members of the Office, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this office and for their assignment.

### **1044.2**

#### **GROOMING STANDARDS**

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all commissioned employees, except those whose current assignment would deem them not appropriate, and where the Sheriff has granted exception. Civilian staff standards are delineated where applicable.

#### **1044.2.1**

##### **HAIR**

Hair will not present a ragged, unkempt or outrageous appearance. Hair will be neat, clean, trimmed, and present a well-groomed appearance.

Males' hair will be worn in conservative styles, no longer than the top of the shirt collar at the back of the neck when standing, and not extending more than one and one-half inches (1 ½") from the sides of the head.

Uniformed female members hair will be worn in conservative styles, no longer than the top of the shirt collar at the back of the neck when standing, and not extending more than one and one-half inches (1 ½") from the sides of the head.

Non-Uniformed Civilians Hair will be worn in conservative styles

Extreme hairstyles, e.g., "Mohawk" styles, fad styles, pattern shaving, pattern streaking, etc., or styles that give a windblown, shaggy, choppy, ragged, or unkempt appearance will not be worn. Disputes, misunderstandings, or questions of interpretation will be resolved by the division chief deputy.

Hair will not contain or have any visible foreign items attached to it.

If hair dyes, tints, or bleaches are used on the hair, the dye/tint color will be limited to a natural color, e.g., auburn, black, blond, brown, etc.

Wigs or hairpieces may be worn but must conform to the preceding standards for hair.

**1044.2.2**

**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.

**1044.2.3**

**SIDEBURNS**

Sideburns shall not extend below the bottom of the lowest ear hole opening and shall be trimmed and neat in a squared off manner.

**1044.2.4**

**FACIAL HAIR**

Facial hair other than sideburns, mustaches and eyebrows shall not be worn by members in uniformed positions, unless authorized by the Sheriff or his/her designee.

**1044.2.5**

**JEWELRY AND ACCESSORIES**

No jewelry or personal ornaments shall be worn by deputies on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

Gauge styles earrings are not allowed. No more than two earrings per ear may be worn. Uniformed female members may wear small post earrings, hoop and dangling styles of earrings are not allowed.

Only one ring may be worn on each hand of the employee while on-duty.

Other than earrings, civilian staff shall not wear any facial piercing.

**1044.3**

**TATTOOS**

Tattoos, body art and brands shall not be visible anywhere on the body that are or can be perceived as extremist, indecent, sexist, racist, political or imply or promote criminal activity.

Visible tattoos are permitted while on-duty for those in a Sheriff's Office uniform or wearing Sheriff's Office insignia, so long as they are not visible on the head, face, neck or hands. (Exception: no more than two ring tattoos may be visible on the fingers.) Employees, while at work, may be directed by the Sheriff or designee, to cover any areas of the body not otherwise prohibited that may distract from a professional appearance or interfere with the functions and mission of the department.

Cosmetic tattooing, such as eyebrows are authorized so long as they present a natural color and shape.

Personnel, not in a Sheriff's Office uniform or wearing Sheriff's Office insignia, shall not make visible any facial, hand (exception: no more than two ring tattoos may be visible on fingers is permissible) or large neck tattoos. Supervisors have the discretion to implement more restrictive guidelines in response to job duties and/or assignment.

Duty assignments or divisions can increase restrictions on a case by case basis.

The Sheriff retains the ultimate decision making in the event of a dispute.

#### **1044.4**

##### **BODY PIERCING OR ALTERATION**

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features, and which is not medically required is prohibited for all employees. Such body alteration includes, but is not limited to:

- Tongue splitting or piercing
- The complete or transdermal implantation of any material other than hair replacement.
- Abnormal shaping of the ears, eyes, nose or teeth
- Branding or scarification.
- Sharpening or re-shaping teeth, affixing any jewelry or unnatural coloration to the teeth.



## **1046 Uniform Regulations**

### **1046.1**

#### **PURPOSE AND SCOPE**

The uniform policy of the Washoe County Sheriff's Office is established to ensure that uniformed deputies, special assignment personnel and non-sworn members will be readily identifiable to the public through the proper use and wearing of Office uniforms. Members should also refer to the following associated Policy Manual sections:

Section 312 - Duty Firearms

Section 700 - Office Owned and Personal Property

Section 1024 - Body Armor

Section 1044 – Grooming Standards

The Uniform and Equipment Specifications Manual is maintained and periodically updated by the Sheriff or his/her designee. That manual, and associated procedures should be consulted regarding authorized equipment and uniform specifications.

