



# **POLICY MANUAL**

This document is an original and copyrighted work, published August 9, 2017.  
It shall not be reproduced in whole, or in part, without express permission from the Ada County Sheriff's Office.  
This manual is written and designed for the exclusive use of ACSO Employees in the field.  
Updated April 15, 2024.  
All Rights Reserved.

# TABLE OF CONTENTS

## **FOREWORD** from Sheriff Matt Clifford

### **CHAPTER 1** – Employee Conduct & Operations

**SECTION 101** – ETHICS, AUTHORITY & COMMAND STRUCTURE

**SECTION 102** – ADMINISTRATION POLICY

**SECTION 103** – EMPLOYEE CONDUCT POLICY

**SECTION 104** – OPERATIONS POLICY

### **CHAPTER 2** – Administrative Services Bureau

**SECTION 201** – BUDGET AND FINANCE OFFICE POLICY

**SECTION 202** – DATA ANALYTICS AND INTELLIGENCE DIVISION POLICY

**SECTION 203** – FLEET SERVICES POLICY

**SECTION 204** – HUMAN RESOURCES POLICY

**SECTION 205** – LICENSING SERVICES POLICY

**SECTION 206** – PROPERTY AND EVIDENCE UNIT POLICY

**SECTION 207** – RECORDS SERVICES POLICY

**SECTION 208** – VICTIM SERVICES UNIT POLICY

**SECTION 209** – COMMUNITY ENGAGEMENT & INFORMATION UNIT POLICY

### **CHAPTER 3** – Court Services Bureau

**SECTION 301** – PRETRIAL SERVICES POLICY

**SECTION 302** – ALTERNATIVE SENTENCING POLICY

**SECTION 303** – PROGRAMS POLICY

**SECTION 304** – ADA COUNTY MISDEMEANOR PROBATION POLICY

**SECTION 305** – TRANSPORT TEAM POLICY

**SECTION 306** – TRAINING DIVISION POLICY

**SECTION 307** – COURTHOUSE SECURITY POLICY

### **CHAPTER 4** – Emergency Communications Bureau

**SECTION 401** – EMERGENCY COMMUNICATIONS BUREAU POLICY

**SECTION 402** – ADA COUNTY DISPATCH POLICY

### **CHAPTER 5** – Jail Services Bureau

**SECTION 501** – JAIL SERVICES BUREAU POST ORDERS

**SECTION 502** – PRISON RAPE ELIMINATION ACT POLICY & PROCEDURES

**SECTION 503** – JSB HEALTH SERVICES UNIT POLICY & PROCEDURES

**SECTION 504** – JAIL SERVICES BUREAU POLICY

**SECTION 505** – ACJ INMATE HANDBOOK

**CHAPTER 6** – Police Services Bureau

**SECTION 601** – *POLICE SERVICES BUREAU POLICY*

## **FOREWORD**

Explaining what we do at the Ada County Sheriff's Office every day and how we do it can be a difficult task, because as Idaho's largest law enforcement agency, we are involved in many different aspects of the criminal justice system. This policy manual lets us explain that in a unique and public way – and break through any mystery as to why we do what we do. Our policies explain who we are. They provide insight into some basic facts about our agency and the philosophy that guides our actions. We are here for you, every day, and this is how we do it.

The first section holds our agency's oath, mission, and vision. It also lists our four main values: integrity, service, dedication, and positive attitude. Those four words guide every employee in our agency, pulling us in the direction we need to go as we navigate through moments of crisis or the routine activities of our day.

Integrity is our first and foremost value – and it is at the heart of every decision we make. I am proud our employees choose to be honest and to treat people fairly. This is the only way to retain the trust of the community, which is our fundamental responsibility.

Actively working to make people and places safer in Ada County is more than a job. It's a calling, and we should never take it for granted. I am grateful for all 750+ ACSO employees who are committed to service. Dedication is our choice to be productive because of our commitment to integrity and service.

Maintaining a positive and productive attitude can be a challenge to maintain, but our commitment to be professional, even when others make it difficult, allows us to serve with integrity. Our community trusts us to do the right thing at the right time for the right reason. We are committed to be 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 Matt Clifford

## **CHAPTER 1 – EMPLOYEE CONDUCT & OPERATIONS**

### **SECTION 101 – ETHICS, AUTHORITY & COMMAND STRUCTURE**

#### **101.1 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.

#### **101.2 MISSION & VISION**

##### MISSION

We make safer places for you to live, work, and play.

