



# **POLICY MANUAL**

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## **FOREWORD**

The Ada County Sheriff's Office policy manual is designed to let employees and the public we serve know why we do what we do. Our policies help explain who we are – they encapsulate the truths and facts about our agency. I hope they reassure members of the public we are here for them. Because we are.

The first section of this manual holds our agency's oath, mission, and vision. It also lists our values: integrity, service, dedication and attitude. Those four words act as the true north for our agency, pulling us in the direction we need to go whether in a moment of crisis or as we move through routine activities of our day.

I have heard it said, "Integrity is always the purpose," which explains why it is our first value. Integrity, especially for a law enforcement officer, is critical. I am proud our employees are honest, choose to treat people fairly, and do the right thing every day. That is the only way to maintain the trust of the community, which is a fundamental responsibility.

Service is a word with many meanings. Living a life of service to others, choosing to help make things right and keeping people safe is a calling more than a job. I am grateful for all of our employees who are committed to service.

Dedication is our choice to be productive because of our commitment to integrity and service.

Attitude is sometimes the hardest to maintain, given the challenging situations we manage, but our ability to be positive and professional even when others make it difficult shows our dedication to this life of serving others with integrity.

Members of our community trust law enforcement officers to always do the right thing at the right time for the right reason. We are committed to proving ourselves true to our mission, vision, and values each and every day, leaving no question about who we are and why we do what we do.

~ Sheriff Steve Bartlett

## **CHAPTER 1 – ACSO ETHICS, AUTHORITY, & COMMAND STRUCTURE**

### **1.1 ADA COUNTY SHERIFF'S OFFICE EMPLOYEE CODE OF ETHICS**

- My fundamental duty is to protect the constitutional rights and freedoms of the people whom I have been sworn to uphold. I will serve my community, this agency, and my fellow deputies with honor and to the best of my ability.
- I will perform all of my duties in a professional and competent manner. I consider the ability to be courageous and to exercise restraint in the use of my power and authority to be the ultimate public trust. I accept that I must consistently strive to achieve excellence in learning the necessary knowledge and skills associated with my duties. I will keep myself physically and mentally prepared so that I am capable of performing my duties according to the standards expected of my position.
- I will be fully truthful and honest in my dealings with others. I deplore lies and half-truths that mislead or do not fully inform those who must depend upon my honesty. I will obey the very laws that I am sworn to uphold. I will comply with the standards of my department and the lawful directions of my supervisors.
- I will treat others with courtesy at all times. I consider it to be a professional weakness to allow another's behavior to dictate my response. I will not allow the actions or failings of others to be my excuse for not performing my duties in a responsible, professional, and expected manner.
- I will empathize with the problems of people with whom I come into contact. However, I cannot allow my personal feelings, prejudices, animosities, or friendships to influence the discretionary authority entrusted to my job. I will avoid conflicts and potential conflicts of interest that could compromise my official authority or public image.
- While I consider the way I choose to conduct my private affairs a personal freedom, I accept responsibility for my actions, as well as inactions, while on duty or off duty, when those actions bring disrepute on the public image of my sheriff, my fellow deputies, and the law enforcement profession.
- I hold the authority inherent in my position to be an affirmation of the public's trust in me as an ACSO deputy. I do not take this trust lightly. As long as I remain in this position, I will dedicate myself to maintaining this trust and upholding all the ideals of the Ada County Sheriff's Office and the law enforcement profession.

### **1.2 MISSION & VISION**

We make safer places for you to live, work, and play. The Ada County Sheriff's Office will be the agency of choice for criminal justice services.

### **1.3 VALUES**

- **Integrity** - People can trust us to always do the right thing - both personally and professionally.
- **Service** - We care about the people we serve and always try to help them.
- **Dedication** - We are expected to work harder and "go the extra mile" for each other and for members of our communities.
- **Attitude** - The positive way we interact with others and approach our responsibilities makes all the difference in the world.

### **1.4 OPERATING PRINCIPLES**

- Expectations of employees are clearly set in the form of policies, standard operating procedures, and evaluations.
- Supervision provides leadership, support, and resourceful problem-solving.
- Training maintains standards and provides employees with new and better skills.
- Communication among line staff, supervisors, lieutenants, managers, directors, the Sheriff, and community is clear and timely.
- Collaboration brings stakeholders together to find the most effective and efficient solutions to problems.
- Forecasting uses reliable data to accurately predict future needs, challenges, and opportunities, and uses that information to plan for the best outcomes.

### **1.5 SHERIFF AUTHORITY AND POWERS**

The Sheriff is responsible for administration and management of the Ada County Sheriff's Office. The Sheriff shall fulfill his or her duties as stated in Idaho Code Title 31, Chapter 22.

### **1.6 PEACE OFFICER AUTHORITY & POWERS OF ARREST**



Certified, full-time peace officers employed with the ACSO whose duties include and primarily consist of the prevention, investigation, and detection of crime may make an arrest in obedience to a warrant, or may, without a warrant, make an arrest under any provision of I.C. § 19-603. ACSO commissioned deputies with patrol certification shall have the same authority outside the county when complying with I.C. § 67-2337. However, ACSO deputies will not routinely perform law enforcement duties outside of the county limits except as approved by the Bureau Director. Whenever acting in their official capacity, ACSO deputies shall observe and comply with every person's clearly established rights under the United States and Idaho Constitutions.

### 1.7 OATH OF OFFICE

Upon employment, all employees shall affirm the oath below expressing their commitment and intent to faithfully discharge the duties of an Ada County Sheriff's Office deputy.

*I do solemnly swear or affirm that I will support and defend the Constitution of the United States of America and the Constitution and laws of the State of Idaho. I will earn the respect of others by being ethical and professional at all times. I pledge to carry out my duties to the best of my ability and bring honor to the Ada County Sheriff's Office and to myself, so help me God.*

### 1.8 BUREAUS

The Sheriff has created five bureaus, each commanded by an appointed Bureau Director whose primary responsibility is to provide general management direction for that bureau.

- **Administrative Services Bureau (ASB)** - office support services such as business functions, personnel issues, and record management
- **Court Services Bureau (CSB)** - court support services such as inmate transport, pretrial supervision, reentry programs, alternative sentencing, and misdemeanor probation
- **Emergency Communications Bureau (ECB)** - Ada County 911, dispatch, and technological support for emergency communication systems
- **Jail Services Bureau (JSB)** - care and custody of inmates
- **Police Services Bureau (PSB)** - law enforcement functions such as patrol and investigations

### 1.9 CHAIN OF COMMAND & SUCCESSION

The descending order in the line staff chain of command is as follows: Sheriff, Chief Deputy, Captain/Bureau Director, Lieutenant/Division Manager, Sergeant/Supervisor, AFC/LEAD, and Deputy. The Sheriff exercises command over all personnel in the office. During planned absences, the Sheriff will designate the Chief Deputy to serve as the acting Sheriff. In the absence or unavailability of the Sheriff and Chief Deputy, the Sheriff's command authority will fall to the Police Services Bureau Director, and then to the Jail Services Bureau Director. All official communications of the Sheriff's Office must adhere to the chain of command.

### 1.10 UNITY OF COMMAND

Each individual unit and situation is under the immediate control of one and only one person. 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., K-9, SWAT), and any supervisor may temporarily direct any subordinate if operational necessity exists.

### 1.11 SUPERVISORS ROLE

A supervisor is a person in a position of authority regarding hiring, transfer, suspension, promotion, discharge, assignment, reward, or discipline of other office employees, directing the work of other employees, or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature, but requires the use of independent judgment. The term "supervisor" may also include any person (e.g., deputy-in-charge, lead, or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank or compensation. When there is only one employee on duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the employee's off duty supervisor or an on call supervisor.

### 1.12 SUPERVISOR AUTHORITY

Authority delegated to supervisors is for effective delivery of ACSO services. Responsibility equal with delegated authority is inherent with supervision, and supervisors are accountable for the actions of their subordinates. In the absence of the employee's supervisor, every ranking employee has the responsibility for any subordinate employee's conduct. The authority delegated to ranking employees is not confined to their respective Bureaus, but includes supervision over all employees as may be necessary, and shall be exercised with utmost discretion and only in periods of absolute need. In such event, the matter should be communicated to the immediate supervisor of the employees involved without unnecessary delay.

- **DIRECT SUPERVISOR** – responsibility under normal conditions for such things as making work assignments, monitoring work performance, handling disciplinary matters, resolving questions and problems, forwarding communications up and down the chain of command, and ensuring the completion of routine administrative requirements relating to his or her subordinates.
- **FUNCTIONAL SUPERVISOR** – authority extended to an employee to complete a specific task and direct the actions of others who are not normally under his or her control to accomplish the task.

A superior shall sustain a subordinate when a subordinate is acting within his or her rights. Ranking employees shall not unnecessarily countermand any orders of those below his or her rank or needlessly interfere with the specific duties of lower ranking employees. Additionally, ranking employees should not deliberately criticize directives, policies, orders, or instructions of superior employees in the presence of subordinates. The supervisor should, in most cases, use tact when giving orders and correcting mistakes. A subordinate's understanding of instruction should be tested so that the subordinate will know in detail what is to be done, how to do it, and, if desirable, the reasons therefore. When a supervisor must reprimand, correct, or counsel a subordinate, it should be done in private when practical. This is not to be construed to restrict normal duty assignments and instructions.

In order to accommodate training and other unforeseen circumstances, employees who are designated as a team lead may be used as a supervisor. A senior deputy may act as an Incident Supervisor for a limited period of time with prior authorization from a Division Lieutenant or Bureau Captain.

### **1.13 ORDERS**

Employees shall respond to and make a good faith and reasonable effort to comply with the lawful order of superior officers and other proper authorities. Employees who are given an otherwise proper order, which is in conflict with a previous order, rule, regulation, or directive, shall inform the ranking employee issuing the order of the conflict. If the ranking employee, after being informed, does not alter or retract the conflicting order, it shall stand. Under these circumstances, the responsibility for the conflict shall be upon the ranking employee. Employees shall obey the conflicting order and shall not be held responsible for disobedience of the original order, rule, regulation, or directive. Employees shall not obey any order which they know or should know would require them to commit any illegal act. If in doubt as to legality, employees should request the issuing employee to clarify the order through the chain of command.

When a question of seniority arises regarding who is in command in the absence of any established rank or appointed responsibility, seniority shall be determined by the following rule: if employees are of equal rank, seniority goes to the person with the longer continuous length of service in that rank, and then by position on the certified eligibility list in the case that two or more employees were appointed to that rank on the same day. When two or more employees are working together on the same assignment and detail and have equal rank, seniority is inapplicable except in an emergency necessitating it. All employees should strive to work together in harmony and in a spirit of cooperation rather than by authority and seniority.

### **1.14 SHERIFF'S LEGAL ADVISOR**

ACSO employees seeking a formal legal opinion shall direct such requests through chain of command to the Sheriff's Legal Advisor. All written legal opinions are confidential, attorney/client correspondence, and are not subject to any disclosure unless directed by the Sheriff. The only persons authorized to accept service of court process for civil suits filed against the ACSO or its employees, including notices of tort claim or subpoenas for records or dispatch information, are the Sheriff, his designee, or the Legal Advisor.

### **1.15 EMERGENCY OPERATIONS PLAN**

The Sheriff, or the highest ranking official on duty, may activate the Emergency Operations Plan in response to a major emergency, and shall review the plan at least annually to ensure compliance with any NIMS revisions. During any such activation, all employees of the ACSO are subject to immediate recall. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Sheriff or his authorized designee. A copy of the Emergency Operations Plan is available in Dispatch, the Ada County Emergency Management Office, and digitally available on the ACSO internal webpage under "Emergency Response Plans." Supervisors should familiarize themselves with the plan and what roles ACSO personnel will play when the plan is implemented.

### **1.16 POLICY PURPOSE & SCOPE**

The policy and procedures of the ACSO is a statement of the current rules and guidelines of this office. The manual is designed to balance ACSO's direction with an employee's ability to wisely use their discretion in performing their duties. ACSO policies are for the internal use and shall not be construed to create a higher standard or duty of care for civil or criminal liability against Ada County, its officials, or employees. The provisions contained herein are not intended to create an employment contract nor any employment rights or entitlements.

ACSO employees shall conform to all provisions of the most current form of the policy and its accompanying procedures, as displayed by its issuance date. Violations of any policy or procedure shall only form the basis for administrative action, training, or discipline. Employees shall, as a condition of employment, acknowledge that they have had the opportunity to access and review the policy and procedures, and sign a declaration stating such. Employees will consult with their supervisor on any portion that is not fully understood. Employees are responsible for reviewing revisions when updates are posted.

ACSO reserves the right to revise policy or procedure content, in whole or in part, and the Sheriff is the ultimate authority for both content and adoption of new provisions, ensuring compliance with all applicable laws. No changes shall be made without authorization from the Sheriff. In addition to amending policy, the Sheriff may issue a standing order which shall have the same effect as policy or procedure until such time as the policy is amended to include the order. Suggested changes should be sent through the chain of command or to the Sheriff's Legal Advisor.

The Sheriff or his designee may make immediate changes to the policy and procedures at any time. When needed, the Sheriff may issue an "Interim Directive" to all personnel or to a particular bureau to effect notice of any changes made. All interim directives shall be reviewed by the Sheriff's Legal Advisor before release. Employees shall be responsible for keeping abreast of all directives and shall seek clarification from an appropriate supervisor as needed.

### 1.17 POLICY & PROCEDURE DEFINITIONS

- **ACSO / Office** – Ada County Sheriff's Office
- **CFR** – Code of Federal Regulations
- **Commissioned Deputy** – Employees and volunteers who, regardless of rank or title, have peace officer powers
- **County** – County of Ada
- **Employee/member/personnel** – Any person employed or appointed by the Ada County Sheriff's Office, including full-time sworn deputies, reserve deputies, non-sworn employees, and volunteers
- **IDAPA** – Idaho Administrative Procedure Act
- **ISP** – Idaho State Police
- **ITD** – Idaho Transportation Department
- **Manual** – Ada County Sheriff's Office Policy Manual
- **May** – Indicates a permissive, discretionary, or conditional action
- **On duty** – An employee's status during the period when he/she is engaged in the performance of duties
- **Off duty** – An employee's status during the period when he/she is not engaged in the performance of duties
- **Order** – A written or verbal instruction issued by a superior
- **POST** – Idaho Peace Officer Standards and Training Council
- **Professional staff** – Employees who, regardless of rank or title, do not have peace officer powers
- **Rank** – The title of the classification held by a deputy
- **Shall/will** – Indicates a mandatory action
- **Should** – Indicates a generally required or expected action, absent a rational basis for failing to conform
- **Standard Operating Procedure (SOP)** – specific procedures stating the who, what, when, where, and how needed to accomplish policy set forth by the Sheriff
- **USC** – United States Code

## **CHAPTER 2 – ACSO ADMINISTRATION, EMPLOYEE CONDUCT, AND OPERATIONS**

### **SECTION 2A – ADMINISTRATION POLICY**

#### **2A.1 SUPERVISOR'S ROLE AND PHILOSOPHY**

The foundation of the Sheriff's Office is the first-line supervisor. Supervisors move the Sheriff's mission forward and are at the center of personnel development, motivation, discipline, and morale. Except for the Sheriff, each employee of the Sheriff's Office will have a supervisor. It is the duty of every supervisor to know whom he/she is supervising, and it is the duty of every employee to know who his/her supervisor is. Ranking employees have authority to carry out policies and administer and supervise the work of various Bureaus, Divisions, or Units of the ACSO. Each supervisor shall, by actions, manner, and attitude, promote understanding of all procedures essential to effective organizational control. Each supervisor is to convey the intent and spirit of orders and directives to subordinates. Each supervisor should know of a subordinate's progress and assist by counseling, advice, and direction, and assist subordinates with problems that affect the performance of their work.