The Washoe County Sheriff's Office will provide uniforms for all members required to wear them in the manner, quantity and frequency agreed upon in the respective member group's collective bargaining agreement.

### **1046.2**

#### **WEARING AND CONDITION OF UNIFORM AND EQUIPMENT**

Sheriff's employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

- a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean and appear professionally pressed.
- b) All peace officers of this office shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.
- c) Personnel shall wear only the uniform specified for their rank and assignment.
- d) The uniform is to be worn in compliance with the specifications set forth in the Office's uniform specifications and procedures that are maintained separately from this policy.
- e) All supervisors will perform periodic inspections of their personnel to ensure conformance to those regulations
- f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.

- g) Uniforms are only to be worn while on-duty, while in transit to or from work, for court or at other official Office functions or events. If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the member while he/she is off duty.
- h) Members are not to purchase or drink alcoholic beverages while wearing any part of the Office uniform, including the uniform pants.
- i) Mirrored sunglasses will not be worn with any Office uniform
- j) Visible jewelry other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Sheriff or his designee.
  - 1. Wristwatch
  - 2. Wedding ring(s), class ring or other ring of tasteful design. A maximum of one ring/set may be worn on each hand.
  - 3. Medical alert bracelet
  - 4. Uniformed female members may wear small post earrings.

### **1046.2.1**

#### **OFFICE-ISSUED IDENTIFICATION**

The Office issues each member an official Office identification card bearing the member's name, identifying information and photo likeness. All members shall be in possession of their Office issued identification card at all times while on-duty or when carrying a concealed weapon.

- a) Whenever on-duty or acting in an official capacity representing the Office, members shall display their Office issued identification in a courteous manner to any person upon request and as soon as possible.
- b) Deputies working specialized assignments may be excused from the possession and display requirements when directed by their Division Commander.

### **1046.3**

#### **UNIFORM CLASSES**

#### **1046.3.1**

##### **CLASS A UNIFORM**

The Class A uniform is to be worn on special occasions such as funerals, graduations, promotions, ceremonies or as directed. The Class A uniform is required for all sworn personnel. The Class A uniform includes the standard issue uniform with:

- Long sleeve shirt and tie
- Polished shoes

The campaign hat may be worn for events held outdoors. Boots with pointed toes are not permitted.

#### **1046.3.2**

##### **CLASS B UNIFORM**

All deputies will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

## Policy 1046 - Uniform Regulations

- The long or short sleeve shirt may be worn with the collar open. No tie is required.
- A black crew neck t-shirt must be worn with the uniform. All shirt buttons must remain buttoned except for the last button on the neck.
- Polished shoes.
- Approved all black unpolished shoes may be worn.
- Boots with pointed toes are not permitted.

### **1046.3.3**

#### **CLASS C UNIFORM**

The Class C uniform is comprised of short sleeved polo and utility pants. This uniform can be worn by Detention Deputies and Motor Deputies. A long sleeve polo is available as a self-purchased item.

### **1046.3.4**

#### **SPECIALIZED UNIT UNIFORMS**

The Sheriff may authorize special uniforms to be worn by deputies in specialized units such as Canine Team, SWAT, Bicycle Patrol, Motor Deputies and other specialized assignments.

### **1046.3.5**

#### **FOUL WEATHER GEAR**

The Uniform and Equipment Specifications lists the authorized uniform jacket and rain gear.

## **1046.4**

### **INSIGNIA AND PATCHES**

- Shoulder Patches - The authorized shoulder patch supplied by the Office shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve.
- Service stripes and stars - Service stripes and other indicators for length of service may be worn on long sleeved shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one-half inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.
- The regulation nameplate, or an authorized sewn on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the member's first initial, last name and "serving since." The nameplate shall be worn centered above the right breast pocket of the outermost garment, 3/4 inch above the top of the pocket or in the same appropriate location when there is no breast pocket on the garment.
- When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.
- Assignment/Specialty Insignias - Assignment or specialty insignias, (e.g., SWAT, FTO or similar) may be worn as designated by the Sheriff. Only two insignias may be worn on the shirt. The specialized insignia shall be centered 1/4 inch above the nameplate.
- Flag Pin - A flag pin may be worn on the right side as the highest point pin.