##### VISION

The Ada County Sheriff's Office will be the agency of choice for criminal justice services.

#### **101.3 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.

#### **101.4 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.

### 101.5 SHERIFF AUTHORITY & 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.

### 101.6 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. § 19-601 & 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.

### 101.7 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.*

### 101.8 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

### 101.9 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.

### 101.10 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., K9, SWAT), and any supervisor may temporarily direct any subordinate if operational necessity exists.

### 101.11 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.

#### **101.12 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. The Sheriff's Legal Advisor and the on-call prosecutor are available by phone 24/7 to assist deputies with emergent legal matters.

#### **101.13 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.

#### **101.14 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.

#### **101.15 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
- **I.C.** – Idaho Code
- **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
- **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
- **U.S.C.** – United States Code

#### **101.16 ACCREDITATION**

The Ada County Sheriff's Office is committed to the mission, vision and values as laid out in the policy above. To ensure the mission, vision and values are being fulfilled by the deputies and professional staff, and to show the ACSO is committed to excellence, professionalism and continuous improvement, the Sheriff has directed that the ACSO shall be formally evaluated on a regular basis by an organization or association that is responsible for establishing and maintaining professional accreditation standards (such as the Idaho Sheriff's Association or the Idaho Chiefs of Police Association). The Sheriff or his designee shall, when appropriate, direct staff to cooperate with regular inspections, audits, or/or accreditation requests and evaluation as appropriate in compliance with the policy.

## **SECTION 102 – ADMINISTRATION POLICY**

### **102.1 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. To develop strong leaders who motivate, discipline, develop staff, and advance our agency mission, employees promoted or appointed to supervisory and management positions are encouraged to develop their leadership skills. Employees appointed or promoted to sergeant, supervisor, lieutenant, or manager must successfully complete a minimum of 40 hours of supervisory training prior to or within two years of their selection.

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.



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.

In the ACSO, there is a "Direct Supervisor" who has the 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.

In the ACSO, there is also the "Functional Supervisor" who has the 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.

#### **Supervisor Resolution of Problems and Questions**

All employees will contact their supervisor when they have a question about their duties, when they are unable to resolve problems, or when they need advice. Adherence to the principle of chain of command, when possible, allows optimum use of resources and personnel. Supervisors and employees should strive to resolve problems and conflicts at the lowest possible level of the Sheriff's Office. Each supervisor should act in a prompt, timely fashion in response to a subordinate's problems.

#### **Staffing Levels**

Adequate staffing and supervision are needed to meet operational requirements for all shifts. The ACSO intends to balance the employee needs against the need to have flexibility and discretion in using personnel to meet operational needs. Minimum staffing levels shall be determined by the bureau commanders, and supervisors shall ensure such minimums are maintained absent an emergency situation which would not allow for such staffing to occur. Supervisors may order employees to hold over and/or work an overtime shift when the operational need of the agency requires the position be filled.

#### **Shift Supervision**

Each shift must be directed by supervisors who can make decisions and communicate in a manner consistent with the policies, procedures, practices, functions, and objectives of this office. To accomplish this goal, a sergeant or professional staff supervisor heads each watch. When a sergeant or professional staff supervisor is unavailable for duty, in most instances the senior qualified deputy or professional employee shall be designated as acting shift supervisor when required.

### **102.2 RECRUITMENT AND SELECTION**

The ACSO shall provide equal opportunities for all applicants and current employees. The ACSO strives to hire quality people for both commissioned and professional (civilian) positions 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, which follows a formal process to hire both commissioned and professional staff. 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.

Recruitment for a position may occur internally and externally. Vacant positions will be posted unless it is determined to be in the best interest of the Sheriff to waive a job posting. If it is determined that a job vacancy is to be announced, ACSO Human Resources will post the job. Examples include but are not limited to: departmental reorganizations; critical business operation needs; and internal candidates within the same department of the current vacancy who are qualified/trained for the vacant position.

**Application Requirements**

Employees desiring to apply for a vacant position may do so by submitting all required documents as stated in the job posting to ACSO HR prior to the closing deadline indicated on the job posting. Application materials of each candidate will be evaluated by ACSO HR to determine whether candidates meet the established qualifications for each position. In addition, internal candidates must be free from current discipline.