#### **2A.2 RECRUITMENT AND SELECTION**

The ACSO shall provide equal opportunities for all applicants and current employees. ACSO strives to hire quality people who demonstrate personal dedication and professional service to our mission and community. The rules governing employment practices for the ACSO are maintained by the ACSO Human Resources Department. All employees of Ada County are at-will and no ACSO policy or procedure should be considered a contract for purposes of employment, payment, compensation, or benefits. To ensure fairness, the Sheriff has elected to provide a disciplinary appeal procedure as explained in this policy manual.

#### **2A.3 EMPLOYEE STANDARDS**

Employment standards shall be established for each job classification and shall minimally include the special training, abilities, knowledge, and skills required to perform the duties of the job in a satisfactory manner. The ACSO Human Resources Department maintains standards for all positions. In situations where applicants have a current or past issue that will require a waiver to attend the Idaho Peace Officer Standards & Training Academy, the Sheriff will be informed and no application shall be submitted without his approval.

#### **2A.4 EVALUATION OF EMPLOYEES**

The objective of the evaluation system is to record work performance for both the ACSO and the employee, giving recognition for good work and providing a guide for improvement where needed. The performance evaluation is a gauge in measuring performance and is used for making personnel decisions relating to merit pay, promotion, reassignment, discipline, demotion, and termination. The performance evaluation also provides a guide for mutual work planning and review, and an opportunity to convert general impressions into a more objective history of work performance based on job standards.

#### **2A.5 AWARDS AND EMPLOYEE RECOGNITION**

Special recognition may be in order whenever an employee performs his/her duties in an exemplary manner. A meritorious or commendable act by an employee may include, but is not limited to the following:

- Superior handling of a difficult situation;
- Conspicuous bravery or outstanding performance by any employee;
- Any action or performance that is above and beyond the typical duties of an employee.

The ACSO Award Nomination Form can be found by clicking here:

<https://aces.ada.net.gov/sites/ADAPortal/departments/sheriff/Shared%20Documents/ACSO%20Forms/ACSO%20Award%20Nomination%20Form>

ACSO Awards include:

- MEDAL OF VALOR
- DISTINGUISHED SERVICE MEDAL
- SHERIFF'S STAR MEDAL
- PURPLE HEART MEDAL
- SHERIFF'S AWARD
- BUREAU DIRECTOR AWARD
- TEAM CITATION AWARD
- LETTER OF COMMENDATION

**2A.6 TRANSFER**

The Sheriff may initiate the transfer of any employee to any position at his discretion. Notwithstanding anything in this policy to the contrary, the Sheriff retains complete discretion to make any transfer or promotion he feels would be in the best interest of the ACSO. Transfer opportunities may or may not be published depending on the discretion of the Sheriff. When published, employees should submit letters requesting a transfer. Any employee requesting a transfer may not be subject to any current discipline.

**2A.7 PROMOTION**

The Sheriff has full authority for promotions and may initiate a competitive promotional process for any position. Candidates for promotion to an increased commissioned rank (i.e. Sgt., Lt., and Captain) must be firearms qualified and have at a minimum an Intermediate POST certificate or Level II Detention Officer classification. All candidates must be free from current discipline. An eligibility list for future promotions may be created from the final ranking of candidates. The Sheriff may appoint anyone from among top candidates for open positions. There is no guarantee that a promotion will be made from the eligibility list or that the top person on the list will be the person selected for promotion. The eligibility list expires on the date of the next promotional process notification.

A temporary promotion to a supervisory position must meet the following requirements to justify a temporary pay increase:

- (a) The assignment must be equal to or greater than two pay periods.
- (b) Pay increase amount will be five percent (5%) of the affected employee's regular rate, whether or not the affected position is on the Pay Plan.
- (c) Information about the actual dates assigned must be communicated to the Sheriff's Human Resources Department (HR) before the work ensues.

All other assignments are considered developmental and do not affect pay.

**2A.8 REQUEST FOR CHANGE OF ASSIGNMENT**

Requests for change of assignment are considered equally. Employees wishing a change of assignment are to submit a letter of request to Human Resources through the chain of command to their Bureau Captain/Director. Request letters should include qualifications for specific assignments, relevant experience, education, and training, as well as all assignments an employee is interested in completing. The Request for Change of Assignment letter will remain in effect until Human Resources or the Bureau Captain/Director provides a formal response granting or denying the request.

**2A.9 EMPLOYEE CONFLICT RESOLUTION**

It is the intent of the ACSO to be responsive to employees and their concerns. Conflicts should be handled quickly, fairly, and at the lowest level possible. Conflict is any difference of opinion concerning terms or conditions of employment, or the interpretation of this manual. Employees, supervisors, and managers are strongly encouraged to attempt to address any concerns they may have as soon as possible and with each other directly, either in person or in writing. If all other efforts to resolve the situation have been exhausted, or if an employee is uncomfortable handling the situation directly, he/she may initiate a formal conflict resolution process. The conflict resolution procedure may only be initiated by an individual employee on his/her own behalf. This process does not replace, nor is applicable to: allegations of misconduct or improper job performance that, if true, would violate office policy or federal, state, or local law as guided by ACSO policy on personnel complaints, or to the disciplinary appeal process established by this policy.

**2A.10 PERSONNEL EARLY WARNING SYSTEM**

ACSO recognizes a need to help employees exhibiting below standard, unusual, or less than professional job performance attributable to trauma or personal stress rather than negligence, lack of knowledge, or illegal behavior. The early warning system is used to identify critical performance indicators, patterns, or trends that are adversely affecting an employee's performance. All employees are ultimately responsible for their own conduct, actions, and behaviors. The Sheriff, the Sheriff's Legal Advisor, and the Administrative Investigator shall evaluate the personnel early warning system annually.

**2A.11 PERSONNEL COMPLAINTS**

ACSO takes seriously all complaints regarding the conduct of its employees. The office will accept and address all complaints of employee misconduct from both internal and external sources in accordance with this policy and applicable federal, state, and local laws. It is also the policy of this office to ensure that the community we serve can report misconduct without concern for reprisal or retaliation. A personnel complaint consists of any allegation of misconduct or improper job performance against any employee that, if true, would constitute a violation of the policy of this office, federal, state, or local law. Any employee or member of the public may make complaints in writing, by e-mail, in person, or by telephone. Personnel complaint forms (which may be

printed in languages other than English when needed) will be made available to the public at the main records window at the Public Safety Building and at each ACSO substation. Inquiries about employee conduct which, even if true, would not violate an office policy or a federal, state, or local law may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures, or the office's response to specific incidents.

#### **2A.12 ADMINISTRATIVE LEAVE**

When a complaint of misconduct is of a serious nature or when circumstances practically dictate that it would be appropriate, a Bureau Captain/Director may temporarily assign the accused employee to administrative leave pending completion of the investigation or the filing of administrative charges.

#### **2A.13 ADMINISTRATIVE INVESTIGATIONS**

Administrative investigations may only be initiated by the Sheriff or his designee. The Administrative Investigator ensures all investigations of complaints and other inquiries or investigations against personnel of the ACSO are completed in a fair and expeditious manner. The Administrative Investigator is under the direct command of the Sheriff or his designee and may cross all supervisory lines and chains of command, as required, during an investigation. All employees shall provide prompt, honest, and complete statements regarding their knowledge of the subject of an investigation to the Administrative Investigator. Employees shall immediately provide any physical evidence, recordings, photographs, and/or other articles relevant to the investigation. The Administrative Investigations Office will track all complaints and subsequent investigations, provide a full Internal Affairs Report (IA) for any complaints, and develop an annual report for the Sheriff or his designee.

#### **2A.14 DISCIPLINARY ACTION**

Administrative discipline may include dismissal, suspension, demotion, in-band reduction in pay, counseling, written reprimand, and education-based discipline. A supervisor may place any employee on administrative leave with pay review for a period not to exceed six months. Such action shall first be approved by the Bureau Captain/Director in the employee's chain of command. The Sheriff's Human Resources Department shall be notified of such action. The administrative leave with pay period shall automatically end on the date listed in the written notification to the employee, unless terminated in writing sooner. While on administrative leave with pay, an employee shall continue to earn and accrue sick leave and vacation leave, and may use both. Upon receipt of any completed personnel investigation, the Division Lieutenant/Manager of the involved employee shall review the entire investigative file, the employee's personnel file, and any other relevant materials.

An employee who has been employed continuously for twelve months may appeal a dismissal, suspension, demotion, and or in-band reduction in pay to their Bureau Captain/Director within 5 business days after receipt of the written notification of disciplinary action. Employees who have been employed for less than twelve months have no rights of appeal. No employee may appeal a written reprimand, counseling, or education based discipline. The process for appeal is found in ACSO procedures section. Failure of the employee to request a meeting with the Bureau Captain/Director, the Disciplinary Review Board, or the subsequent opportunity to be heard by the Sheriff shall constitute a waiver of any right to challenge the action. If an employee tenders written notice of retirement or resignation prior to the imposition of discipline, it shall be noted in their personnel file. The tender of a retirement or resignation by itself shall not serve as grounds for the termination of pending discipline.

#### **2A.15 REPORTING OF EMPLOYEE CHARGES OR CONVICTIONS**

All prospective employees shall disclose any previous law enforcement contacts in which they were a suspect prior to being hired. Once hired, employees shall promptly notify their immediate supervisor verbally or in writing of any current criminal investigation or arrest in which they are or were a suspect, victim, or material witness regardless of the outcome of the investigation. All employees shall further promptly notify their immediate supervisor verbally or in writing if the employee becomes the subject of a domestic violence restraining order or similar court order as certain charges or convictions may restrict or prohibit an employee's ability to properly perform official duties. Any employee whose criminal conviction unduly restricts or prohibits that employee from fully performing his/her duties may be disciplined, including—but not limited to—being placed on administrative leave, reassignment, and/or termination. Any employee failing to provide prompt verbal or written notice pursuant to this policy shall be subject to discipline. As required by IDAPA, the Sheriff shall notify the POST Division Administrator within 14 days of learning of certain charges.

#### **2A.16 PERSONNEL FILE CONFIDENTIALITY**

Personnel records shall be deemed confidential and shall not be subject to disclosure except pursuant to the discovery procedures set forth by law. ACSO intends to maintain the confidentiality of all personnel records. A personnel record includes any information or file maintained under an employee's name. Regardless of the file's physical or digital location, an employee's "personnel file" includes pre-employment and current employment history and evaluations, disciplinary grievances and actions, internal

administrative investigation records, letters of commendations, training records, and any other items related to employment, medical information, financial information, or other confidential material.

Requests for the disclosure of any information contained in any personnel record shall be promptly brought to the attention of the Human Resources Manager or other supervisor charged with the maintenance of such records. All requests for disclosure which result in access to an employee's personnel file(s) shall be logged in the corresponding file. Nothing in this section is intended to preclude review of personnel files by administrative personnel in connection with official business.

Except as provided by this policy or pursuant to lawful process, information contained in any confidential personnel file shall not be disclosed to any unauthorized person(s) without the express prior consent of the involved employee or by written authorization of the Sheriff or his/her designee. The Sheriff may release any information concerning a disciplinary investigation if the employee who is the subject of the investigation (or the employee's representative) makes a statement in regard to the matter which is published in any form of print or online/social media.

The Sheriff, Legal Advisor, and Sheriff's Human Resources Designee(s) have sole authority to release information pertaining to the job performance of current or past ACSO members (employees, volunteers, interns). This includes providing information to prospective employers or other persons seeking such information. No ACSO employee shall release any member information as representatives of the Sheriff's Office. ACSO members may only submit private personal references that do not contain job performance information. If a private personal reference is provided in writing, ACSO stationery shall not be used.

#### **2A.17 EMPLOYEE'S ACCESS TO OWN FILE**

Any employee may request access to his/her own personnel file(s) during the normal business hours of the individual(s) responsible for maintaining such file(s); however, employees may be restricted from accessing any such files under the following conditions:

- Background information, letters of recommendation, test results, and promotional assessments;
- Ongoing internal investigations pending final disposition or notice to the employee of intent to discipline;
- Administrative Investigation files which have not been sustained against the employee to the extent that such files contain confidential information;
- Portions of the employee's medical file.

#### **2A.18 BRADY/GIGLIO MATERIAL IN PERSONNEL FILES**

ACSO recognizes that as a part of the prosecution team, ACSO has an affirmative duty to disclose to every defendant any evidence which is both favorable and material to the guilt and/or punishment of the defendant. The Sheriff or his designee may examine any employee's personnel file at any time to determine whether there is any Brady/Giglio material contained therein, and, if located, shall notify the assigned prosecutor of the potential presence of such material. Should an ACSO employee's credibility or other issue related to a personnel file arise in the context of an employee acting as a witness for the prosecution, access to that employee's personnel file by either the prosecuting attorney or the criminal defendant shall be limited to that which is allowed by law and/or authorized by a court.

#### **2A.19 ACCESS TO PROTECTED/PRIVILEGED INFORMATION**

ACSO deputies have access to privileged and/or protected information as a routine part of their duties, to include information or data that is collected, stored, or accessed by ACSO employees and that may be subject to access or release restrictions imposed by law, regulation, order, use agreement, or information contained in federal, state, or local law enforcement databases that is not accessible to the public. Protected information shall not be accessed in violation of any law, order, regulation, user agreement, ACSO policy, or training. Only those employees who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the employee has a legitimate work-related reason for such access. Unauthorized access, including access for anything other than a legitimate work-related purpose, is prohibited and may subject an employee to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution. Employees of ACSO will adhere to all applicable laws, orders, regulations, use agreements, and training related to the access, use, dissemination, and release of protected information.

#### **2A.20 DRUG AND ALCOHOL FREE WORKPLACE**

Alcohol and drug use in the workplace or during work time shall not be tolerated (41 USC § 8103). Employees shall report for work in an appropriate mental and physical condition. ACSO will randomly test its employees for the presence of drugs and alcohol. Employees who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, which would tend to adversely affect their mental or physical abilities shall not report for duty. Any affected employee shall notify the appropriate supervisor as soon as the employee is aware that he/she will not be able to report to work. If the employee is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the

employee is adversely affected while on duty, he/she shall be immediately removed and released from work.