- Badge - The Office issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform. When not in uniform, deputies who have satisfactorily completed their probation may carry a facsimile flat badge instead of the issued breast badge. The alternative badge, millennium style badge, may be self-purchased with a signed authorization letter by the Sheriff or his designee. Probationary deputies and civilian members are not authorized to personally purchase badges.
- Rank Insignia - The designated insignia indicating the member's rank must be worn at all times while in uniform. The Sheriff may authorize exceptions.

#### **1046.4.1**

##### **MOURNING BADGE**

Uniformed members shall wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

- A deputy of this office – From the time of death until midnight on the 14<sup>th</sup> day after the death.
- A deputy/officer from this state – From the time of death until midnight on the day of the funeral.
- Funeral attendee – while attending the funeral of a fallen deputy.
- National Peace Officers Memorial Day (May 15<sup>th</sup>) – From midnight through the following midnight.
- As directed by the Sheriff or designee.

#### **1046.5**

##### **CIVILIAN ATTIRE**

Sheriff's Office employees shall wear clothing and accessories that are appropriate for their work setting. All personnel shall present a professional appearance reflecting the highest Sheriff's Office standards of personal appearance and hygiene.

All supervisors will monitor their subordinate's compliance with this policy. They may challenge the condition or appropriateness of any attire worn and may direct personnel to bring his/her attire into compliance with this policy.

Employees should ensure that clothing does not create a distraction or cause a safety hazard.

##### Business Attire

- a) All members shall wear clothing that fits properly, is clean and free of stains, wrinkle-free, not damaged or excessively worn, faded. Patched, or unkempt.
- b) Jeans/denim in good condition, i.e. not faded, ripped or frayed, may be worn any day when paired with an approved Sheriff's Office logo shirt in lieu of the below dress code standards. This includes dress down Fridays.
- c) The following items shall not be worn on duty:
  1. Undershirt style T-shirts alone. T-shirts with advertisement of a business, gaming industry, slogan or message
  2. Footwear: Beach-style footwear (i.e. flip flops), athletic shoes, tennis shoes, or gym shoes. All footwear will be kept in good repair.

3. Swimsuit, tube tops, halter-tops, strapless, open back, off the shoulder tops or spaghetti straps. All tops must cover the upper and middle torso at all times and shoulder straps must be 2" in width or greater.
  4. Leisure wear: sleepwear or pajama style clothes, exercise attire, jogging suits, sweatpants, spandex, lycra, elastane, yoga, and /or other form fitting type pants. Leggings/jeggings may be worn under a dress or a tunic no shorter than mid-thigh.
  5. See-through clothing of any kind. See through shirts must have a tank top or undershirt worn underneath.
  6. Distasteful printed slogans, buttons or pins.
  7. Dresses and skirts shorter than two (2) inches above the knee including slits.
  8. Shorts and overalls of any kind. Calf-length Capri pants are acceptable.
  9. Jewelry or non-natural colored hair that detracts from the professional appearance i.e. gauges, septum piercing and/or which could be safety hazard.
  10. Sunglasses worn inside a Sheriff's Office facility at the member's workstation or worn on top of the head when not in use.
  11. Exposed undergarments and excessive cleavage.
  12. Pants, shirts, sweaters, jackets, hats or caps with an advertisement of a business, gaming industry, slogan or message. This does not include clothing manufactures trademark, trade name or Sheriff logo items.
- d) Authority to modify variations from this order are allowed at the discretion of Executive Staff when the member's assignment or current task is not conducive to the wearing of such clothing.
- e) No item of civilian attire may be worn on-duty that would adversely affect the reputation of the Washoe County Sheriff's Office or the morale of the members.

#### **1046.5.1**

##### **EXCEPTIONS TO STANDARDS**

- Division chief deputy's or above may allow exceptions to the standards established by this policy when necessary.
- Civilian members assigned to areas where garments are issued (smocks, cook outfits) may choose to wear sweatshirts, undershirts, tank tops or shirts with messages or advertisements, as long as these items are concealed by the issued outer garment.