**Selection**

Applicants meeting the established qualifications will have their application reviewed by the hiring manager for consideration and may receive an interview or oral board. Candidates for job openings will be selected based on merit, ability, competence, and experience. Candidates for employment will participate in a polygraph examination and a background investigation.

**102.3 REHIRING OF RETIRED EMPLOYEES**

The ACSO may allow PERSI retirees to return to full-time work for the ACSO so long as the retiree is in compliance with Idaho State Code and any other PERSI rules regarding returning to work while collecting retirement benefits. During a re-employment period the employee may elect to continue to receive PERSI retirement benefits. If they choose to do this, they will be required to pay PERSI contribution rates at the rule of 80 rate, however, they will not accrue additional PERSI retirement service time beyond their original retirement date. PERSI retirees seeking to return to work on a part-time basis will not be allowed to work more than 19.5 hours per week, nor collect any benefit other than an hourly wage for hours worked. They will continue to receive their PERSI retirement benefits and will not be required to pay any additional PERSI contribution rates as long as they remain in part-time status. No retiring deputy is guaranteed nor has any right or expectation, to be rehired with the ACSO. An employee returning to work a similar position from which they retired is not required to complete a new job application, however, the Sheriff may require the employee to do so in certain circumstances. A retired employee seeking to return to work in a different position or bureau may be required to apply for the position when requested. Such determination will be made by HR staff after consultation with the Sheriff or his designee. All re-employed employees shall be considered at-will during the re-employment period and the employment can be terminated by the Sheriff for any reason at any time. For terminations other than cause, disciplinary reasons, or performance, the ACSO will provide a 30-day notice of termination at a minimum. The Sheriff or his designee will make the final determination on whether a deputy is appropriate to hire back to full-time or part-time status after the employee has retired.

Determination of re-hiring will only be considered by the Sheriff once all the following conditions have been met:

1. The employee retired in good standing from the ACSO or any PERSI agency and meets all of the criteria specified in IC 59-1356.
2. The employee retired with an unreduced full retirement (Rule of 80) in accordance with IC 59-1302(27). The ACSO will not re-hire any person to a full-time position who retired prior to their Idaho PERSI rule of 80, or purchased service in order to meet their rule of 80 for Idaho PERSI retirement.
3. The returning employee can show there was a bon-a-fide separation from the agency of more than 30 calendar days and:
  - a. Has completed all retirement notifications and been deemed eligible for retirement by PERSI;
  - b. Has returned all department issued equipment;
  - c. Has had all ACSO benefits terminated (unless enrolled in COBRA);
  - d. Has received all pay checks and remaining benefits in full; and
  - e. Has received at least one retirement check from PERSI.

**Re-employment Hiring Process**

Depending on the lapse of service time, the Sheriff may order any or all of the normal pre-employment background investigation to be completed prior to hiring the returning employee. In addition to any background investigation, the returning employee may be required to also pass the ACSO physical fitness test before returning to a full-time position. (Note: If the person is not returning to a commissioned position where such physical fitness testing is required, this requirement may be waived by the Sheriff or his designee.)

**Rank/Status**

The Sheriff may permit the returning employee to return at the same or higher or lesser rank than the retired member held at time of retirement.

**Returning Retired Employee Compensation and Benefits**

The returning full-time employee will generally be compensated at the pay rate that applies to them on the pay plan if they retired from the ACSO. Full-time employees joining the ACSO after retiring from another agency will be treated as a lateral hire as it relates to their starting pay rate. Part-time employees will not be on the pay plan, but will have a pay rate that will be determined at the time of hire by ACSO HR. Returning retired employees will generally be allowed to enjoy all of the same benefits as standard employees (such as medical insurance, deferred compensation, uniform allowance, etc.). Any employee who has retired and is

working while also drawing their PERSI check will be required to pay into PERSI in accordance with state law. Also, the returning employee retired under Idaho Law will not receive additional retirement time credit or increased payments as a result of their service time during re-employment.

#### **Returning Retired Employee Sick Leave and Vacation Leave**

A retired employee returning to full-time employment within one year of when they left ACSO employment may reinstate their previous sick leave time balance up to a max of 48 hours. An employee returning after one year of separation shall begin anew the accrual of sick leave once they are re-employed by the ACSO, similar to how any new employee earns sick leave. A returning employee shall begin anew the accrual of vacation leave once they are re-employed by the ACSO similar to how any new employee earns vacation leave. Returning employees shall not be allowed to earn vacation leave at the rate they earned when they retired.