#### **2A.21 SMOKING AND TOBACCO USE**

Smoking is not permitted while on duty or at any time during which the employee is acting in an official capacity for the ACSO. Smoking is not permitted inside any county facility, office, or vehicle. The use of other tobacco or simulated tobacco products is prohibited in view of the public while the employee is representing the ACSO. It shall be the responsibility of each employee to ensure that no person under his/her supervision smokes or uses any tobacco product in violation of these restrictions. For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches, and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

#### **2A.22 VOLUNTEER PROGRAM**

ACSO benefits directly from the assistance of volunteers. ACSO builds lasting relationships that keep employees in closer touch with residents. Volunteers can help increase responsiveness and service delivery, and bring new skills and expertise as well as enthusiasm to ACSO. A volunteer is an individual who performs a service for the office without promise, expectation, or receipt of compensation for services rendered. Per Fair Labor Standards Act (FLSA) rules, an employee must seek permission from HR or their Bureau Captain prior to performing volunteer work for the ACSO. This may include unpaid chaplains, unpaid reserve officers, interns, persons providing administrative support, and youth involved in the Explorer program, among others.



## **CHAPTER 2 – ACSO ADMINISTRATION, EMPLOYEE CONDUCT, AND OPERATIONS**

### **SECTION 2B – EMPLOYEE CONDUCT**

#### **2B.1 EMPLOYEE CONDUCT**

Employees shall conduct themselves, whether on or off duty, in accordance with the Constitution of the United States, the Idaho Constitution and all applicable laws, ordinances and rules enacted or established pursuant to legal authority. Employees shall also familiarize themselves with ACSO policy and procedures and be responsible for compliance with each of the policies contained herein. ACSO wants employee conduct to reflect the values and mission of the ACSO. The continued employment of every employee shall be based on conduct that reasonably conforms to the law and those guidelines set forth herein. Failure of any employee to meet these guidelines, (on or off duty) may be cause for disciplinary action including termination. This policy shall apply to all employees (including volunteer, part-time and reserve employees). This policy and its companion procedure sections is intended for internal use only and shall not be construed to increase or establish an employee'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. Employees should seek clarification and guidance from supervisors in the event of any uncertainty. Discipline may be taken for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline and this policy is not intended to cover every possible type of misconduct.

#### **2B.2 DISCRIMINATION/BIASED BASED PROFILING PROHIBITED**

ACSO is committed to providing law enforcement services to the community with due regard for the racial, cultural, or other differences of those we serve. ACSO employees will enforce the law equally and without discrimination toward any individual or group. Race, ethnicity, nationality, culture, religion, sex, sexual orientation, economic status, age, persons with a 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. Every employee shall perform his/her duties in a fair and objective manner and shall report any known instances of bias-based profiling to a supervisor. Deputies detaining any person shall be prepared to articulate sufficient reasonable suspicion to justify a detention. To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card), the involved deputy should include those facts giving rise to the deputy's reasonable suspicion or probable cause for the detention, as applicable. No retaliatory action will be taken against any employee who discloses information concerning bias-based profiling. ACSO 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. The ACSO also prohibits all forms of discriminatory harassment, including sexual harassment, which is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. 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 ACSO equipment and/or systems to transmit or receive offensive material, statements or pictures. Such conduct is contrary to ACSO policy and to the office commitment to a discrimination free work environment.

#### **2B.3 FITNESS FOR DUTY**

ACSO's purpose is to ensure that all deputies remain fit for duty and able to perform their job functions. Deputies are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of their powers and responsibilities.

#### **2B.4 PERSONAL CONFLICTS OF INTEREST AND ETHICAL BEHAVIOR**

To ensure that employment and business matters are decided on an objective basis all ACSO employees shall disclose relationships that have created or may create a conflict of interest. Employees shall not allow, or attempt to foster, a personal relationship with any person under their custody or control at any time during the course of their duties. Except as necessary in the performance of official duties or where unavoidable because of family relationships, employees shall avoid regular or continuous associations or dealings with any person who the employees knows is under criminal investigation or indictment, is on parole or supervised felony probation, was released from any jail, prison, or other criminal holding facility within the past 6 months, has a felony case not yet adjudicated in any court, or engages in activities that, by association, would bring discredit to the employee or the Sheriff's Office. Examples of such associations include, but are not limited to: users of illegal drugs, gang members, exotic dancers, strippers, escort service providers and/or performers in pornographic productions. Employees who believe their individual situation may put them in violation of this policy shall contact the Sheriff's Office's Legal Advisor for direction.

The ACSO is committed to fair and impartial investigations of criminal complaints. In any case where a potential conflict of interest is identified, the employee shall immediately notify his/her supervisor of the potential conflict. The complexity of the investigation,

public perception and confidence, as well as availability of resources will be considered for any potential conflict of interest. A conflict of interest is any criminal case (internal or external) where allegations of favoritism, special consideration, nonfeasance, malfeasance, or misfeasance may be made based on a special relationship between a subject involved in the criminal case and a staff member of the Sheriff's Office. Passing a conflict case to another agency must be approved in writing by the Sheriff or Chief Deputy. Conversely when receiving a case from another agency for a conflict investigation, the agency request must be in writing for approval by the Sheriff or Chief Deputy. If the case needs immediate attention, a captain or lieutenant may authorize the investigation to begin; however, a written request and proper approvals by Sheriff or Chief Deputy should be made at the earliest opportunity.

Given the role of ACSO deputies and civilian staff, both in terms of their daily discretionary decisions and access to sensitive information, ACSO employees should work to guard against potential situations that could expose them or the ACSO to extortion, cyber extortion, blackmail or other personal or financial jeopardy. Employees shall immediately notify their supervisor if the employee or a member of their family is the target or victim of an extortion scheme or legitimate blackmail attempt.

## **2B.5 EMPLOYEE SPEECH, EXPRESSION, POLITICAL ACTIVITY, AND SOCIAL MEDIA**

Employee conduct both on and off duty must meet a high standard. This includes, but is not limited to, conduct related to political activity, endorsements, advertisements, and materials posted on the internet or disseminated electronically. Employees shall 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). No employee shall maintain, or permit to be maintained, Internet or other digital content that is unprofessional, illegal, or exhibits behaviors such as lewdness or excessive alcohol consumption in a manner that brings disrepute on to the Sheriff's 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 a member of any recognized employee associations. Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy. 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, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, and other file-sharing sites.

## **2B.6 PERSONAL APPEARANCE**

Every ACSO employee shall maintain their personal hygiene and appearance to project a professional image appropriate for this office and for their assignment. Procedures will dictate employee standards for hair, facial hair, fingernails, jewelry, accessories, tattoos, and piercings.

## **2B.7 SUBPOENAS AND COURT APPEARANCE**

Employees who receive subpoenas related to their employment with this office shall follow policy and procedures. Compliance is mandatory on all cases for which they have been properly served civil or criminal subpoenas. Employees shall cooperate with the prosecution to ensure the successful conclusion of a case. Procedure with county and city prosecutor's office 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.

## **2B.8 UNIFORM, CLOTHING, AND EQUIPMENT STANDARDS**

The uniform policy of the ACSO is established to ensure that uniformed deputies will be readily identifiable to the public through the proper use and wearing of the uniform of this office. The quartermaster will be responsible for the issuance of uniforms and equipment and maintenance of this office's inventory of uniforms and equipment. The quartermaster will issue uniforms and equipment to commissioned deputies and professional staff members who are required to wear uniforms according to duty status. All deputies will maintain uniforms and equipment in clean, neat, and fully operational condition. The quartermaster will collect and inventory all issued equipment upon resignation or termination of employment. Changes to uniform standards shall be submitted to the uniform committee who shall evaluate and make recommendations to the Sheriff. The Sheriff shall be the final authority on uniform standards.

## **2B.9 TIMEKEEPING AND OVERTIME REPORTING**

Timesheets are submitted to Sheriff's Office Administration for the payment of wages. Each employee is responsible for the accurate and timely submission of his/her hours worked. Employees shall comply with all procedures regarding sick leave, vacation leave, meal periods, break periods and the procedures for on-call and call-out duties.

**2B.10 SECONDARY EMPLOYMENT**

ACSO is considered the primary employer of all Sheriff's Office employees. To help insure an employee's ability to perform their Sheriff's Office duties effectively and efficiently, and to avoid actual or perceived conflicts of interest or professional standards for employees engaging in secondary employment, the Sheriff shall have sole discretion of approving or denying any employee's secondary employment.

**2B.11 OFF DUTY LAW ENFORCEMENT ACTION**

The decision to become involved in a law enforcement action when off duty can place a deputy as well as others at great risk and must be done with careful consideration. Employees initiating law enforcement action while off duty is generally discouraged. Deputies should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving, or minor property crimes, however such incidents should be promptly reported to the appropriate law enforcement agency and the deputy may act as a witness so as to remain safe. While deputies are not expected to place themselves in unreasonable peril, a commissioned deputy who becomes aware of an incident that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat. When public safety or the prevention of major property damage requires immediate action, deputies should first consider reporting and monitoring the activity and only take direct action as a last resort. Deputies should remember that their authority as a peace officer may not extend to actions taken outside their jurisdiction unless there is probable cause to believe the crime to be addressed is a felony or presents an immediate threat of serious bodily injury or death (I.C. § 67-2337). Deputies of this department may carry firearms while off duty in accordance with federal regulations and ACSO policy. All firearms and ammunition to be carried by a deputy so they may respond to address criminal activity in a law enforcement capacity must meet guidelines as described in the firearms procedures below. When carrying firearms while off duty, deputies shall also carry their ACSO identification. Deputies should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any deputy who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the deputy's senses or judgment.

**2B.12 OCCUPATIONAL DISEASE, WORK-RELATED INJURY, AND LIGHT DUTY**

Any employee who sustains any work-related injury or who is involved in any accident while on duty shall report the injury or accident as soon as practical to his/her supervisor. Any employee observing or learning of a potentially hazardous condition is to promptly report the condition to his/her immediate supervisor. Any employee sustaining a work-related injury that requires relief from duty is required to be examined and or treated by a designated workers' compensation medical provider unless an emergency dictates otherwise. An injured employee shall report as soon as practical to their immediate supervisor the medical findings concerning the injury and the extent and duration of any work restrictions, if they are known. ACSO will address occupational diseases and work-related injuries appropriately, and will comply with applicable state worker's compensation requirements and Idaho Code Title 72. Employees with an illness, injury, or other medical condition that creates restrictions or limitations rendering them unable to perform their regular assigned duties may request light duty and be assigned based on the needs of the ACSO. Light duty assignments are intended to provide an employee with the opportunity to continue working within the limits of his/her restrictions and temporary limitations while providing the ACSO with a productive employee during the interim period. Light duty assignments are a management prerogative and not an employee right. All requests for modified duty are to be submitted to the Sheriff's Human Resources Department. Eligibility for a temporary light duty assignment is subject to availability and must be approved by Sheriff or his designee.

**2B.13 COMMUNICABLE DISEASE PREVENTION**

To assist in minimizing the risk of employees contracting and/or spreading communicable diseases, all employees shall follow the procedures below, including the guidelines of the Idaho General Safety and Health Standards (IGSHS).

**2B.14 LINE OF DUTY DEATHS**

ACSO will ensure proper support and emotional care for an employee's family and our staff following a line-of-duty death. Line-of-duty death includes incidents where an employee is killed or dies as a result of an injury suffered while performing a work-related function, either on or off duty. This policy applies to all active employees regardless of rank or commissioned status. Additionally, the Sheriff may choose to implement certain parts of the procedures for an employee's natural death.

**2B.15 ACSO PROPERTY**

ACSO Employees are expected to properly care for property issued, assigned, or entrusted to them. Employees may also suffer occasional loss or damage to personal, issued, assigned, or entrusted property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item. Employees are responsible for the safekeeping,

serviceable condition, proper care, use, and replacement of property assigned or entrusted to them. Any employee's intentional or negligent abuse or misuse of ACSO property may lead to discipline including, but not limited to, the cost of repair or replacement.

### **2B.16 PCD, CELL PHONE, COMPUTER, SOFTWARE, MDT, AND EMAIL USE**

ACSO employees shall properly use ACSO information technology resources, including computers, all electronic and or mobile devices, hardware, software, and systems as required. ACSO allows employees to utilize ACSO-issued Personal Communication Devices (herein PCD) and to possess personally owned PCDs in the workplace, subject to certain limitations. A PCD includes telephones, smartphones, tablets, personal digital assistants and/or any similar wireless two-way communications and/or portable Internet access devices. In addition to PCDs, the ACSO provides certain employees computing devices such as computers, mobile digital terminals, laptops, and tablets, software, and data storage devices for job related functions. Employees are also issued a specific ACSO email for professional and business use. PCD and computing device 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. Any computing device or PCD used while on duty, or used off duty in any manner reasonably related to the business of the ACSO, will be subject to monitoring and inspection consistent with the standards set forth in this policy and procedure. The inappropriate use of a PCD or computing while on duty may impair deputy safety and may lead to discipline as a violation of policy or procedure.

Any employee utilizing any PCD, or computing device, computer, electronic storage device or media, internet service, phone service, information conduit, system or other wireless service provided by or funded by ACSO 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 Sheriff's Office also expressly reserves the right to access and audit any and all communications (including content) sent, received and/or stored through the use of such service.

### **2B.17 VEHICLE USE AND MAINTENANCE**

Any ACSO vehicle shall be used appropriately and kept in a safe, serviceable, and clean condition. ACSO provides vehicles for ACSO-related business use, and may assign patrol and unmarked vehicles based on its determination of operational efficiency, economic impact to ACSO, requirements for tactical deployments, and other considerations. ACSO-owned vehicles shall only be used for official business and, when approved, for commuting to allow employees to respond to ACSO-related business outside their regular work hours. While operating any ACSO-owned vehicle, all employees are required to carry their ACSO identification card and wear safety restraints. Brief exceptions are allowed for commissioned employees if immediate exit from the vehicle may be necessary during a tactical situation or suspect search. Employees may only operate an ACSO vehicle with emergency equipment if they have successfully completed the emergency vehicle operation course (EVOC) training. Use of marked patrol vehicles is restricted to commissioned employees. Employees shall not permit persons other than ACSO employees or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as a passenger in their vehicle. All passengers are required to wear safety restraints. ACSO employees are responsible for assisting in maintaining vehicles provided by this office so that they are properly equipped, properly maintained, properly refueled, and present a clean appearance.

### **2B.18 TRAINING REQUIREMENTS**

The Sheriff, via the Professional Standards & Training Division of the ACSO, shall administer a training program that will provide for the professional growth and continued development of all personnel. The objectives of the Professional Standards & Training Division are to enhance the level of all Sheriff's Office services to the public, increase the technical expertise and overall effectiveness of our personnel, and provide for continued professional development of Office personnel. ACSO shall provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels, and legal mandates. While there are exceptions, ACSO strives to use courses certified by Idaho Peace Officer Standards and Training (POST).

#### TRAINING DOCUMENTATION

ACSO recognizes that training of all deputies is as important as the records of that training. In order to prove that an employee was properly trained, deputies shall comply with all requests from the Professional Standards and Training Unit to complete and return training forms and documentation as required. In addition to what is required to be filed with the Professional Standards and Training Unit, specialty units/assignments of the ACSO also may retain duplicate copies of any training plans, materials, or documentation of employees attending training.