#### **1046.6**

##### **POLITICAL ACTIVITIES**

Unless specifically authorized by the Sheriff, Washoe County Sheriff's Office employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize an Office badge, patch or other official insignia, or cause to be posted, published or displayed, the image of another employee, or identify himself/herself as an employee of the Washoe County Sheriff's Office to do any of the following:

- a) Endorse, support, oppose, or contradict any political campaign or initiative
- b) Endorse, support, oppose, or contradict any social issue, cause or religion
- c) Endorse, support or oppose any product, service, company or other commercial entity
- d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast or any website

#### **1046.7**

##### **OPTIONAL EQUIPMENT – MAINTENANCE AND REPLACEMENT**



- a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased at the expense of the member.
- b) Maintenance of optional items shall be the financial responsibility of the purchasing member (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 member bears the cost of replacement.
  - 2) When the item is no longer functional because of damage in the course of a member's duties, it may be replaced following the procedures for the replacement of damaged personal property.

#### **1046.7.1**

##### **CARE AND REPLACEMENT OF UNIFORMS**

- Members are responsible for the care and maintenance of the uniform and other items that have been issued to them.
- Uniform items furnished by the Sheriff's Office shall remain the property of this Office. In the event a member is dismissed, resigns, or retires; the member is obligated to return all the issued items in a clean and orderly condition. If there are any missing items, the member is responsible for replacement or payment for the same. Allowances will be made for normal wear and tear.
- Issued uniform items will be replaced by this Office when they are no longer serviceable due to normal wear and tear, and when they are damaged or destroyed in the line of duty. The established procedure must be followed to obtain the replacement items and can be found in the Uniform and Equipment Specifications manual. If the replacement of any uniform item is proven to be the result of a member's negligence or misconduct, the member shall be responsible for replacement expenses.
- Members who receive additional uniform items because of their assignment shall return these items to the Administrative Supply Room when the assignment is terminated (e.g. an officer leaving the Honor Guard will return all the Honor Guard equipment).

#### **1046.8**

##### **UNAUTHORIZED UNIFORMS, EQUIPMENT, AND ACCESSORIES**

Washoe County Sheriff's Office members may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Sheriff or designee.



## **1050 Nepotism and Conflicting Relationships**

### **1050.1**

#### **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 members of this office.

### **1050.1.1**

#### **DEFINITIONS**

**Business relationship** - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or other transaction, where the Office 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 (natural, adopted or step), sibling or grandparent.

**Subordinate** - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

**Supervisor** - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

### **1050.2**

#### **RESTRICTED DUTIES AND ASSIGNMENTS**

While the Office will not prohibit personal or business relationships between employees, the following reasonable restrictions should apply:

- a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.
  - 1. If circumstances require that such a supervisor/subordinate relationship exists 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 Office will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. However, the 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 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) In order to avoid actual or perceived conflicts of interest, members of this 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 in the performance of their official duties, commissioned and non-commissioned members shall not knowingly and intentionally associate with the following persons unless the Sheriff or Undersheriff has previously authorized the association pursuant to this section:
  - 1. Persons with a record of a felony conviction within the previous twenty (20) years
  - 2. Persons with a record or a gross misdemeanor conviction within the previous ten (10) years
  - 3. Persons presently serving a probationary or suspended sentence for a conviction of a felony or gross misdemeanor
  - 4. Persons presently charged with, or under indictment for, a felony or gross misdemeanor
  - 5. Persons presently under investigation for committing a felony or gross misdemeanor
  - 6. Persons who advocate the violent overthrow of the government
  - 7. Any close relative or any person described in paragraphs one through six
- f) Each time a commissioned member knowingly and intentionally has a direct contact (other than in the performance of his/her official duties) with any person described in subsection A, he/she shall promptly prepare an informational report fully detailing the member's contact with that person. The report must also specify whether the member intends to associate with that person in the future. The member shall submit the report to his/her supervisor as soon as possible after the contact. Failure to submit a required report is considered neglect of duty and any member who fails to submit such report may be disciplined for such failure and for any additional violation.
- g) Members are required to immediately notify their supervisor in writing when they become aware that a relative, acquaintance or close friend of theirs has been incarcerated

in the Detention Facility. Under no circumstances can a member be involved with the known incarcerated person's status or conditions of incarceration.