#### **102.4 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.

#### **102.5 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 may be 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.

Annual performance evaluations are completed in AdaCentral. They are written based on job-related factors specific to the position occupied by the employee. Each evaluation shall be based on performance over a specific period. Each employee will complete a self-evaluation each June that is due to their supervisor no later than June 30<sup>th</sup>. This is not required if the employee was hired on or after January 1<sup>st</sup> of the current year. The employee's immediate supervisor will review the self-evaluation and then complete the official annual evaluation that will be maintained in AdaCentral once it is complete. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input. Each supervisor should discuss the tasks of the position, standards of performance expected, and the evaluation rating criteria with each employee at the beginning of the rating period. During the evaluation period, the supervisor should note good work performance, as well as sub-standard performance. When an employee's job performance falls below the established standards of the job, the supervisor should, as soon as practical, advise the employee to provide an opportunity for the employee to improve performance. Failure to meet established performance standards is justification for an unsatisfactory rating.

When the supervisor has completed the preliminary evaluation, it shall initially be reviewed and approved by the Manager or Bureau Captain/Director, who shall review the evaluation for fairness, impartiality, uniformity, and consistency. Once approved, the supervisor shall make arrangements for a private discussion of the evaluation with the employee. After the supervisor finishes the discussion with the employee, the signed performance evaluation is recorded and maintained in AdaCentral. A copy may be given to the employee. If the employee has valid and reasonable protests of any ratings or comments, that they cannot rectify directly with their supervisor or next level manager, the employee may note it in the employee final feedback section of the performance evaluation prior to signing their evaluation.

Evaluations are intended to summarize an employee's performance throughout the rating period. Supervisors should document performance throughout the rating period to ensure that the evaluation reflects the entire rating period. When completing the performance evaluation, the rater will refer to all documented performance and assign the appropriate rating. Space for written comments is provided throughout the evaluation for both general and specific comments under each factor, as well as for summary comments in the evaluation. This section allows the rater to describe each employee's strengths and weaknesses and to give suggestions for improvement. Justification and/or examples are encouraged to support all ratings but are required if the highest or lowest rating is selected.

#### **Types and Frequency of Evaluations**

Supervisors should provide clear and honest feedback to employees on a regular basis. Performance should be documented regularly throughout the year and not only at the time of the annual performance evaluation. All employees shall be given a performance evaluation once each year.

**NEW HIRE:**

- Professional staff shall be given written feedback about their performance immediately following six months of their initial employment start date. This is not an annual performance evaluation but may be added into the employee's first performance evaluation when it is due.
- Commissioned staff shall be given written feedback about their performance immediately following the completion of their training academy. This may be referred to as a training evaluation. It is not an annual performance evaluation but may be added into the employee's first performance evaluation when it is due.

**ANNUAL:** All employees shall be given an annual performance evaluation unless they were hired on or after January 1 of the current year. Self-evaluations should be completed in June with a due date of June 30. Supervisors have the months of July and August to complete all of their employee performance evaluations. Completed and signed performance evaluations are due on August 31.

**SPECIAL:** A special evaluation may be completed anytime the supervisor and/or management feel one is necessary due to performance that is deemed less than satisfactory, or as part of a performance improvement plan. Supervisors should notify ACSO HR if this is necessary.

**TRANSFER:** The ACSO strives to ensure that employees do not miss a documented evaluation of their performance due to transfer or promotion. Prior to, or within 10 days, of any employee transferring or promoting to a new position, the current supervisor must update performance notes into the performance evaluation system. The employee's new supervisor will be provided access to those notes and may utilize them as needed when completing the next performance evaluation. Alternatively, if the current supervisor would like to complete an entire evaluation within 10 days of the employee transferring to the new position, the supervisor may do so and should notify HR to request the evaluation system be opened for complete scoring access.

All performance evaluations must be reviewed by a Manager/Lt. or Director/Captain as applicable prior to being reviewed with the employee and signed. Once the evaluation has been reviewed and signed by the employee and supervisor, it will be retained in AdaCentral and may not be changed but will be viewable for future reference.