#### TRAINING ATTENDANCE

ACSO training is designed for teams to train as a group in order to increase knowledge, skills, and abilities. All training, including block training, is designed to be at regular occurring intervals for all teams. Commissioned deputies are required to attend all

scheduled block training with their team. Commissioned deputies who know they will miss any upcoming block training (due to scheduled vacation, court attendance, etc.) shall work with their supervisor prior to missing training and shall attend the other offered block training for that period or any offered make up sessions.

Excused absences from mandatory training are generally limited to the following:

- Court appearances;
- Vacation with pre-approval;
- Sick leave;
- Documented physical limitations preventing the employee's participation;
- Emergency situations or other exigent circumstances.

## **2B.19 MANDATORY PT TESTING, MEDICAL EXAM, AND EAP POLICY**

The ACSO is responsible for ensuring commissioned deputies are physically capable of performing their jobs in a safe and effective manner as deputies are called upon to perform high intensity physical tasks and must be prepared to defend themselves or others, apprehend suspects, and respond to public safety emergencies. The community expects and deserves law enforcement services to be carried out by deputies who are well trained and physically capable of performing their job. Physical fitness plays a key role in minimizing the risk of health problems and reducing the risk of injury to deputies and the citizens we serve. The ACSO recognizes the value of these benefits and the opportunity to improve personal wellness and occupational performance via physical fitness as it relates to officer safety, lower personal health risks, reduced stress, improved self-esteem, as well as countless additional benefits. The goal of the ACSO physical fitness program is to provide the knowledge, skills, and abilities to each commissioned deputy in regards to health, physical fitness, and wellness. The physical fitness program includes a medical examination, physical fitness and nutrition assessment, goal setting, exercise prescription, incentives, education, and coaching.

Procedures related to PT, medical exams, and EAP is for ACSO use only and does not apply to any criminal or civil proceeding. It does not create any higher standard of care or safety in an evidentiary sense with respect to any third party claims. Every effort will be made by the Health and Wellness Specialist (HWS), and Human Resources (HR), and supervisors to maintain the confidentiality of any health information. Medical information is strictly confidential to the participant, examining physician, medical contractor, and ACSO HR personnel. Supervisors may be apprised of medical conditions that may affect job performance, but shall not have regular or routine access to participant medical information. In regard to fitness testing results, while every attempt will also be made to keep fitness assessment results confidential, strict confidentiality relating to fitness testing is difficult because of the group fitness testing environment. The Sheriff, or his designee, may authorize any variation from the procedures set forth below at any time for any reason.

### **Mandatory PT Testing Procedure:**

- All commissioned deputies are required to participate in PT testing.
- PT Testing will generally be offered in fall and spring and each testing period will include sessions set at different days and times, with make-up sessions scheduled as needed.
- All deputy scores from the fall PT testing will be recorded.
- No deputy scores from the spring PT testing will be recorded.
- Professional employees are encouraged to voluntarily participate in any PT testing, but shall obtain approval by their supervisor prior to participating.

### **Mandatory Medical Exam and EAP Visit Procedure:**

- All patrol certified deputies and dispatchers shall complete a medical exam in FY2019 and again in every odd numbered fiscal year thereafter.
- All patrol certified deputies and dispatchers shall complete an EAP screening/visit in FY2020 and again in every even numbered fiscal year thereafter.
- Detention certified deputies shall complete a medical exam in FY2020 and again in every even numbered fiscal year thereafter.
- Detention certified deputies shall complete an EAP screening/visit in FY2019 and again in every odd numbered fiscal year thereafter.
- Any deputy assigned to a high-risk position will attend an EAP screening every six months as directed by Command Staff.
- The Emergency Responders Health Clinic will provide proof of employee attendance/completion of medical exam to ACSO HR. This is the only information the ACSO will receive related to individual employee medical exams. The ACSO will receive aggregate information related to health trends in the employee population; however absolutely no personal identification information will be included.

## **CHAPTER 2 – ACSO ADMINISTRATION, EMPLOYEE CONDUCT, AND OPERATIONS**

### **SECTION 2C – OPERATIONS POLICY**

#### **2C.1 REPORT PREPARATION**

Report preparation is a major part of each ACSO deputy's job. The purpose of reports is to document information, to refresh the deputy's memory, and to provide information for follow-up investigation and successful prosecution. Employees should ensure that reports are sufficiently detailed for their purpose and free from errors. Employees shall complete and submit all reports made during the shift before going off duty, unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody, should not be held. All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard, or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal, or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports, unless specifically identified as such.

#### **2C.2 COMMUNICATION WITH PERSONS WITH DISABILITIES**

ACSO employees shall ensure that any person with a disability has equal access to all ACSO services, programs, and activities. Employees shall make every effort to communicate effectively with individuals with disabilities. ACSO will not discriminate against or deny any individual access to services, rights, or programs based upon a disability. Ada County has appointed an American's with Disabilities Act (A.D.A.) Coordinator (28 CFR 35.107) and Steering Committee to ensure equal access to county services. Because the nature of any law enforcement contact may vary substantially from one situation to the next, employees should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Employees shall be trained on the types of assistance and resources available to allow communication.

#### **2C.3 PORTABLE AUDIO / VIDEO RECORDERS & DIGITAL PHOTOGRAPHY**

ACSO provides deputies with portable video and audio recorders (including those worn on the deputy's person) and digital cameras for use during the performance of their duties. The use of recorders and cameras are intended to enhance the mission of ACSO by accurately capturing contacts between deputies and the public and documenting evidence. Employees are strongly encouraged to activate the recorder during all enforcement stops and field interrogation situations and any other time the employee reasonably believes that a recording of an on duty contact may be useful. Once started, recordings should continue without interruption until the contact ends, if feasible. However, at no time is an employee expected to jeopardize his/her safety to activate a portable recorder or change the recording media. If a deputy chooses to de-activate a device, the reason will be documented on the device prior to turning off or muting the recorder. Additionally, potential victims or witnesses may request the deputy not record their statement for privacy reasons. This policy does not apply to lawful surreptitious audio/video recording or the interception of communications for authorized investigative purposes.

#### **2C.4 USE OF FORCE**

ACSO recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting deputies with the authority to use reasonable force and to protect the public welfare requires training, monitoring, evaluation, and a careful balancing of all interests. Deputies are expected to have an understanding and true appreciation for their authority and limitations and, as required, may use reasonable force in carrying out their duties. 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. In such circumstances where deputies reasonably believe that it would be impractical or ineffective to use any of the tools, weapons, or methods provided by the ACSO, 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.

Deputies shall also be trained to know when the use of deadly force is authorized. 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. Additionally, 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. Deputies are trained that imminent does not mean immediate or instantaneous, as 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 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 or 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.

Deputies are authorized to use control techniques, restraint devices, control devices, and conducted energy devices (known commonly as Tasers) and weapons listed in procedures below in conjunction with the Use of Force Policy. All commissioned deputies shall carry at least one less than lethal control device at all times while on duty. The Sheriff, via direct order, may excuse an individual deputy or specific team on assignment from the requirement to carry a less than lethal control device. Deputies shall use any listed or improvised techniques, devices, or weapons with the goal of controlling a violent or potentially violent individual, while minimizing the risk of serious injury to the individual, themselves, other employees, or the public.

## **2C.5 FIREARMS**

The Sheriff or his designee shall approve all firearms and ammunition intended for on duty use, whether personally owned or owned by this office, before such firearms and ammunitions are utilized by any employee. All commissioned and reserve deputies are required to possess and be currently qualified with an approved duty handgun, unless excused by the Sheriff. No firearms will be carried that have not been annually inspected and approved by the rangemaster. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a commissioned employee who has not qualified with that firearm at a range authorized by this office. Any non-commissioned staff member or volunteer who is not authorized to carry a firearm, and who has not met the ongoing training requirements of this office, is strictly prohibited from carrying or possessing a firearm while on duty, or while engaged in office-related activities. The issuance of a permit to carry a concealed weapon (including enhanced carry) does not supersede this policy, as a CWL does not allow for the right to carry in a "jail" facility, per Idaho Code, and all secure areas of the ACSO campus, including the secure parking lot, are considered parts of the jail facility, as inmate workers move through those areas. Any employee not authorized to carry a firearm on duty may place the firearm in a securely locked container within the employee's locked vehicle while parked in the secured parking area. Security of all firearms is of extreme importance at all times. The Sheriff may, in his sole discretion, waive the prohibition for individual non-commissioned professional staff to carry a concealed weapon.

## **2C.6 CRITICAL INCIDENT – OFFICER INVOLVED SHOOTINGS**

ACSO is a joint partner in the Critical Incident Task Force (CITF) Protocol for investigating officer-involved critical incidents. Members of the CITF establish policy and procedures for the investigation of an event in which an officer is involved as a principal, victim, or custodial officer, where death or injury likely to cause death was the result of the "use of force," and ensure that such incidents are investigated in a fair and impartial manner. Under the CITF Protocol, the criminal investigation is generally referred to one or more outside agencies, with a "lead agency" being ultimately responsible for the investigation. Jurisdiction is determined by the location of the critical incident and the agency employing the involved officer or deputy.

## **2C.7 MAJOR INCIDENT NOTIFICATION**

Certain incidents should be brought to the attention of ACSO supervisors to facilitate the coordination of activities and ensure that inquiries from the media and the public are properly addressed. Sergeants or other acting supervisors must report any unique or serious situations to the appropriate lieutenant in a timely manner. If attempts to contact the lieutenant are unsuccessful, the bureau captain or director should be notified via cell phone, home phone, or work phone. If, after a reasonable amount of time, the employee is unsuccessful in reaching his/her bureau captain or director, he/she should make contact with the Chief Deputy and/or the Sheriff.

## **2C.8 COMMAND PAGE AND COMMAND EMAIL**

To help command staff meet its goal of making informed decisions and upholding community trust during serious incidents, they must receive accurate and important information in a timely manner. Command pages are designed to help command staff respond to and manage major events appropriately, lend assistance to other agencies during major events, and respond to public requests for information.

A command page is meant for incidents requiring the immediate notification of staff at any time of the day or night.

A command email is meant for serious incidents where command staff needs to be aware of the incident or occurrence, but which

are not serious enough to rise to the level of requiring a command page.

Responsibility for command pages and command emails resides with sergeants (or their designees), lieutenants, captains/bureau directors, the Chief Deputy, and the Sheriff. The incident commander is responsible for making the appropriate notifications and initiating a command page or email. When the incident has been resolved, the incident commander shall ensure that a final notification to command staff is initiated by email detailing the resolution of the incident.

When in doubt, a supervisor should default to using a command page instead of email to insure the correct command staff members are aware of the incident.

#### **COMMAND PAGE INCIDENTS**

- The on duty death of any peace officer in Idaho.
- Any death or serious injury to—or caused by—an ACSO employee (on or off duty).
- Any officer-involved critical incident, officer-involved shooting, or CITF activation.
- Arrest of an ACSO employee or other prominent individual.
- Any major violent crime with media presence.
- Any major disaster (e.g. landslide, flooding, fires, or plane crash).
- Any escape, suicide, or in-custody death of an inmate in the jail or courthouse.
- Any major event within Ada County likely to require ACSO assistance (e.g. prison riot, bombing, crisis negotiation, road closures).
- At the onset of any incident that may require deployment of specialized resources (i.e. SWAT, crisis negotiation, or other ACSO specialty units). If applicable, the page should list the incident commander and location of the command post.
- Any time ACSO is responding outside of Ada County to assist another agency with an emergency response.

#### **COMMAND E-MAIL INCIDENTS**

- Any time a call involves a political issue; for example, an incident at a city, county, or state-owned property, or with a political figure.
- Any incident that involves an interview with media or is likely to result in a media story.
- Traffic fatalities.
- Prior to any pre-planned operation where the ACSO intends to provide assets or assist another agency outside of Ada County.

### **2C.9 NOTIFICATION OF ADMINISTRATIVE INVESTIGATOR**

The administrative investigator provides the Sheriff and the Sheriff's Legal Advisor with risk management information concerning serious incidents. The investigator also has a duty to protect the rights and interests of all employees as well as the public. In the event of a serious incident (or when otherwise deemed appropriate), the Sheriff, Chief Deputy, or the Sheriff's Legal Advisor shall request the administrative investigator begin a risk management or administrative investigation.

The need for a thorough and complete investigation may necessitate the administrative investigator being called to the scene of serious incidents. The investigator will benefit from seeing the scene under the conditions in which the incident occurred. When required, the investigator will conduct a separate but parallel investigation to any criminal action. To complete a thorough investigation, the investigator will need access to the scene, as long as this does not interfere with a criminal investigation. The investigation conducted by the administrative investigator will be separate from and independent of any post-incident evaluation of ACSO's tactical response.

### **2C.10 VULNERABLE ADULT PROTECTION**

All incidents involving actual or suspected abuse, neglect, or exploitation of a vulnerable adult shall be fully investigated and appropriately documented. Every allegation of abuse, neglect, or exploitation of a vulnerable adult shall be documented. Reporting of cases of vulnerable adult abuse, neglect, and exploitation is confidential and may only be released to any person, department, agency, or commission authorized to carry out the duties enumerated per I.C. Title 39, chapter 53, and shall only be divulged with the written consent of the vulnerable adult or his legal representative. Further, records of investigations compiled by the Commission on Aging involving vulnerable adults (as defined in I.C. § 18-1505) alleged to be abused, neglected, or exploited are exempt from disclosure by I.C. § 74-105 (11). The following information should be documented, in addition to the general information documented on the crime report:

- Current location of the victim.
- Victim's condition/nature and extent of injuries, neglect, or loss.
- Attending physician, if examined.
- Names of agencies and personnel requested and on scene.



### **2C.11 CHILD ABUSE INVESTIGATION**

ACSO will investigate all reported incidents of alleged criminal child abuse, and ensure the Department of Health and Welfare is notified as required by law in such cases. Deputies shall notify the Department of Health and Welfare when they have received a report of abuse, abandonment, or neglect of a child, or when there is reason to believe that a child has been abused, abandoned, or neglected, or a deputy observes the child being subjected to conditions or circumstances which would reasonably result in abuse, abandonment, or neglect per I.C. § 16-1605 (1). For purposes of notification, abuse includes injuries without a justifiable explanation and sexual conduct e.g., rape, molestation, incest, other sexual exploitation. Abandonment and neglect include failure to provide support, regular contact, care, subsistence, medical care, etc. See I.C. § 16-1602 for full definitions. Notification shall be made as soon as practicable, but in all cases within 24 hours, to the Department of Health and Welfare, and the date and time of the notification shall be documented in the related report.

### **2C.12 ARREST/DETENTION OF FOREIGN NATIONALS**

Article 36 of 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 the U.S. ACSO deputies, when considering a physical arrest or detention of a foreign national claiming immunity or foreign national status, shall comply with federal law in this regard. All foreign service personnel shall be treated with respect and courtesy, regardless of the level of established immunity. The United States is a party to several bilateral agreements that obligate our authorities to notify the appropriate consulate upon the person's detention, regardless of whether the detained person(s) request that his or her consulate be notified. The list of specific countries that the United States is obligated to notify is listed in the U.S. Department of State website:

<https://travel.state.gov/content/travel/en/consularnotification/countries-and-jurisdictions-with-mandatory-notifications.html>

Questions regarding the proper handling of a foreign national may require after-hours consultation with the Sheriff's Legal Advisor.