1. Any information related to the inmates' custody status or condition is strictly confidential and not to be released to unauthorized personnel.
  2. Except as otherwise provided by law, the information contained in a written notification from the member to their supervisor will remain privileged and confidential.
- h) A supervisor who receives a report that specifies that the member does not intend to associate with the person in the future shall place the report in the member's personnel file. However, if the report specifies that the member intends to associate with the person in the future, the supervisor shall forward it to the Undersheriff or Sheriff for further action.
- i) After receiving a report, the Sheriff shall determine whether the member's rights of association and privacy are outweighed by the potential for the association:
1. To impair the dignity or reputation of this Office
  2. To erode the public's confidence in this Office
  3. To create the appearance of impropriety
  4. To adversely affect the member's credibility or reputation in the community and thereby affect the member's job performance
- j) Based upon the fact of the association and the determination made pursuant to Subsection E, the Sheriff may either order the member to terminate the association or authorize the association to continue. The order or the authorization must be in writing. The Sheriff may subsequently reverse any order of authorization if changed circumstances warrant a reversal.
- k) A member who is ordered by the Sheriff to terminate an association and who fails or refuses to comply with the Sheriff's order is subject to disciplinary action, including dismissal.

### **1050.2.1**

#### **EMPLOYEE RESPONSIBILITY**

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninformed, next highest supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninformed, immediate supervisor.

In the event that no uninformed supervisor is immediately available, the employee shall promptly notify dispatch to have another uninformed employee either relieve the involved employee or minimally remain present to witness the action.

### **1050.2.2**

#### **SUPERVISOR RESPONSIBILITY**

Upon being notified of or becoming aware of any circumstance(s) which 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 possible. Supervisors shall also promptly notify the Sheriff or his/her designee of such actual or potential violations through the chain of command.



## **1052 Office Badges**

### **1052**

#### **PURPOSE AND SCOPE**

The Washoe County Sheriff's Office badge and uniform patch as well as the likeness of these items and the name of the Washoe County Sheriff's Office are property of the Office and their use shall be restricted as set forth in this policy.

### **1052.2**

#### **POLICY**

The uniform badge shall be issued to Office members as a symbol of authority and the use and display of Office badges shall be in strict compliance with this policy. Only authorized badges issued by this office shall be displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

### **1052.2.1**

#### **FLAT BADGE**

Sworn deputies, with the written approval of the Sheriff may purchase, at his/her own expense, additional badges capable of being carried in a wallet or worn as a uniform item. The use of these badges is subject to all the same provisions of Office policy as the issued uniform badge.

- Should a badge become lost, damaged or otherwise removed from the deputy's control, he/she shall make the proper notifications as outlined in Policy Manual § 700.
- An honorably retired deputy may keep his/her personally purchased badge(s) upon retirement if in good standing.
- Unless otherwise authorized by the Sheriff, the purchase, carrying or display of a badge is not authorized for non-sworn personnel.

### **1052.2.2**

#### **CIVILIAN PERSONNEL**

Badges and Office identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Front Desk Personnel, Court Security Officer, Inmate Work Supervisor).

- Non-sworn personnel shall not display any Office badge except as part of his/her uniform and while on-duty, or otherwise acting in an official and authorized capacity.
- Non-sworn personnel shall not display any Office badge or represent himself/herself, on- or off-duty, in such a manner which would cause a reasonable person to believe he/she is a sworn peace officer.

### **1052.2.3**

#### **RETIREE UNIFORM BADGE**

Upon honorable retirement, employees may purchase his/her assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

### **1052.2.4**

#### **RETIREMENT BADGE**

Retirement Badges may be issued to commissioned members that meet the following qualifications:

- Commissioned members must have at least fifteen (15) years of the continuous service with the Washoe County Sheriff's Office.
- Commissioned members must be "honorably retired" from the Sheriff's Office as that statutory prerequisite is set-forth and defined in Nevada Revised Statute 202.350 (8)(b), to- wit: "Honorably retired" means retired in Nevada after completion of 10 years of creditable service as a member of the Public Employees' Retirement System. A former peace officer is not "honorably retired" if he was discharged for cause or resigned before the final disposition of allegations of serious misconduct."