**102.6 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; or any action or performance that is above and beyond the typical duties of an employee.

Any employee may recommend any other ACSO employee for formal recognition to their supervisor or the supervisor of the employee deserving of recognition. Any written recommendation for recognition will be completed and submitted through the chain of command and shall contain the following:

- The employee's name and assignment at the date of the commendation.
- A brief account of the commendable action.
- Related report/case numbers should be included.
- Signature of the commending supervisor.

Completed recommendations shall be forwarded to the appropriate Bureau Captain/Director for his/her review. The Bureau Captain/Director shall determine whether to approve the recommendation. Any recommendation for commendation above a Bureau Director Award will be forwarded to the Sheriff or to the Sheriff Office Awards Committee for approval. An ACSO Award Nomination Form can also be found online on ACES.

**ACSO Official Medals and Recognition Awards**

1. **MEDAL OF VALOR:** Awarded when all the following have occurred:
  - An employee performs an act of exceptional individual bravery while protecting his/her life or the life of another.
  - The employee was fully aware of an imminent risk to his/her life.
  - The employee made an intelligent decision to undertake an independent course of action, even though the action increased the risk to their personal safety.
  - Such act(s) must have occurred while the nominee was undertaking enforcement action or fulfilling his/her responsibilities as a law enforcement officer.
  - The act(s) must be so conspicuous as to separate his/her courage from lesser forms of recognizable bravery.

2. **DISTINGUISHED SERVICE MEDAL:** Awarded when all the following have occurred:
  - An employee performs an act of exceptional bravery while protecting his/her life or the life of another.
  - The employee was fully aware of an imminent risk to his/her life.
  - Such act(s) must have occurred while the nominee was undertaking enforcement action or fulfilling his/her responsibilities as a law enforcement officer.
  - The act(s) must be so conspicuous as to separate his/her courage from lesser forms of recognizable bravery.
3. **SHERIFF'S STAR MEDAL:** Awarded when all the following have occurred:
  - The employee must have made an intelligent decision to undertake an independent course of action that was reasonably necessary to prevent the death or injury of another yet increased the risk to his/her own personal safety.
  - Accomplishments of highly creditable, meritorious, or commendable public safety actions that stand well above the actions of others and show a sincere dedication to public service and the mission of the Sheriff's Office.
4. **PURPLE HEART MEDAL:** Awarded when an employee acting reasonably and following the law and Sheriff's Office policy is killed or seriously injured during extraordinary performance of duty.
5. **LIFE-SAVING AWARD:** The Life-Saving Award (LSA) is awarded by the Sheriff to any sworn or non-sworn members of the Sheriff's Office or members of our community who were directly responsible for saving the life of another person. Documentation and supporting evidence must be included to substantiate the award, such as statements from Medical Health Providers, supervisors, and witnesses. The award may also be awarded when evidence indicates the actions by the deputy or community member prolonged a human life to the extent of the victim being released to the care of medical authorities, even though the victim might expire at a later time. Examples of qualifying situations include CPR, the Heimlich Maneuver, prompt application of first aid in potentially fatal situations, and any other act that saves a life. The administering of the opioid overdose reversal drug Naloxone, in and of itself, does not meet the requirements of this award. Factors for consideration of the nominee for this award must include, but are not limited to: the nominee was aware of the seriousness of the situation; the nominee acted purposely; the nominee did not carelessly create the situation causing the need for them to act; if the nominee had not acted, it was more likely than not that the person would have died; the nominee was physically involved in the life saving efforts; and the incident occurred after January 1, 2024.
6. **SHERIFF'S AWARD:** Awarded for outstanding performance as determined by the Sheriff.
7. **DEPUTY OF THE YEAR AWARD:** Every year the Sheriff shall award one or more employee with the title of Deputy of the Year. The Deputy of the Year may be a commissioned deputy, professional staff, lead, supervisor, or sergeant who throughout the year continually exemplifies the ACSO's mission, vision, and values through their work ethic, their behavior on-duty and outside of work, and via their contributions to the overall mission of the ACSO to make Ada County a safer place to live, work and play. Every December 1 to December 31, the Sheriff will accept nominations for the award. A nomination may be made by any member of the ACSO during the nomination period. Nominations shall be in writing and shall be sent to the nominee's lieutenant or manager. A nomination should include a description of how the nominee over the course of the preceding year performed their job in an exemplary manner or in a way that significantly contributed to the mission of the agency or how that deputy exemplifies the Sheriff's values or priorities such that it merits recognition. No self-nominations will be considered. Once all nominations are received, the Deputy of the Year will be selected by the Command Staff and presented by the Sheriff at each annual Award ceremony.
8. **SHERIFF'S VISION AWARD:** The Sheriff may choose any of the individuals nominated for Deputy of the Year to instead receive the Ada County Sheriff's Vision Award for being the employee who has gone above and beyond to show outstanding continued performance as a deputy for the previous year.
9. **BUREAU DIRECTOR AWARD:** Awarded for outstanding performance as determined at the Bureau level that stands above what is warranted for a letter of commendation.
10. **TEAM CITATION AWARD:** Awarded for meritorious performance resulting from a combined effort of Sheriff's Office employees functioning as a team. Awarding a Team Citation does not preclude the conferring of individual awards to team employees for individual performance.