### **2C.13 IMMIGRATION STATUS AND VIOLATIONS**

The immigration status of individuals alone is generally not a matter for ACSO action, as deputies shall provide equal enforcement of the law and equal service to the public regardless of immigration status. ACSO does not independently conduct any concentrated efforts to detain suspected undocumented aliens. The enforcement actions and disposition of every contact made by a deputy, while discretionary, should not be affected by race, ethnicity, age, gender, sexual orientation, religion, or socioeconomic status. Whenever any individual is reasonably suspected of a criminal violation (infraction, misdemeanor, or felony), the investigating deputy should take reasonable steps to determine the person's identity through valid identification or another reliable source. If an individual would have otherwise been released for an infraction or 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., through telephone calls). If the person's identity is thereafter reasonably established, the original citation release should be completed without consideration of immigration status. If the deputy intends to take enforcement action and the individual is unable to reasonably establish his/her identity, the deputy may take the person into custody on the suspected criminal violation.

The U.S. Immigration and Customs Enforcement (ICE) has primary jurisdiction for enforcement of the provisions of United States Code, Title 8, dealing with illegal entry. Any persons wishing to report immigration violations should be referred to the local office of the U.S. Immigration and Customs Enforcement at (208) 685-6600. Unless immigration status is relevant to another criminal offense or investigation (e.g., harboring, smuggling, or terrorism), the fact that an individual is suspected of being an undocumented alien shall not be the sole basis for contact, detention, or arrest by an ACSO deputy. 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. Deputies 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 an employee should be based upon the reasonable belief that an individual is involved in criminal activity.

Under certain circumstances, federal law allows temporary immigration benefits to victims and witnesses of certain qualifying crimes. The decision to make a declaration/certification for a U-Visa/T-Visa for any person rests solely with the Sheriff or his designee. Any request for U-Visa/T-Visa certification shall be forwarded in a timely manner to the ACSO Legal Advisor, who shall research and prepare a memorandum for the Sheriff on whether certification is appropriate in the instant case. Such a memorandum shall take into account all information at the disposal of ACSO.

### **2C.14 PUBLIC RECORDING OF DEPUTIES**

ACSO recognizes the right of persons to lawfully record deputies who are performing their official duties. Deputies will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully. Further, deputies should exercise restraint and should not

resort to highly discretionary arrests, such as obstructing officers, as a means of preventing someone from exercising the right to record deputies. Deputies shall recognize that members of the public who wish to record law enforcement officer (LEO) activity are limited only in certain aspects. Members of the public may record from any public place or private property where the individual has a legal right to be present. Further, beyond the act of photographing or recording, individuals may not interfere with ongoing law enforcement activity to include tampering with a witness or suspect, inciting others to violate the law, or being so close to the activity as to present a clear safety hazard to deputies or being so close that they interfere with the deputy's ability to effectively communicate with a suspect or witness when the suspect/witness cannot be moved to a different place by the officer for interview. Whenever practicable, deputies should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant. If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, deputies shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued. Deputies should not seize recording devices or media unless there is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person. Absent consent or an exigency where there is reason to believe that the immediate seizure or search of such recordings is needed to prevent serious bodily injury or death of any person, a warrant should be sought before seizing and/or viewing such recordings. In such situations, deputies should take reasonable steps to prevent the erasure of the recording.

### **2C.15 MUTUAL AID AND OUTSIDE AGENCY ASSISTANCE**

Deputies may provide assistance whenever possible, consistent with the applicable laws of arrest and detention policies of the ACSO, when another law enforcement agency requests assistance with an arrest or detention of any person. Calls for assistance from other agencies shall be routed to the shift supervisor for approval who will then discuss with the Patrol Commander. If a deputy receives a request in the field for assistance, that deputy shall notify a supervisor. Arrestees may be temporarily detained by our agency until arrangements for transportation are made by the outside agency. Only in exceptional circumstances will this office provide transportation of arrestees to other county facilities. When such assistance is rendered, at a minimum a report will be drafted to document action taken by ACSO personnel. 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.

#### *ASSISTANCE TO AGENCIES OUTSIDE THE COUNTY*

When a deputy is on duty and is requested by an allied agency to participate in law enforcement activity in another jurisdiction, responding deputies shall be dispatched by the Watch Commander. Deputies who are required to respond to assist in an exigent situation shall, at a minimum, notify the Communications Center before responding and thereafter notify a supervisor as soon as practical.

### **2C.16 ACSO RIDE-ALONG PROGRAM**

The ACSO Ride-Along Program is offered to residents, students, and those employed within the County. While every attempt will be made to accommodate interested persons, any applicant may be disqualified without cause. Disqualification may occur if the applicant rider is under 15 years of age, has a prior criminal history or pending criminal action or lawsuit against this office, or for any reason is denied by a supervisor.

### **2C.17 UNMANNED AIRCRAFT SYSTEM (DRONES) PROGRAM**

ACSO has implemented a small Unmanned Aircraft System ("UAS") program to directly assist the operations elements of the Office in the prevention of crime, the apprehension of criminals, the preservation of the public peace, and to protect the personal and property rights of the citizens of Ada County. Pursuant to Idaho Code §21-213, the ACSO shall only use an unmanned aircraft vehicle (also known as a UAS or "drone") when conducting search and/or rescue operations, responding to potential hostage or barricaded subject situations, crash scenes, crime scenes, or during any public safety emergency response operation where the use of such technology may result in better operational planning and/or ensure the safety and well-being of potential victims, deputies, or the public in general. The UAS is a small, remote-piloted aircraft that must be piloted by a certified pilot in cooperation with a competent observer. The UAS may be equipped with video recording equipment capable of taking both moving and still images, search lights, and forward-looking infrared imaging systems capable of detecting heat differences or other equipment designed for specified missions. All UAS mission requests will be authorized by the Police Services Bureau Captain and the UAS Coordinator or their designee. Without an approved search warrant, the UAS shall not be used for non-emergency surveillance missions or missions that would violate the privacy rights of the public or Idaho Code §21-213. If required state or federal law, ACSO deputies shall obtain a search warrant from a magistrate judge prior to any specific investigation in which a person or group of persons is a targeted for surveillance.

Any deployment outside of Ada County to aid another law enforcement agency shall be in the sole discretion of the Sheriff and

only done with his express permission. ACSO may rely on Ada County or any other local emergency response agency to provide a UAS to use during any operation as outlined above. Any local agency cooperating with the ACSO shall follow the policy of the ACSO as outlined above as part of that agreement. No other member of the Department shall deploy their own personal UAS during the course of their duties.

## **2C.18 BOMB THREATS RECEIVED AT SHERIFF'S FACILITY**

For any bomb threat received by an employee at a sheriff's facility, the employee handling the call shall ensure that the shift supervisor is immediately advised and fully informed of the details. The shift supervisor will then notify the appropriate personnel, and if needed, direct and assign employees or request patrol deputies to coordinate a general building search or evacuation as is appropriate.

If a bomb threat is received, the employee should attempt to keep the caller on the line if possible and obtain expanded answers to these six basic questions.

- 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)

The employee should also 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 incoming call is received at the sheriff's facility on a recorded line, steps shall be taken to ensure that the recording is preserved in accordance with current office evidence procedures.

## **SECTION 4B – ALTERNATIVE SENTENCING POLICY**

### **4B.01 ALTERNATIVE SENTENCING**

The Ada County Sheriff's Office (ACSO) provides sentencing alternatives to incarceration in the Ada County Jail. Through the ACSO Alternative Sentencing division, the ACSO operates the Sheriff's Work Release Program, a Sheriff's Labor Detail (SLD) Program, a Sheriff's Community Service (SCS) Program, a House Arrest Program, an Interim Release (IR) Program and a Work Search (WS) Program.

## **SECTION 4C – REENTRY PROGRAMS POLICY**

### **4C.01 REENTRY PROGRAMS**

The Ada County Sheriff's Office offers reentry programs that consist of classes, case management, and case planning for inmates in an effort to assist them in developing pro-social coping skills, effective conflict resolution techniques and other life skills necessary to succeed in the community. Inmates can participate in jail programs on a voluntary basis or as part of a court order. Inmates currently housed in the Ada County Jail are eligible to receive case management services.

The ACJ Reentry Program consists of the following components:

- Case Management;
- Classes;
- Reentry Dorms;
- GED tutoring and testing.

## **SECTION 4D – ADA COUNTY MISDEMEANOR PROBATION POLICY**

### **4D.01 ADA COUNTY MISDEMEANOR PROBATION**

Ada County Misdemeanor Probation (ACMP) is granted the authority to perform their function based on the "Memorandum of Understanding for Provision of Ada County Misdemeanor Probation Services" between the Board of Ada County Commissioners, the Ada County Sheriff, and the Administrative Judge of the Fourth Judicial District of the State of Idaho (Agreement No. 9762 signed September 6, 2012; (This was rewritten and signed again on 8/16/2016, Agreement No. 11790) see Appendix). The role of the ACMP is to supervise misdemeanor offenders in cases where probation supervision has been ordered by a sentencing judge. Misdemeanor probation services include and primarily consist of oversight and enforcement of court-ordered conditions. ACMP staff are employees of the Ada County Sheriff's Office (ACSO) and are required to conform to the provisions of the ACSO Policy Manual, the Ada County Employee/Manager Handbook and Procedural Guidelines, and all applicable local, state and federal laws. In addition to these references, this policy and procedure is established in accordance with the "Standards for Adult Misdemeanor Services and Professional Responsibilities" as approved by the Idaho Association of Counties (Administrative Order No. 010711; January 5, 2011). Screening and assessment tools may be utilized to allow further evaluation of a probationer's risk for violence, re-offense, determine a recommended supervision level, and ascertain substance use and mental health status.

## **SECTION 4E – TRANSPORT TEAM POLICY**

### **4E.01 TRANSPORT TEAM**

The Ada County Sheriff Transport Team is made up of patrol and detention certified deputies whose duties include the transport of inmates and the management of courthouse detention facilities as required by Idaho Code § 31-2202. Transport deputies are responsible for the safe and secure transport of inmates from the Ada County Jail to places around the treasure valley and beyond, including the Ada County Courthouse and the detention facility in the courthouse known herein as "J2".

## **SECTION 4F – TRAINING UNIT POLICY**

### **4F.01 TRAINING UNIT POLICY**

The Sheriff, via the Professional Standards & Training Division of the ACSO, shall administer a training program that will provide for the professional growth and continued development of all personnel. The objectives of the Professional Standards & Training Division are to enhance the quality level of services the Sheriff's Office provides to the public, increase the technical expertise and

overall effectiveness of deputies and staff, and provide for the continued professional development of all ACSO personnel. The ACSO Training Unit consists of commissioned and civilian employees dedicated to designing and implementing training for the ACSO with the goal of developing well educated and disciplined deputies who stand ready to serve their community.

Throughout the ACSO Policy Manual, commissioned deputies and civilian staff are required to be trained in certain aspects of their job. The ACSO Training Unit shall provide this initial and ongoing training as required by this policy manual and encourages all personnel to look for opportunities to participate in advanced training and formal education on a continual basis. Training for deputies will be provided within the confines of funding, requirements of a given assignment, staffing levels, and legal mandates. While there are exceptions, ACSO will strive to provide training using only approved and up to date curriculum.

The Training Unit will document training attendance for all deputies, whether the training is internal or external and shall, for all internal training, preserve the lesson plans and supporting documents used to train deputies in order to show a thorough training history as may later be required for civil or criminal court.

## **Section 6A – JAIL SERVICES BUREAU POST ORDERS**

### **6A.1 POST ORDERS POLICY**

Orders, policies, and procedures set forth below shall be enforced with fairness, uniformity, and in the spirit for which they were designed. Each staff member, regardless of station or position, is responsible to uniformly enforce all orders herein. If all members do not enforce the rules and regulations with uniformity, confusion and ill will is created. The orders, policies, and procedures are all part of a plan for the effective organization and smooth running of the Ada County Jail (ACJ). Any staff member who does not understand an order, policy, procedure, rule, or directive is required to contact the on-shift supervisor for clarification. The ACJ strives to meet all Idaho Jail Standards in the management of the facility. In exigent circumstances or when dealing with an unforeseen circumstance, staff may deviate from the SOP. In all such cases, staff shall use sound judgment and discretion to make such decisions. At the conclusion of any deviation, staff are required to report to the on-shift supervisor what occurred.

## **Section 6B – PRISON RAPE ELIMINATION ACT POLICY (Updated 1-1-19)**

### **6B.1 PREA POLICY**

Rape and sexual activity seriously reduces the mission of the Sheriff Office's to prevent crime and provide quality criminal justice service. In accordance with the Prison Rape Elimination Act of 2003 and as promulgated in 28 CFR Part 115, the ACJ has established a zero tolerance standard regarding the incidence of sexual abuse, sexual harassment and voyeurism. With this policy the Ada County Sheriff's Office has established practices that attempt to prevent, detect and respond to any incidence of sexual misconduct. The Ada County Sheriff's Office will take into consideration incidents that have either involved staff members or contractors who have had prior inappropriate sexual contact or sexual harassment of inmates; when making decisions regarding hiring or promotion of said person(s). **Updated 115.17 (a)**

## **Section 6C – JSB HEALTH SERVICES UNIT POLICY & PROCEDURES**

### **6C.01 JSB Health Services Unit Policy & Procedures**

*Chapter 6, Section C is designated the Health Service Unit Standard Operating Procedure (HSU SOP).*

*The HSU SOP is hereby incorporated by reference and is found online at ACES.*

*<https://aces.ada.net.gov/sites/ADAPortal/departments/sheriff/policy/Documents/Health%20Services%20SOP%20-%20Updated%20-%20March%202018>*

*The HSU SOP meets the National Commission on Correctional Health Care accreditation standard.*

## **SECTION 6D - JAIL SERVICES POLICY**

### **6D.1 EMERGENCY RESPONSE**

Situations that affect a majority of the ACJ are considered emergencies. For these situations, the ACJ maintains a separate set of emergency manuals that provide post orders, checklists, and reference information which can be found in the red, white, and blue binders in Central Control or on ACES. Situations that are localized in the ACJ are considered incidents and handled with as minimal an impact on the rest of the ACJ as possible. There are also instances when the ACJ is at an increased risk of experiencing an emergency, but is not actively involved in one. When these conditions exist the ACJ may be placed on Alert Status. Alert Status provides for additional resources, based on the nature of the threat.

The ACJ should respond to all emergencies in and around the facility with a unified, comprehensive, tactical plan. The ACJ should use an incident command structure and a first responder system to ensure a controlled response to emergencies in and around the facility. Quick and coordinated response to an emergency significantly enhances the possibility of limiting and controlling it. ACJ staff will prepare for emergency situations through regular training and drills. (Idaho Jail Standards 4.08).