### **1052.2.5**

#### **RETIREMENT IDENTIFICATION CARDS**

Retirement Identification Cards may be issued to commissioned members that meet the following qualifications:

- Commissioned members must have at least ten (10) years of continuous service with the Washoe County Sheriff's Office.
- Commissioned members must be "honorably retired" from the Sheriff's Office as that statutory prerequisite is set-forth and defined in Nevada Revised Statute 202.350 (8)(b), to- wit: "Honorably retired" means retired in Nevada after completion of 10 years of creditable service as a member of the Public Employees' Retirement System. A former peace officer is not "honorably retired" if he was discharged for cause or resigned before the final disposition of allegations of serious misconduct."

The Sheriff is the only member who can authorize the issuance of a Retirement Identification Card. Retirement Identification Cards will remain the property of the Sheriff's Office. Members who misuse the Retirement Identification Card may forfeit their privilege to carry a Retirement Identification Card and shall immediately surrender the same when directed to do so by Sheriff.

Retired commissioned members, who meet the qualifications set forth by Nevada Revised Statute 202.350, may carry a concealed firearm.

- The Nevada Revised Statutes do not mandate the Sheriff to issue Retirement Identification Cards.
- NRS 202.350 only states that a retired law enforcement officer, who meets the established guidelines, may carry a concealed weapon within the State of Nevada.
- As a service to those retirees that qualify, the Sheriff currently issues Retirement Identification Cards with NRS 202.350 printed on the back.

### **1052.3**

#### **UNAUTHORIZED USE**

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Office badges are issued to all sworn employees and civilian uniformed employees for official use only. The Office badge, shoulder patch or the likeness thereof, or the Office name shall not be used for personal or private reasons including, but not limited to, letters, memoranda and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and Office name for all material (e.g., printed matter, products or other items) developed for Office use shall be subject to approval by the Sheriff.

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 (NRS 205.175).

Employee ID Badge and Cardkey Entry will be managed in accordance with the Washoe County Identification Badge policy:

<http://www.washoecounty.us/repository/files/13/ID%20Badge%20policy%201-16-09.pdf>  
[Badge Issuance policy](#)

### **1052.4**

#### **PERMITTED USE BY EMPLOYEE GROUPS**

The likeness of the Office badge shall not be used without the expressed authorization of the Sheriff and shall be subject to the following:

- The employee associations may use the likeness of the Office badge for merchandise and official association business provided they are used in a clear representation of the association and when approved by the Sheriff.
- The likeness of the Office badge for endorsement of political candidates shall not be used without the expressed approval of the Sheriff.



## **1054 Modified-Duty Assignments**

### **1054.1**

#### **PURPOSE AND SCOPE**

The purpose of this policy is to establish procedures for assigning employees to modified-duty. Temporary modified-duty assignments may be available to employees who have incurred a duty-related illness or injury and, due to restrictions or limitations, are unable to perform their regular assigned duties. Non-duty related illnesses or injuries may also be considered for eligibility in accordance with this policy. Eligibility for modified-duty assignment is subject to the approval of the Sheriff or his/her designee.

Modified-duty assignments are intended to provide an employee with the ability to continue working within the limits of his/her restrictions and limitations on a temporary basis while providing the Office with a productive employee during the interim period.

The Office will engage in a good faith interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability.

### **1054.2**

#### **DEFINITIONS**

**Modified-duty** – A temporary, limited-term assignment not requiring performance of the full range of duties associated with the regular job classification. Modified-duty assignments shall be subject to continuous re-assessment dependent upon Office need and the employee's ability to perform in a modified-duty capacity.

### **1054.3**

#### **LIMITATIONS**

Modified-duty assignments are a management prerogative and not an employee right. Modified-duty assignments shall be subject to continuous re-assessment dependent upon Office need and the employee's ability to perform a modified-duty capacity.

An injured employee may be assigned to a modified-duty position outside of his/her normal assignment or duties if it becomes available. The employee shall be given the option to either accept the position or continue to draw on applicable sick leave other leave accounts as applicable.

- a) If an employee cannot adequately perform a modified-duty assignment, such assignment may be modified or terminated.
- b) The lack of Office need or a change in priorities may result in the employee's removal from or modification of a modified-duty assignment.
- c) The Office may place conditions as deemed appropriate upon any modified-duty assignment.
- d) Assignment to modified duty as a result of an off-duty injury is evaluated on a case by case basis and authorization may be granted by the Sheriff or designee.



- e) Modified duty status will not normally be extended beyond one (1) year from initial assignment.