11. **LETTER OF COMMENDATION:** Presented when, during day-to-day duties, an employee extends commendable effort or completes a mission or task with exceptionally good judgment and application of Sheriff's Office values. A Division Commander, Bureau Director, Chief Deputy, or the Sheriff may award letters of commendation.

### **102.7 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 or applying for a transfer may not be subject to any restrictions placed on them as a result of a letter of reprimand or discipline, be actively serving any current discipline, and must have successfully completed one year of service in their current position before applying for a transfer. One year of service before transfer shall begin once a commissioned deputy or dispatcher has successfully completed any academy, certification, and/or specialized training to work in the position, including training officer programs. For all other positions, one year of service is calculated from the date of hire. Any exceptions made to the length of time before an employee can apply for transfer require the approval of the Bureau Director.

### **102.8 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 for either the Patrol or Detention classification. All candidates must be free from any restrictions placed on them as a result of a letter of reprimand or discipline and also not be actively serving any 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.

### **102.9 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.

### **102.10 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. Conflicts to resolve do not include instances where the employee wants to dispute the facts of an internal investigation, the content of a letter of reprimand or any other discipline consequence as a formal appeal process for such matter already exists separate from the employee conflict resolution process. 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 such efforts fail to resolve the issue, the employees involved should request to meet with their direct supervisor and/or chain of command to include their Captain or Director in order to resolve the issue. Only when 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 it 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. Any retaliation against an employee for using or cooperating in any conflict resolution process is prohibited.

### **Procedure**

An employee wishing to pursue this procedure should submit a written request for conflict resolution to his/her immediate supervisor. If the employee's supervisor is out of the office, or the conflict is with that individual, the employee may submit the request to the next level of management. An employee must submit a written conflict resolution request within one calendar week of becoming aware of the issue or of reaching an impasse resolving the issue informally. The timeframe for submitting a request may be extended for an additional week if the employee was absent on pre-approved leave during the initial timeframe.

The request must include:

- Requestor's name
- Date of the request
- Date the issue/conflict occurred
- Details of conflict, including parties involved, description of issue, reasons the requestor believes it exists, and proposed solutions

### **Review by Chain of Command**

A supervisor receiving a written request for conflict resolution will review the claim and respond in writing to the requestor within seven days of the request. Review of the claim may include gathering information from involved parties, witnesses, and/or meeting with involved parties to help facilitate a resolution. If the employee is dissatisfied with the supervisor's response, or if the supervisor does not issue a written response, the employee may submit their request to the next level of command within the next seven days. The next level of command will meet with the requestor, review the claim, and provide a written response within the next 14 days. Conflicts not resolved may proceed up the chain of supervision until they are resolved or reach the Bureau Director, who will make a final decision. Final decisions must be provided to the employee in writing, and a copy given to the Sheriff's Human Resources Department for personnel files.

### **102.11 PERSONNEL EARLY WARNING SYSTEM**

The 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.

A supervisor who has concerns about the well-being of a subordinate, or who has been notified of other's concerns, will address the matter with his/her employee. Increasing occurrence or severity of one or more of these types of documented information over the past six to twelve months may be cause for concern:

- Disciplinary actions including written reprimands
- Citizen complaints
- Use of force incident reports
- At-fault traffic crash reports
- Accidental or intentional firearm discharges
- Excessive use of sick time
- Marked or noticeable negative changes in performance, appearance, and/or work habits noted in AdaCentral

Supervisors should also ensure that the employee is aware of what the ACSO offers as a way to assist employees who may be struggling with a current situation. Such programs include, but are not limited to: peer counseling support, the Ada County Employee Assistance Program (EAP), professional mentorship and training.