Any off-duty ACJ staff may be activated during emergency situations. Upon learning of an emergency, situation or event affecting

the ACJ, off-duty staff members should call the ACJ to see if their services are required and respond as directed. Emergencies may include, but are not limited to: an earthquake of a large enough magnitude to disrupt utilities, a power outage that is expected to last longer than four hours, or any other natural or man-made disaster where safety and security are compromised.

Fire prevention is key to effective fire protection plans. (Idaho Jail Standards 6.01 – 6.05). The ACJ provides a fire protection system by incorporating the following elements: fire prevention efforts; facility inspections; fire and safety plans; and the training of ACJ staff.

#### **6D.1a RESPONSE TO INMATE DEATH**

Deputies should respond to an inmate death in a way that maximizes the possibility of discovering the cause and any contributing factors. The immediate area is to be treated as a crime scene and preserved for detectives. ACSO detectives will be responsible for notification of the coroner and will request an autopsy to determine the cause of death.

Initial responding jail deputies, following the discovery an inmate death, should:

- Ensure the scene is secure and evidence is preserved until relieved by a commander or until the investigating detective arrives;
- Start and keep a log of all people who come and go from the scene (recording name, time and, reason for entering the scene, and ADA #) until relieved;
- Ensure no person tampers with or removes any evidence; and
- Prevent any unnecessary person from entering the scene to prevent contamination.

The on-shift supervisor, following the discovery of an inmate death, should:

- Immediately notify the on-shift operational lieutenant, ACSO CID, and JSB chain of command.
- Assist the coroner or detectives when requested to coordinate family notifications.
  - Family notifications should be completed by the Coroner's office.
- Assist detectives to prepare the various reviews and audits required (i.e. mortality review, administrative review, etc.).

#### **6D.1b RESPONSE TO MEDICAL ISSUES**

The Ada County Jail provides a health services unit with a multitude of care options for inmates on a daily basis. Jail deputies should review Chapter 6, Section C of the ACSO manual which covers the Health Services Unit in order keep inmates and themselves healthy and well-cared for. In addition to section C, the following section describes duties jail staff and deputies have in regards to supporting the mission of HSU.

#### **6D.2 WELL-BEING CHECKS**

To ensure security, the continued safety, and the well-being of all inmates, well-being checks should be conducted on an irregular basis, day and night. (Idaho Jail Standards 7.02). Frequent checks should be made for persons who are violent, suicidal, mentally ill, intoxicated, or who have other special problems or needs that warrant closer observation.

#### **6D.2a SUICIDE RISK REDUCTION**

ACJ staff will attempt to identify inmates who may be at risk of suicide and will initiate reasonable intervention. Staff will be provided periodic training on suicide prevention and intervention. Deputies will use the procedures below and the HSU SOP to continually be aware of best suicide prevention practices. (Idaho Jail Standards 8.06 – 8.07, 11.03).

#### **6D.2b JAIL / INMATE SEARCH**

To protect inmates, staff, and visitors, and to ensure the safe and efficient operation of the ACJ, the Sheriff prohibits the introduction of weapons, drugs, or any item of contraband into the ACJ or any other custodial holding area. (Idaho Jail Standards 7.14 – 7.19). All persons incarcerated at the ACJ are subject to being searched by deputies. The types of searches performed at this facility include: pat-downs, entry search, strip search, suicide clothing removal, and cell/dorm search. The type of search conducted depends on the purpose for the search and inmate's location or need to be moved within the facility. Searching inmates deters and detects the possession of contraband or weapons. Inmates and cells may be searched randomly in an effort to suppress or locate possible contraband. Inmate searches may occur at any time and will normally consist of a pat-down search, but upon reasonable suspicion or other legal authority, inmates are subject to strip searches.

#### **6D.2c SPECIAL MANAGEMENT INMATES**

Special management inmates require a higher level of supervision, close-custody security, and special consideration for housing. (Idaho Jail Standards 8.01).

Special management inmates are:

- Custody Level 1 and 2 (Maximum custody) inmates;
- Protective Custody (PC) inmates;
- Inmates with a debilitating mental illness or serious health condition (special needs);
- Inmates on preventative segregation;
- Inmates on disciplinary segregation;
- Inmates on investigative segregation; and
- Youthful inmates.

#### **6D.2d RESTRAINTS**

Restraints should be used to enhance safety, prevent escape, and ensure security and order. Restraints should be applied to secure persons in custody who are moved either within the ACJ or transported outside of the ACJ. Security staff should double lock restraint devices when safe to do so and take precautions to make certain that the restraints do not cause impaired circulation or excessive pressure. This policy does not prohibit the use of new restraint techniques that are approved by the bureau captain or Sheriff upon a recommendation from the force committee.

#### **6D.2e USE OF FORCE IN ACJ**

All ACSO deputies are trained to use force in compliance with this chapter and with section 2C.4. Jail staff are expected to know the additional requirements of a jail deputy as it relates to their authority to use reasonable force inside the jail. Deputies should 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. Force, security equipment, and restraint equipment should be used only as justified control measures. Force should never be used as a means of punishment. (Idaho Jail Standards 7.09, 7.25).

ACJ security occasionally necessitates the use of force to gain compliance from an inmate. The ACJ recognizes that there is a difference between a planned use of force and an unplanned one. A planned use of force provides time for planning and mitigation. An unplanned use of force occurs with little or no warning. The level of resistance presented by an inmate can affect the amount of force needed to gain his/her compliance. For reasons of security and safety, a deputy may use a reasonable amount of force to gain compliance to any lawful order.

Deputies are authorized to use and carry a conducted energy device (a.k.a. "Taser") in accordance with CED policy in section 2C.4.05. Deputies are authorized to carry OC Spray in accordance with section 2C.4.04.e. In addition to 2C.4.04, Jail deputies carrying OC spray shall use carrying cases equipped with a full flap with either a snap or velcro closure that covers the top of the canister.

Deputies should inform the on-shift supervisor when physical force has been used that exceeds a police lead. A report is required whenever anyone is injured due to force or the level of force used exceeds a police lead. The on-shift supervisor should ensure that photos are taken of all inmates involved in a use of force incident, regardless of whether they are injured or not to document the presence (or lack of presence) of injuries. Use of Force reports are created, logged, and routed in the use of force reporting system. The form and report should be electronically routed to the appropriate on-shift lieutenant.

#### **6D.3 INMATE CONTROL & MOVEMENT**

In order to ensure the safety and security of ACSO staff, the community in general, and inmates in our care and custody, deputies should make every effort to minimize the possibility of injury, escape, and endangerment. Deputies should be trained in regards to inmate control and inmate movement. Movement and control of inmates includes non-scheduled transports, count reconciliation, security checks, lockdown procedures, and mass arrest procedures.

#### **6D.4 KEY, TOOL, RADIO, & WEAPON CONTROL**

Deputies should exercise control over keys, tools, radios and other weapons and equipment at all times. A consistent system for control should be maintained and is necessary for purposes of accountability and security reasons. Weapons should not be brought into the ACJ except during emergencies with the approval of the on-shift supervisor. (Idaho Jail Standards 7.23 – 7.25). Weapons include firearms, ammunition, knives, and batons. For purposes of this section, oleoresin capsicum and CEDs are not considered weapons. Security staff shall check weapons and ammunition into designated weapons lockers. Weapons will remain in the locker until the deputy leaves the secure portion of the ACJ. Officers who visit the ACJ shall secure all weapons in lock boxes or in their vehicle.

#### **6D.5 BOOKING**

The ACJ will accept all inmates presented by proper authority (I.C. § 20-612). Inmates must be charged with a specific crime for which an arrest may be made, committed to the custody of the Sheriff of Ada County on a valid court commitment or must be in custody on a legal hold. Juveniles will not be accepted into the ACJ unless they have been waived into adult court by the proper



authority. Additionally, I.C. § 20-612 does not allow for the acceptance of mentally ill persons not charged with a crime.

Law enforcement officers delivering inmates to the ACJ may enter the intake area once it is verified that the inmate is handcuffed and has been preliminarily searched. If the arresting officer is unknown to ACJ security staff, the officer's identification should be verified with a valid law enforcement identification card prior to allowing access to the intake area.

For any person brought to the ACJ who displays evidence of injury, serious illness, or is semiconscious the arresting officer or law enforcement agency must present written evidence of a medical examination by a qualified health care professional, along with a statement indicating that an individual is medically suitable for incarceration. (I.C. §§ 20-601 and 67-2907). Medication services are to be clinically appropriate and provided in a timely, safe, and efficient manner. Inmates with prescription medications, prescribed by a community physician, and who make the medications available to ACJ staff, will receive those medications with approval from the HSU staff.

For the safety and security of staff and inmates, security staff members are required to conduct a thorough search of every inmate accepted into custody. All personal property should be removed from the inmate for safekeeping. (Idaho Jail Standards 15.10, 15.18 – 15.21).

I.C. § 39-604 requires that persons charged with certain offenses shall be tested for the diseases enumerated in I.C. § 39-601. In general, all persons (including juveniles) are to be tested when charged with any crime in which body fluid has likely been transmitted to another. See I.C. § 39-604 for the list of charges. A qualified health care professional from Health Services should obtain blood and urine samples for testing pursuant to I.C. § 39-604. The results of the tests are forwarded to the court by the ACSO Legal Advisor.

#### **6D.6 ADMISSION /HOUSING OF INMATES**

The ACJ will hold all persons lawfully committed to the ACJ until such time as that person is lawfully released from custody. Security staff will make reasonable efforts to identify and appropriately manage the risks and needs of all inmates in custody. Inmates who are unable to post bond should be housed. (Idaho Jail Standards 10.10, 10.12, 15.11 – 15.14).

#### **6D.7 RELEASING INMATES**

Inmates should be released from the ACJ under the authority of a court order, after posting a valid bond, at the instruction of the Ada County Prosecuting Attorney, or released to the appropriate law enforcement agency having jurisdiction. In extraordinary circumstances, emergency procedures detail the process required to release inmates if necessary. Inmate Records Technicians are responsible for making sure that paperwork and the system correctly reflect information so the inmate is properly released and, if required, should notify victims prior to the release. Security staff is responsible for making sure that the correct inmate is released based on instructions and documentation provided by Inmate Records. (Idaho Jail Standards 5.18 – 15.21).

#### **6D.8a INMATE INTERACTIONS**

Staff should make an effort to treat and address inmates and each other with respect and dignity. ACJ staff members are required to keep associations professional. ACJ staff members shall not enter into relations with inmates/probationers or parolees that would violate federal or state law, any Ada county ordinance, or the ACSO Policy Manual. ACJ staff will address inmates and the public in a reasonable and dignified tone and not use derogatory or offensive language. Inmates will address staff members by rank or title and use only last names. Captain, Lieutenant, Sergeant, Deputy, Mr., Mrs., Miss, and Officer are appropriate titles. These titles may be used alone or coupled with the staff person's last name. Inmates may not address staff members by nicknames or first names. In addressing or discussing an arrestee or inmate who is transgender/intersex, staff will use pronouns appropriate for that person's gender identity. If the staff is uncertain which pronouns are appropriate, then staff will respectfully ask the arrestee or inmate for clarification. Staff will refrain from using any derogatory or offensive names when addressing or discussing a transgender arrestee or inmate. All ACJ staff and volunteers shall be held accountable to all parts of the Prison Rape Elimination Act (PREA) Policy adopted by the ACSO. The ACSO strives to ensure all staff and volunteers are well trained in PREA policy and procedure on a routine basis. ACJ staff must notify their supervisor if a friend or relative is incarcerated in the ACJ. ACJ staff must notify their supervisor if they must have contact not related to their immediate job assignment with a person currently on probation or parole.

#### **6D.8b INMATE RECREATION**

It is the goal of the ACSO to provide inmates with an opportunity to exercise outside for five hours per week, when weather permits. (Idaho Jail Standards 17.09). No inmate should be placed in a recreation yard that has not undergone a security sweep.

#### **6D.8c INMATE EXCHANGES**

Inmates are required to exchange eating utensils, clothing and bedding on a regular basis. Exchanges are based on the current weekly exchange schedule, which is maintained by the inmate worker supervisor. (Idaho Jail Standards 10.12-10.13). Exchanges should be logged on the computer log system. If an exchange is not completed, the housing deputy is required to log an explanation. During the exchange of bedding, uniforms, and blankets the housing deputy will inspect items for disrepair and vandalism. Damaged items will be sent to sewing for repair. For inmate clothing exchange, a "laundry loop" will be issued to complete the exchange. A laundry loop will be distributed by tracking number on a housing unit's scheduled laundry day. When handing in dirty clothing, inmates will receive a laundry loop from the deputy who will log the specific loop number for later return. Dirty clothing will be secured on the laundry loop by the inmate and placed in the clothing bin for delivery to laundry. Inmates will have their clothing returned on the same laundry loop with that number confirmed by the deputy. Laundry loops will then be collected and stored in the designated secure area. At no time should an inmate take the loop to their bunk.

#### **6D.8d INMATE MAIL**

ACSO should provide and deliver mail for inmates, balancing their right to correspond with the safety of all persons, security of the facility and orderly operation of the jail. Commercial mail will not be accepted into the jail. (Idaho Jail Standards 14.01, 14.02, 14.04-14.10). Unlimited correspondence between inmates has been found to contribute to assaults between inmates, between inmates and staff, and to the formulation of escapes. ACJ should prohibit mail between inmates of this institution and inmates of any other jail, prison, or juvenile detention center without the prior approval of Classifications. (Idaho Jail Standards 14.03). Inmate-to-inmate correspondence may be approved when the inmates are immediate family members (spouse, parent, child, or sibling).

#### **6D.8e HAIRCUTS**

It is the intent of the ACJ to provide an opportunity for inmates to receive haircuts at least once per month. Inmates who provide haircuts should meet basic sanitation requirements. (Idaho Jail Standards 10.09). ACJ staff set times for haircutting where an inmate barber will perform haircuts while being supervised by the housing unit deputy. Hair may not be styled in a way that compromises security and safety. The inmate barber should be given a clean uniform at the conclusion of the haircuts for the day. The inmate barber will wash hands prior to cutting any other inmates hair. The inmate barber will ensure all combs, scissors, and removable clipper heads are sprayed with a sanitizing solution before the items are used on another inmate and that towels are laundered after each use. The inmate barber will rinse, dry, and store equipment, and sweep and mop the floor in the haircutting area.

#### **6D.8f CLEANLINESS OF JAIL / HOUSEKEEPING**

All JSB staff members should take appropriate action to ensure that the ACJ maintains a clean and healthy environment. (Idaho Jail Standards 10.04, 17.13 – 17.14). ACJ shall strive to provide a clean and well-maintained facility. Inmates should serve where appropriate to clean the ACJ in designated areas on a daily basis. Inmates should follow procedures to keep their areas, personal items, and living quarters maintained so that jail staff may be able to view any portion of an inmate area as needed. Handwashing procedures, bio-hazard and decontamination processes and the use of eye-wash stations procedures should be strictly adhered to in order to provide a healthy and safe jail.