#### **1054.4**

##### **PROCEDURE**

Employees may request assignment to modified-duty by providing a signed statement from their health care provider describing their restrictions, limitations and expected duration to their division captain/manager or his/her designee. The statement must also indicate if the employee requires any workplace accommodations, mobility aids or medical devices. The division captain/manager or designee will determine what modified-duty assignments may be available based on the needs of the Office, limitations of the employee and suitability of the employee to work a particular assignment.

Employees assigned to modified-duty will be provided the notification of Light Duty Offer assignment form, which is in compliance with NRS 616C.475 confirming that the employee was offered temporary modified-duty employment. The designated supervisor is responsible for completing the "Offer of Temporary Light Duty" letter which is available in general templates in Word or can be found on the in-site. Modified-duty assignments will comply with standards outlined by Washoe County Risk Management policy (link <http://www.washoecounty.us/repository/files/13/modifiedduty2003.pdf>).

#### **1054.4.1**

##### **MODIFIED-DUTY SCHEDULES**

The schedules of employees assigned to modified duty may be adjusted to suit medical appointments or Office needs at the discretion of the division captain/manager.

The employee and his/her supervisors should be informed in writing of the schedule, assignment and limitations and restrictions as determined by the employee's health care provider.

#### **1054.4.2**

##### **ACCOUNTABILITY**

The employee's 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 time taken. Doctor visits and appointments for treatment of Non-duty related injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave. Overtime is not authorized for medical care or diagnostic testing of duty related injuries or illnesses.
- b) Employees shall promptly submit a status report following 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.
- c) Supervisors shall keep the division captain/manager or designee apprised of the employee's status and ability to perform the modified-duty assignment.
- d) When it is determined that an employee on modified duty will return to regular duty, the supervisor shall notify the division captain/manager or designee.

1. Members on modified duty and/or absent for more than (8) work hours will be required to have their treating health care provider complete the Essential Job Functions worksheet for their current position prior to their release for full duty; and/or in the event the release of full duty after being on modified duty be conditioned on continuing limitations imposed by the treating health care provider.
  2. All training and certification necessary for return to duty shall be reviewed and updated.
- e) Modified-duty status will be terminated upon the treating health care provider's release to full duty or determination is made that the employee's condition will not improve so as to allow return to full duty within one (1) year time limit. The Sheriff retains the right to grant an extension beyond the one (1) year time limit based on the employee's potential for a full recovery.
  - f) Modified-duty status may be terminated if it is found that the employee has not followed the treating health care provider's Restricted Activity instructions.
  - g) Modified-duty status will be terminated when this office determines it is unable to provide an assignment consistent with the employee's physical limitations as delineated by the employee's treating health care provider. In this case, the employee will be placed on the appropriate category of leave.

### **1054.4.3**

#### **MEDICAL EXAMINATIONS**

The Office reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination or completion of the essential job functions of any employee assigned to a modified-duty assignment or of any employee having been on such assignment.

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.

Members whose physical limitations imposed by their treating health care provider cause them to be on light duty or to be absent more than eighty (80) work hours will be responsible to have their treating health care provider complete the Essential Job Functions worksheet for their current position prior to their release to full duty.

### **1054.5.**

#### **PREGNANCY**

It is the policy of the Office to reassign employees who are pregnant upon request by the employee or when deemed necessary by the Office to temporary assignments that will not routinely expose the employee to potentially hazardous environments or activities.

### **1054.5.1**

#### **EMPLOYEE NOTIFICATION**

An employee who learns of her pregnancy should notify her immediate supervisor as soon as practicable. The employee must inform the Office of her intent regarding reassessment, job accommodations and anticipated leave for the pregnancy or prenatal care. The employee shall

also submit a statement from her health care provider of any job restrictions or limitations she may have.

**1054.5.2**

**SUPERVISOR RESPONSIBILITY**

Upon receiving the medical verification of the pregnancy and a request for job accommodation, reassignment or leave, the supervisor shall notify the division captain/manager or designee. The division captain/manager or designee consider the special accommodations and assign the employee to an available temporary modified-duty assignment if available.

If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted consistent with the County's personnel rules and regulations regarding family and medical care leave.

**1054.6**

**PROBATIONARY EMPLOYEES**

The Sheriff may, if requested, by a probationary employee allow them to be assigned to a temporary modified-duty assignment and they will have their probation extended by a period of time equal to the employee's assignment to modified-duty.