### **Incident Tracking**

The ACSO Administrative Investigator shall maintain a database of information tracking employee involvement (more than just a witness) in incidents which are brought to the Administrative Investigator's attention. If the Administrative Investigator identifies a pattern of two or more complaints or administrative investigations over the past 12 months which may indicate an employee needs assistance, the Administrative Investigator will contact the employee's supervisor with concerns. This database and its contents shall be kept confidential with only the Sheriff or his specific designees being granted access.

### **102.12 PERSONNEL COMPLAINTS**

The 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, or a federal, state, or local law. Any employee or member of the public may make complaints in writing, by email, 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.

All complaints will be courteously accepted by any employee and promptly given to the appropriate supervisor. Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs, or physical evidence may be obtained as necessary.

Generally, investigations of personnel complaints are confidential and protected employee personnel files, the contents of which shall not be revealed to anyone other than the involved employee or authorized personnel, except pursuant to lawful process. If an accused employee, or the representative of such employee, knowingly makes false representations regarding any internal investigation and such false representations are communicated publicly, the office may disclose sufficient information from the employee's personnel file to refute such false representations. The investigative file and report shall be securely maintained in the Administrative Investigations Office for the period required by the office's record retention schedule.

### **102.13 ADMINISTRATIVE LEAVE**

When a complaint of misconduct is of a serious nature or when circumstances practically dictate that it would be appropriate, an employee may be placed on administrative leave pending completion of the investigation or the filing of administrative charges.

An employee placed on administrative leave may be subject to the following guidelines:

- May continue to receive regular pay and benefits pending the imposition of any discipline; however, the employee will not receive holiday pay while on administrative leave unless the holiday falls on what would have been a normal work day for their normal shift work.
- May be required by a supervisor to relinquish any badge, ACSO identification, access privileges, assigned weapon, and other ACSO equipment;
- May be ordered to refrain from taking any action as an employee or in an official capacity. The employee shall be required to continue to comply with all policies and lawful orders of a supervisor;
- May be temporarily reassigned to a different assignment or shift, generally normal business hours, during the pendency of the investigation. The employee may be required to remain available for contact always during such an assignment or shift and report as ordered. It shall be the responsibility of the assigning supervisor to promptly notify the employee's Bureau Director;
- When any employee placed on administrative leave is returned to full and regular duty, the employee shall be returned to his/her regularly assigned shift with all badges, identification cards, access privileges, and other equipment returned.

### **102.14 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.

### **102.15 DISCIPLINARY ACTION**

Administrative discipline may include termination, suspension, demotion, in-band reduction in pay, written reprimand, counseling, and education-based discipline. Upon receipt of any completed personnel investigation, the Division Lieutenant or Manager of the involved employee shall ensure a thorough investigation into the matter has been completed and then conduct a review of the entire investigative file, the employee's personnel file, and any other relevant materials prior to issuing any discipline.

An employee who has been employed continuously for twelve months may appeal a termination, suspension, demotion, and/or in-band reduction in pay. An employee who has been employed for less than twelve months has no rights of appeal for any type of discipline. Additionally, no employee (regardless of years of service) may appeal a written reprimand, counseling, or required education as part of any discipline. Failure of any employee to appeal a decision as directed herein shall constitute a waiver of any right to challenge the action. The tender of a retirement or resignation by itself shall not serve as grounds for the rescission of any



pending discipline. Resignations in lieu of discipline or termination must be accepted by the Sheriff or his designee. If an employee tenders written notice of retirement or resignation prior to the imposition of discipline, and it is accepted, it shall be noted in their personnel file.

### **Discipline Types**

The ACSO encourages the use of progressive discipline. However, nothing in this policy requires a step-by-step progression to occur before the implementation of any recommended discipline action. Given the circumstances, the ACSO may choose to implement the appropriate level of discipline at any time.

The ACSO uses the following types of administrative discipline:

- Written Reprimand
- Suspension
- Demotion
- In-band Reduction in Pay
- Termination

An employee who receives suspension without pay as their final disciplinary action in any matter may not offset such lost wage time by using sick leave or vacation time. An employee undergoing such discipline also will not be allowed to accrue sick leave or vacation leave while suspended.