#### **6D.8g RAZORS DISTRIBUTION AND COLLECTION**

The ACJ will provide razors to post-arraignment inmates who are housed in general population. Inmates housed in pre-arraignment areas will generally not be provided with razors. High-risk inmates may not receive a standard razor with a blade as determined by Security and HSU staff. (Idaho Jail Standards 10.09). The ACJ recognizes that the Health Service Unit is a unique housing unit and that there may be a greater potential risk that inmates may attempt to harm themselves if they are provided a standard razor. To mitigate this risk of harm and provide inmates with the opportunity to shave on a daily basis, the ACJ will provide battery operated electrical razors. (Idaho Jail Standards 10.09).

#### **6D.9 CLASSIFICATIONS / PLACEMENT OF INMATES**

To maintain the highest level of safety, security, and inmate well-being, the Classification Unit will assign inmates to the appropriate least restrictive housing, consistent with the designated custody level and/or identified need(s). Inmates with suicidal ideation or suicidal history require special handling. (Idaho Jail Standards 16.02, 16.04). Inmate clothing is color coded to help staff members quickly identify custody levels, housing assignments, or inmate worker status. Inmates who meet established criteria and display a pattern of positive behavior are eligible to become inmate workers. (Idaho Jail Standards 4.11, 7.03, 7.12 – 7.15 and 9.16 – 9.18). Inmates should not be denied access to any inmate offered programs or work assignments based solely on their sex, race, religion, sexual orientation, gender identity, or national origin. To ensure male and female inmates are kept separate, some work assignments may be designated for male or female inmates only. (Idaho Jail Standards 17.12.01-17.12.02).

#### **6D.10 FEDERAL & STATE CONSTITUTIONAL RIGHTS & PRIVILEGES**

Every ACJ staff member should ensure that inmates' rights are respected. (Idaho Jail Standards 12.01). The ACJ should, whenever possible, make reasonable accommodations for persons with qualified disabilities, as defined by the American's with Disabilities

Act (A.D.A). Privileges are extended to all inmates not serving disciplinary sanctions within this facility. Any or all of these privileges may be changed or denied by ACJ staff for cause.

#### **6D.11 INMATE REQUEST FORMS (IRF)**

Inmates will make their needs known directly to their housing deputy. If that deputy is unable to resolve a legitimate issue, the inmate can request and complete an Inmate Request Form (IRF). Generally, IRFs are internal to the ACJ and will not be sent to other agencies or bureaus. Exceptions to this rule may exist for inmates who need to contact external agency partners who have liaisons physically located at the Day Reporting / Work Release Centers. If the issue is not resolved through the IRF process, inmates can address grievances on a grievance form (Idaho Jail Standards 12.02).

#### **6D.12 GRIEVANCES**

It is the policy of the ACJ to address inmate concerns in a fair and timely manner. Inmates are required to make good faith efforts to solve issues through informal means prior to filing a grievance. Informal means includes talking to staff, completing a request form, or contacting customer service for the different service providers (i.e. phone vendor or commissary vendor). An inmate may use the grievance process when informal means do not resolve the issue. The inmate grievance process gives an inmate the opportunity to work out the grievance with the staff member involved. The inmate has the option to have the grievance reviewed through appeal to the staff member's supervisor. No reprisal or retaliation is permitted against an inmate who has filed or appealed a grievance. Grievances are to be used only for legitimate communications. Once a grievance is answered at the appeal level, the inmate may not repeatedly address the same issue. Such abuse of the grievance system may lead to disciplinary action and restriction of access to the grievance form. (Idaho Jail Standards 12.02).

#### **6D.13 INMATE TRUST ACCOUNT TRANSACTIONS**

The ACJ provides inmates the opportunity to purchase pharmaceuticals prescribed by HSU staff, visits with medical care providers, telephone time, commissary and other items for personal use. Money and accounting measures for the Inmate Trust Account shall be handled according to current practice and procedures. When funds are placed into an Inmate's Trust Account, \$15 will be reserved from the running balance to be used for outstanding medical co-pays and other ACJ administrative uses (such as restitution). If no outstanding fees exist at the time of release from the ACJ, all money will be returned to the inmate. The amount over \$15 is automatically available in the Inmate's Trust Account, which can be used for commissary purchases, phone time transfers, and will be charged for current medical visits and pharmaceuticals. Inmates must maintain a balance exceeding \$15 in order to purchase personal items. (Idaho Jail Standards 17.17).

#### **6D.14 MEALS**

ACJ staff will work to deliver a food service program that meets Idaho Jail Standards, ensures food does not become a safety or security threat, and is as cost effective as possible. Additionally, it is a goal to provide inmates with a nutritionally balanced diet. A certified dietician or nutritionist should review ACJ menus at least every six months. Inmates with special medical or religious diet needs will be accommodated to the best of the ACJ staff ability based on the physical plant limitations and available products. Food will not be withheld from inmates for disciplinary or other non-medical reasons. This policy and following procedures do not apply to commissary food items.

#### **6D.15 INMATE DISCIPLINE**

ACJ staff must have the ability to influence the behavior of inmates who do not willingly conform to established rules, regulations, and behavior expectations. (Refer to Idaho Jail Standards Chapter 13). ACJ staff members should strive to identify an inmate who presents a unique threat or security risk to him/herself or others. Any inmate who has not been successfully managed through the normal disciplinary or behavioral health protocols falls into this category. ACSO manages jail inmate population using sentence commutation as authorized by I.C. § 20-621.

#### **6D.16 INMATE DOCUMENTATION**

Deputies should document certain activities that occur in the ACJ. Reporting information can be accomplished using an incident report, use of force report, hotsheet, or log entry. Supplemental information can be in digital, audio, still images, and/or video. (Idaho Jail Standards 5.05, 5.08, 7.09 – 7.10, 7.25). Generally, incident reports are used to report significant situations or when the information will require more than a hot sheet entry or log entry.

Reports are required for the following situations:

- Discipline reports of any severity level;
- Contraband found during a strip search;
- Inmate resistance that requires a deputy response greater than a police lead;

- On duty discharge of any weapon (except for training/testing purposes) to include firearms, CED, Oleoresin Capsicum, or less lethal munitions;
- Injury to inmate, staff, or a member of the public;
- Situations involving any PREA reporting requirements (where staff is accused or involved, deputies should document per staff misconduct policy);
- Security information from outside agencies or sources;
- Medical situations requiring an immediate medical response;
- Inmate behavior that suggests mental or emotional issues requiring medical intervention;
- Suicidal ideation or suicide attempts;
- ACJ safety and security issues;
- SRT activations; and
- Security issue when transporting inmates.

#### **6D.17 VISITATION / ACCESS TO JAIL**

ACJ staff will determine who will be given access to the jail. All persons must display a visitor's pass or law enforcement/court/state issued photo ID. All visitors must be given approval by authorized staff prior to entering the ACJ. For security and safety, visitors may be asked to wait if there are on-going events within the jail or visits may be cancelled completely. Any visitation may be cancelled or terminated upon violation of any visiting policy or procedure or in the event of any emergency, incident or situation in which the on-shift supervisor deems it advisable. Inmates may refuse visitations. No weapons, firearms or contraband items can be brought into the jail by anyone unless specific approval is given by the Sheriff or his designee. Jail staff who possess personal items that would be contraband if possessed by an inmate must maintain strict control of the items.

The ACSO will maintain a lobby security post and screen all visitors to the jail. To maintain security and safety and prevent violations of I.C. § 20-627 the ACJ reserves the right to search any visitor at any time, including prior to entering the jail. For visitors to have access to the jail they must be approved and voluntarily submit to the screening process. Staff will balance safety and security with a visitor's Fourth Amendment rights and screenings will be done in a manner to minimize intrusion but to ensure weapons, drugs, electronic devices or other contraband are not introduced into the jail. Persons not wishing to submit to a search will not be permitted to enter and may be asked to leave. An administrative search differs from a criminal search in that the person to be searched should be allowed to leave if the search is declined. To prevent visitors from introducing weapons or contraband into the ACJ, security staff should conduct random, periodic administrative searches of visitors. Such searches can also be prompted by information or intelligence received. No weapons are allowed in the ACJ; therefore, before entering the ACJ, all weapons should be secured in lock boxes or in the officer's vehicle.

#### **6D.18 CIVILIAN VOLUNTEERS**

ACJ may utilize volunteers (civilian volunteers or student interns) to assist staff with daily functions. Volunteer duties include, but are not limited to, administrative, clerical, data entry, inmate programs, and other general duties. (Idaho Jail Standards 17.03). All ACJ policy and procedures are applicable to volunteers who teach or facilitate programs and to those who work under the authority of the ACSO. Volunteers must abide by all rules and regulations adopted by the Ada County Sheriff and ACJ administration. Volunteers are required to follow verbal orders and instructions given by security staff. Volunteers assigned to the ACJ will first complete the appropriate screening and processing as indicated in the procedures listed below.

#### **6D.19 JAIL TOURS**

Members of the public may tour the ACJ with approval from the bureau captain, division lieutenants or their designee. Reasonable attempts will be made to accommodate interested persons; however, any request may be denied without cause.

#### **6D.20 SPECIAL RESPONSE TEAM – SRT**

The mission of the JSB Special Response Team (SRT) is to provide immediate tactical response to resolve situations that are beyond the ordinary capability, tactics, or equipment of on-shift personnel. SRT activation and deployment will consist of a full element of on-duty SRT members in full SRT uniform, fully equipped with SRT tools required for the deployment. SRT will train in the use of tactics, equipment, weapons, and control techniques necessary for safety and security when routine practices fail to bring a situation under control in a detention setting. SRT will maintain a selection of tactical equipment such as less-lethal munitions and crowd control tools. SRT members may be authorized by the Sheriff or his designee to carry special equipment as necessary to perform special emergency operations, including any lethal or non-lethal use of force options. Participation in SRT is voluntary, may require shift adjustments outside normal shift selections, and members can be dismissed without cause.

#### **6D.21 INMATE RECORDS PROCESSING**

ACSO strives to create, process, and maintain the most accurate records possible; including but not limited to, personal

identification information and related law enforcement information such as arrest, hold and sentence information. Law Enforcement Records Technicians (herein LERTs) will gather all required information for every individual who is received as a prisoner by the ACJ. All information will be entered into the appropriate database(s) to ensure proper record keeping. All persons received by the ACJ as prisoners must have an record, at a minimum, a complete (formal) name and date of birth. Any prisoner found to have multiple arrest histories will have all files merged to reflect the most current information but using the oldest law enforcement number. All arrest and warrant stay entries must have a stay date and time (the date and time of arrival), an arrest date and time, an arresting officer, location of arrest, charge or warrant information and entering deputy information. Arrest stays must also include the correct next court date information. It is the responsibility of LERTs to ensure that all information has been properly entered and routed correctly for each type of arrest, hold and detainer. LERTs will ensure inmate hard files have the appropriate information for each type of stay activity and that the file cover sheet accurately reflects the inmate's current status. LERTs are responsible for documenting anomalies with records and stays and for thoroughly documenting the steps taken to resolve or correct. Any auditing activity on a file must be documented with the date, time and who completed the audit.

#### **6D.22 WARRANT PROCESSING**

Law Enforcement Records Technicians (LERTs) will process warrants as timely and as accurately as possible to provide adequate information to correctly identify and arrest the precise person wanted by the courts. Warrants in active wanted status should be made available to authorized personnel for confirmation and service on a 24-hour basis. In accordance with Sheriff's policy and applicable NCIC regulations, all warrants should be verified and must go through the proper validation process. Every warrant entered into NCIC or ILETS must be validated three months after entry and then every year thereafter until the warrant is removed from the system.

#### **6D.23 INMATE RECORDS RELEASE OF INFORMATION**

It is the policy of the ACSO to provide information to the public relating to jail activities. LERTs should be aware of the following procedures in regard to the proper release of information to the public and also to an inmate's family members, inmate's acquaintances, and professional visitors. Records releases and media information releases are dictated by federal and state law on public record releases and our public information request and media release policies and procedures found herein. Procedures for obtaining information are designed to comply with all applicable laws while safeguarding victims, staff and inmates, protecting personal information, and upholding ACSO mission and values. ACSO should strive to put as much content online as possible to aid in the transparency of our operation and to assist interested members of the public to find what they are looking for. ACSO staff will work to educate the public to the availability of what they are searching for online when the opportunity is presented. When referencing the "public", that includes bond agents, military police, and any other individuals who do not have law enforcement privileges.

## **6E – ACJ INMATE HANDBOOK**

### **6E.01 ACJ Inmate Handbook**

*Chapter 6, Section E is designated the ACJ Inmate Handbook.*

The ACJ Inmate Handbook is hereby incorporated by reference and is designed to introduce an inmate to the Ada County Jail, by explaining the rules and expectations for inmates while in custody. Inmates are expected to follow the rules contained in the handbook at all times.

The Inmate Handbook may be printed and delivered to inmates or may be provided electronically. Any policy, procedure or rules added or revised after the date of publication of the Inmate Handbook supersede any rules contained herein. Rule changes and updates, if any, should be posted in each housing area.

The ACJ Inmate Handbook is found online at ACES here:

<https://aces.ada.net.gov/sites/ADAPortal/departments/sheriff/policy/Documents/6E%20-%20Inmate%20Handbook>

## **CHAPTER 7 – POLICE SERVICES BUREAU POLICY**

### **7.1 POLICE SERVICES BUREAU**

The Police Services Bureau is the patrol and investigative arm of the Sheriff's Office. The deputies of this bureau fall under the command of the Sheriff, Chief Deputy, and the Police Services Captain. The bureau's mission is to perform important functions: patrol and investigations.

#### **7.1a PATROL FUNCTION**

Patrol deputies will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Ada County, Eagle, Kuna, and Star, respond to citizen calls for assistance, act as a deterrent to crime, enforce local ordinances, as well as state laws, and respond to emergencies. Patrol deputies will generally provide the following services:

- Patrol the county and cities in an effort to prevent criminal acts and traffic violations, maintain public order, apprehend criminal offenders, and assist with any hazardous situation or concern.
- Solve issues between citizens in a positive nature, applying when needed the resources of the ACSO.
- Take routine and emergency calls for service to investigate criminal and non-criminal acts.
- Conduct crime prevention activities such as residence and business inspections, make community presentations, etc.
- Share information between patrol and other bureaus of this office and other government entities.

#### **7.1b CRIMINAL INVESTIGATION FUNCTION**

The primary purpose of the criminal investigation division is to investigate and solve felony crimes in Ada County. Detectives shall effectively manage and investigative response to major crimes such as homicides, kidnappings, rapes, burglaries, robbery, etc. Detectives will work with surrounding police agencies as well as the public to accomplish their mission. To accomplish these tasks, the following Specialized Investigative Units have been established:

- **Major Crimes Unit** - investigate crimes against persons, crimes against children, domestic violence, polygraph examinations, Idaho Attorney General's Internet Crimes Against Children Task Force
- **Property Crimes Unit** – investigate property crimes and fraud investigations
- **Narcotics Unit** - investigate narcotics trafficking, DEA Task Force, DEA Pharmaceutical Task Force, FBI JTTF Task Force, FBI Metro Violent Crimes Task Force, FBI Computer Forensic Task Force and HIDTA (High Intensity Drug Trafficking Area)
- **Student Resource Officer Unit** - SRO's assigned to various schools in the West Ada and Kuna School Districts, general assignment juvenile cases
- **ACTION Team** – Anti-Crime Team In Our Neighborhood (ACTION) focuses on problem oriented policing and works with the US Marshal's Greater Idaho Fugitive Task Force

#### **7.1c SPECIFIC CRIMINAL INVESTIGATIONS**

ACSO detectives, while responding to any report of rape, sexual assault, or sexual or physical abuse of an adult or child, to include kidnapping, robbery, or serious felonies occurring at Idaho Department of Correction facilities will strive to minimize the trauma experienced by the victims, and will aggressively investigate these matters to pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community. Given the sensitivity and impact to victims of the cases listed above the ACSO has developed specific procedures to ensure proper investigations occur related to these types of incidents.