**1054.7**

**MAINTENANCE OF CERTIFICATION TRAINING**

Employees assigned to modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided the certification, training or qualifications are not in conflict with any limitations or restrictions. Employees who are assigned to modified duty shall inform their supervisor of any inability to maintain any certification, training or qualifications.

The Sheriff, at his/her discretion, may petition POST to waive certification, training or qualifications requirements on behalf of an employee assigned to modified duty (NAC 289.370).

**1054.8**

**SPECIAL RESTRICTIONS/CONDITIONS**

- a) Commissioned personnel assigned to special teams will not participate in their respective functions until released to full duty by their treating health care provider.
- b) Commissioned personnel will not participate in the recurring training, except classroom training, until released to full duty by their treating health care provider.
- c) Commissioned personnel in modified-duty status will not wear the uniform until released to full duty or approved by the division captain or designee.
- d) Upon approval by their chief deputy, deputies may carry their firearms while in modified-duty status. No law enforcement action should be initiated except as necessary to protect life and/or limb.

**1054.9**

**COMPENSATION**

- a) Members on modified-duty as a result of a duty related injury will continue to receive any assigned specialty pay(s) while on modified-duty, except:

- 1) Effective January 1, 2017, Sworn Personnel receiving Crime Scene Investigation (CSI) specialty pay will only continue to receive that pay until the next shift change.
- b) Members on modified duty as a result of a non-duty related injury will continue to receive specialty pays while on modified duty for the first 30 calendar days from the date of illness or injury. If the employee cannot perform the duties due to restrictions, or reasonable accommodations cannot be made, members on modified duty after 30 calendar days will no longer continue to receive specialty pays for those duties.
  - 1) Members returning to regular duty after 20 calendar days shall promptly notify their supervisor requesting reactivation of any specialty pay(s) due to the employee. Specialty pays will not be retroactively paid.
  - 2) Supervisors will verify the specialty pay(s) due and then notify payroll.



## **1060 Employee Speech, Expression and Social Networking**

### **1060.1**

#### **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 balancing of employee speech and expression with the needs of the Office.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit 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.

### **1060.1.1**

#### **APPLICABILITY**

This policy applies to all forms of communication including, but not limited to, film, video, print media, public or private 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, video and other file- sharing sites.

### **1060.2**

#### **POLICY**

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this office. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this office be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Washoe County Sheriff's Office will carefully balance the individual employee's rights against the Office's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

### **1060.3**

#### **SAFETY**

Employees should consider carefully 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 the Washoe 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 anticipated 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:

- a) Disclosing a photograph and name or address of a deputy who is working undercover
- b) Disclosing the address of a fellow deputy
- c) Otherwise disclosing where another deputy can be located off-duty

#### **1060.4**

##### **PROHIBITED SPEECH, EXPRESSION AND CONDUCT**

To meet the office's safety, performance and public-trust needs, the following is 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 Washoe 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 Washoe County Sheriff's Office and tends to compromise or damage the mission, function, reputation or professionalism of the Washoe County Sheriff's Office or its employees
- c) Speech or expression that could reasonably be foreseen as having 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 having 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 transportations 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 Washoe County Sheriff's Office
- f) Use or disclosure, through whatever means, of any information, photographic, 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 (NRS 281A.400(5))
- 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 Washoe County Sheriff's Office on any personal or social networking or other website or web page, without the express authorization of the Sheriff
- h) Accessing websites for non-authorized 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 communication may be warranted by the circumstances (e.g. inform family of extended hours)

## Policy 1060 - Employee Speech, Expression and Social Networking

2. During authorized breaks, such usage should be limited as much as practicable to areas out of sight and sound 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 from any web page or website maintained by the employee (e.g., social or personal website).

### **1060.4.1**

#### **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 Washoe County Sheriff's Office or identify themselves in any way that could be reasonably perceived as representing the Washoe County Sheriff's Office in order to do any of the following, unless specifically authorized by the Sheriff (NAC 284.770):

- 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 commercial entity.
- d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on 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 Washoe 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).

### **1060.5**

#### **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, Twitter, Instagram) 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.

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This includes records of all keystrokes or web-browsing history made at any office computer or over any office network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through office computers or networks.

### **1060.6**

#### **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.