### **7.2 RESPONSE TO CALLS FOR SERVICE**

The public relies on ACSO for assistance and advice in many routine and emergency situations. For this reason and because there is frequently a potential for crime, it is the policy of this office to make every reasonable effort to respond to calls for service as resources permit and to render such aid or advice as circumstances appear to indicate would be warranted. When appropriate, deputies should refer members of the public to available resources through other public agencies or charitable organizations. Additionally, as ACSO understands that person's in crisis may need intervention the ACSO will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its employees' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

### **7.3 COMMUNITY POLICING PHILOSOPHY**

ACSO recognizes a responsibility to work with our citizens to make Ada County a safer place to live, work and play. We encourage a problem-solving partnership between citizens, businesses, other public agencies and the ACSO. This partnership identifies community safety issues, determines resource needs, and applies innovative strategies designed to create and sustain healthy and vital neighborhoods. ACSO deputies should be involved in the problem-solving process - giving them the ability to personalize our services and become a powerful equation in the solution. Our commitment to each of our communities is to work with them

as a team to recognize issues and provide solutions to problems before they escalate. Our guiding principles include the following:

- Educate Your Community - Communicate with your community. Engage with Neighborhood Associations, HOA's, school staff and students, and civic groups. Provide classes, presentations, demonstrations, lockdown drills, etc.
- Assist a Community in Crisis - Exercise compassion. Recognize that veterans, individuals with mental health issues or delayed development, refugees, and anyone experiencing trauma may not respond as you might expect. Utilize resources such as community paramedics and mental health assistance for community members in crisis.
- Respond to Victims - Provide safety, compassionate response, and follow-up with crime victims.
- Solve Neighborhood Problems - Create partnerships and address problems at their core such as party/drug houses, and traffic, property crime and safety issues.
- Support ACSO Teams & Partner Agencies - Exercise teamwork with any ACSO team (e.g. CID, narcs, jail, civil or patrol) or partner agency who needs assistance on special projects.
- Be available for other requests and needs - Be flexible. Engage with your community on special projects like Eagle Fun Days, Kuna Days, Western Idaho Fair, Star Days, and Music Festival.

#### **7.4 SEARCH AND SEIZURE**

ACSO respects the fundamental privacy rights of individuals. Employees will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this office will comply with federal and state law governing the seizure of persons and property. The Office will provide relevant and current training to deputies as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate. The U.S. Constitution generally provides that a valid warrant is required for a search to be valid. There are, however, several exceptions that permit a warrantless search. Pursuant to valid consent, searches conducted incident to lawful arrest or exigent circumstances, and searches conducted pursuant to a legitimate community caretaking interest. Additionally, certain legitimate law enforcement activities do not require a warrant, such as 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, every ACSO deputy 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 or the Sheriff's Legal Advisor to resolve questions regarding search and seizure issues prior to electing a course of action.

Deputies are responsible to document any search by either submitting a written report or by audio or video recording the encounter. In instances where a search yields the seizure of any property, evidence, or contraband, a written report shall accompany any such audio or video recording and shall include 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.

When a person of the opposite sex is to be searched, deputies will make reasonable efforts to summon a deputy of the same sex as the person being searched to conduct the search. If a deputy of the same sex is unavailable, deputies shall state that fact, the reason why, and the solution to completing the search in a formal report.

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.

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

- a) Employees will strive to conduct searches with dignity and courtesy.
- b) Deputies should explain to the person being searched the reason for the search and how the search will be conducted.
- c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- d) To minimize the need for forcible entry, an attempt should be made to obtain keys, combinations, or access codes when a search of locked property is anticipated.
- e) When the person to be searched is of the opposite sex as the searching deputy, a reasonable effort should be made to summon a deputy of the same sex as the subject to conduct the search. When it is not practicable to summon a deputy of the same sex as the subject, the following guidelines should be followed:
  - 1) Another deputy or a supervisor should witness the search.
  - 2) The deputy should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

Seizures made by an ACSO deputy pursuant to an arrest warrant, or any other court order, is an extremely important function of the ACSO. ACSO personnel with peace officer powers and/or who have been granted appropriate authority by the court shall remain dedicated to ensuring that proper service of every warrant is accurate and complies with Idaho Code. Every reasonable precaution and effort shall be taken to serve each valid warrant only once and that the correct individual intended by the court is the individual served. Deputies shall confirm all available information when serving warrants, read the warrant to the individual, and see if the suspect has any questions in regards to the warrant. Deputies may be excused from the above requirement to read the warrant in cases where the person is unable to communicate due to being heavily intoxicated or due to a medical condition, however any reason why a warrant was not read to the arrested person shall be documented by the deputy.

#### **7.5 NARCOTIC/APPREHENSION SERVICE DOG PROGRAM**

The Narcotics/Apprehension Service Dog Program was established to augment Sheriff's services to the community. Highly skilled and trained teams of handlers and canines are used to supplement Sheriff's service operations to locate individuals and contraband and apprehend criminal offenders. ACSO handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives. Handler and canine teams should only be utilized to perform functions for which they have been trained. The decision to deploy any dog team rests with the handler, but a field supervisor may have authority to order the dog not to be used. Deputies are encouraged to freely solicit the use of the canines. Requests for a canine team from outside of the Patrol Division should go through the unit coordinator or the shift supervisor.

#### **7.6 DEATH INVESTIGATION**

The investigations 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. At a minimum, the acting Field Supervisor shall respond and ensure the Major Crimes Unit shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

#### **7.7 CRIME AND DISASTER SCENE INTEGRITY**

The first deputy at the scene of a crime or major incident is generally responsible for the preservation of the scene. 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, it shall be maintained until the deputy is relieved by a supervisor. Deputies arriving at scenes with possible exigent circumstances should assess 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, deputies should secure the scene and conduct no further search until proper authority for the search is obtained.

In addition to ensuring victim safety, rendering aid, and searching for suspects as required above, a first responder's function at a crime or disaster scene includes all of the following:

- Broadcast emergency information including all requests for additional assistance.
- Providing first aid to injured parties if it can be done safely.
- Securing the inner perimeter with crime scene tape.
- Protecting items of apparent evidentiary value.
- Starting a chronological log noting critical times and personnel allowed access to such a scene.

#### **7.8 ADA COUNTY SPECIALTY UNITS**

ACSO employees make up several specialty units to accomplish the unique tasks the Sheriff's Office must handle. These units include the Ada County Metro SWAT Team, the Ada County Recreational Enforcement Unit and the Ada County Dive Team. Additionally, ACSO believes in working with our other local, state and federal law enforcement partners to apprehend criminals and provide a safe county for our citizens. Employees may be assigned to a local, state, and federal multi-jurisdictional task force to accomplish ACSO's overall mission to the citizens of Ada County. Those multi-jurisdictional task forces are the Ada County Critical Incident Task Force (CITF), the D.E.A. Task Force, the FBI Intermountain West Regional Computer Forensic Laboratory, and Training Center (IWRCL), the Internet Crimes Against Children Task Force (ICAC), the US Marshal's Greater Idaho Fugitive Task Force (GIFT), the Metro Violent Crimes Unit (METRO) and the FBI's Southern Idaho Joint Terrorism Task Force (JTTF).

#### **7.9 HOSTAGES AND BARRICADED SUBJECT INCIDENTS**

ACSO shall 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. A barricade situation is 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. A hostage situation is 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.

### **7.10 EXPLOSIVE DEVICES, BOMB THREATS, AND HAZMAT RESPONSE**

When confronted with an incident involving any type of explosives or hazardous material (a.k.a. hazmat), safety shall always be the primary consideration. ACSO deputies are trained to handle these situations in a manner that provides the greatest chance of reducing injury or death. An explosive device is any device that bursts with sudden violence from internal energy and is designed to or may cause injury to persons or property. A hazardous material is a substance which by its nature, containment, and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed. ACSO's procedures should be followed to prepare and assist deputies in their initial response to incidents involving explosives, explosive devices, or explosion/bombing incidents. Under no circumstances should these procedures and guidelines be interpreted as compromising the safety of first responders or the public.

### **7.11 RESPONSE TO POSSIBLE MASS CASUALTY EVENTS**

Violence in schools, workplaces, and other locations by any individual or group of individuals presents a difficult situation for law enforcement. ACSO has identified guidelines and factors that will assist responding deputies as they make decisions in these rapidly unfolding and tense situations. As in all calls for service, deputies shall use necessary force, deadly or otherwise to protect members of the public, themselves, and their fellow law enforcement officers from death or serious injury. 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:

- Whether sufficient personnel are available on-scene to advance on the suspect. Any advance on a suspect should be made using teams of two or more deputies whenever reasonably possible.
- Whether individuals who are under imminent threat can be moved out of danger with reasonable safety.
- Whether the deputies can 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 (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.

The policy of this office in dealing with the crisis shall be:

- Attempt to obtain and maintain operative control of the incident.
- Explore reasonably available sources of intelligence regarding the circumstances, location, and suspect(s) in the incident.
- Attempt to attain any tactical advantage over the responsible individual(s).
- Attempt, whenever feasible, a negotiated surrender of the suspect(s) and release of the hostages.
- When an emergency exists, neutralize the threat as rapidly as reasonably possible to minimize injury and loss of life.

### **7.12 MEDICAL AID AND RESPONSE**

It is the policy of the ACSO that all ACSO deputies and other designated employees shall be trained to provide emergency medical aid and to facilitate an emergency medical response. Whenever practicable, employees should take appropriate steps to provide initial medical aid (e.g., first aid, CPR) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the deputy can safely do so.

### **7.13 ASSET FORFEITURE AND NARCOTIC UNIT EXPENDITURES**

Forfeiture is the process by which legal ownership of an asset is transferred to a government or other authority. ACSO follows federal and state law which gives the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses. ACSO recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime, and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety, or any person's due process rights. It is the policy of the ACSO that all employees, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

#### **7.14 INFORMANTS**

ACSO employees may engage in the use of criminal informants as a strategy to solve crimes. An informant is a person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the ACSO for law enforcement purposes. This also includes a person agreeing to supply information to the ACSO for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money). ACSO recognizes the value of informants and their information to thwart crime and assist in law enforcement efforts and will strive to protect the integrity of the informant process.

#### **7.15 VEHICLE PURSUITS**

A vehicle pursuit is an event involving one or more law enforcement officers attempting to apprehend a suspect who is attempting to avoid apprehension while operating a motor vehicle by using high speed driving or other evasive tactics such as driving off a highway, turning suddenly, or driving in a legal manner but willfully failing to yield to a deputy's signal to stop. Vehicle pursuits expose innocent citizens, law enforcement officers, and fleeing violators to the risk of serious injury or death. ACSO deputies shall balance the safety of the public and themselves against ACSO's duty to apprehend violators. Deputies shall conduct themselves in a manner that minimizes the potential for pursuit-related collisions. Deputies must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and other pursuing deputies. 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 potential risk to public safety created by vehicular pursuits, no deputy or supervisor shall be criticized or disciplined for deciding not to engage in a vehicular pursuit because of the risk involved, including those circumstances where the procedures would permit the initiation/continuation of the pursuit.

It is recognized that vehicular pursuit situations are not always predictable and decisions made pursuant to this policy will be evaluated per 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, common sense, and sound professional judgment. A deputy's conduct during a pursuit must be objectively reasonable under the circumstances. Available supervisory and management control will be exercised over all vehicle pursuits involving deputies from this office. In addition to initial and supplementary Idaho P.O.S.T. training on pursuits, all sworn employees will participate in regular and periodic training by this office 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.

#### **7.16 TRAFFIC FUNCTION AND TRAFFIC CITATIONS**

The goal of traffic law enforcement is to reduce traffic collisions. Geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior assist in that goal. 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. The issuance of traffic citations in response to violation of the rules of the road is an important function to encourage traffic safety.

#### **7.17 IMPAIRED DRIVING**

ACSO is committed to the safety of the roadways and the community and will pursue fair, but aggressive enforcement of Idaho's impaired driving laws. ACSO deputies play a vital role in the detection and investigation of driving under the influence of alcohol and legal and illegal drugs and will use all approved and lawful tools at their disposal to interdict impaired drivers. Deputies shall regularly train on the standards of impaired driving investigation and enforcement and shall work with the on-call prosecutor and judges to obtain samples for evidentiary testing when probable cause for the offense allows such a pursuit.

#### **7.18 RESERVE DEPUTY PROGRAM**

The ACSO 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. ACSO shall endeavor to recruit and appoint to the Reserve Unit only those applicants who meet the high ethical, moral, and professional standards set forth by this office. All applicants for the Sheriff's Reserve Unit 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 POST reserve academy providing over 180 hours of training. The position of reserve deputy is volunteer. 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 and take a loyalty oath to observe and obey all the laws of the land and to carry out their duties to the best of their ability.

#### **7.19 TEMPORARY CUSTODY OF JUVENILES FOR PSB**

The ACSO is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles

safe while they are in temporary custody of PSB Deputies. To do that, fair and consistent treatment of juveniles will be accomplished by meeting the standards set in Juvenile Justice and Delinquency Prevention Act (42 USC § 5633). Juveniles should be held in temporary custody by PSB deputies only for as long as reasonably necessary for processing, transfer, or release. PSB Deputies should take custody of a juvenile and temporarily hold the juvenile when there is no other lawful and practicable alternative to temporary custody. 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 ACSO (42 USC § 5633).

Juveniles who exhibit any of the following conditions should not be held at the ACSO:

- Unconscious;
- Seriously injured;
- A known suicide risk or obviously severely emotionally disturbed;
- Significantly intoxicated; or
- 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 ACSO unless a qualified medical and/or mental health professional has evaluated them. 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.

Non-offenders taken into protective custody should generally not be held at the ACSO. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure custody (42 USC § 5633). Additionally, 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 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).

## **7.20 EVIDENCE COLLECTION**

The collection and safe storage of evidence is an essential part of the ACSO's ability to investigate crimes and provide proof to the prosecutor's office which supplements written reports. Procedures for physical and digital evidence collection, safeguarding, and storage shall be regularly trained to all employees who participate in evidence collection to ensure the highest standards are met when preserving the chain of evidence. When appropriate, property and evidence can be released to the legal owner. If ownership of the property is in dispute, the property can only be released upon order from a magistrate through a disposition hearing as controlled by Idaho State Code. After reasonable attempts to contact the legal owner, unclaimed, or abandoned property shall be marked for public auction pursuant to Idaho State Code. Under no circumstances may any county-owned or seized property be transferred to personal use by ACSO staff.