### **Written Reprimands**

Any written reprimand shall first be approved by the Bureau Captain or Director in the employee's chain of command. A written reprimand shall be in writing and will contain a short statement of the misconduct, inadequacies, or other grounds for such discipline. When serving the written reprimand, the supervisor shall discuss the problem(s) with the employee, at which time the employee shall acknowledge that he or she has been informed of the reprimand by placing his or her signature on said reprimand. An original copy of the reprimand, signed by the supervisor, shall be given to the employee, and a copy shall be delivered to the Sheriff's Human Resources Department for inclusion in the employee's personnel file.

The ACSO may also use or incorporate counseling or education in addition to any of the above listed types of administrative discipline.

- *Counseling*: When grounds for disciplinary action exist, and the supervisor determines that more severe action is not immediately necessary, the supervisor may orally counsel the employee about the deficiency or grounds for discipline. The supervisor should retain documentation of the warning until such time that it is included in the next evaluation.
- *Education*: The ACSO recognizes the value of education for changing behavior and may require an employee to attend training courses, read specific articles or books, write an essay or report, and/or provide presentations about a topic in lieu of formal discipline. The ACSO will cover basic expenses associated with education-based options such as course fees or book purchases. The Bureau Captain or Director will approve and document any education required as part of a discipline action for the employee's personnel file.

## **102.16 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.

## **102.17 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. The 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 a representative 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.

#### **102.18 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.

#### **102.19 BRADY/GIGLIO MATERIAL IN PERSONNEL FILES**

The ACSO recognizes that as a part of the prosecution team, the 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.

#### **102.20 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.

#### **102.21 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. The 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.

#### **Intoxicants**

Employees must abide by Ada County's Drug-Free Workplace policy, except as authorized in the performance of an official assignment. An employee who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.

### **102.22 SMOKING AND TOBACCO USE**

Smoking is not permitted while on duty or at any time during which an 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.

### **102.23 VOLUNTEER PROGRAM**

The ACSO benefits directly from the assistance of volunteers. Volunteers can help increase responsiveness and service delivery, and bring new skills and expertise as well as enthusiasm to the 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.

Participants in the volunteer program shall complete an established screening and selection process to ensure they personally and professionally meet the standards and ethics of the Sheriff's Office. By their participation, it is deemed that all employees of these programs understand and agree to the terms in this Policy Manual. All are subject to all applicable regulations within this Manual, as well as additional restrictions that may be imposed by their assignment. Any volunteer may be dismissed at any time at the discretion of the Sheriff or supervising authority. Volunteers who have not completed the full screening process may be used on a limited basis, but shall not be given the opportunity to view or have control over any confidential records or sensitive information. Generally, this would require that they be used outside sensitive and secure areas of the ACSO.

As representatives of the ACSO, volunteers are responsible for presenting a professional image to the community. Volunteers shall conform to office-approved dress consistent with their duty assignment. The uniform or identifiable parts of the uniform shall not be worn while off duty, with the exception that volunteers may choose to wear the uniform while in transit to or from official ACSO assignments or functions, provided an outer garment is worn over the uniform so as not to bring attention to the volunteer while he/she is off duty. Volunteers shall be required to return any issued uniform or ACSO property at the termination of service.

### **Supervision of Volunteers**

The Volunteer Program operates under the direction of an assigned Volunteer Coordinator. The function of the Volunteer Coordinator is to support development and implementation of volunteer staffed positions. Each volunteer serving with the ACSO must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance. A volunteer may be assigned to act as a supervisor of other volunteers if the supervising volunteer is under the direct supervision of a paid staff employee. Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

- Take the time to introduce volunteers to employees on all levels.
- Ensure volunteers have work space and necessary ACSO supplies.
- Make sure the work is challenging. Do not hesitate to give them assignments that will tap these valuable resources.

With appropriate security clearance, volunteers may have access to confidential information, such as criminal histories or investigative files. Unless otherwise directed by a supervisor or agency policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know, as determined by agency policy and supervisory personnel. Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the ACSO. Subsequent unauthorized disclosure by the volunteer of any confidential information, verbally, in writing, or by any other means is grounds for immediate dismissal and possible criminal prosecution.

### **102.24 ANTI-BIAS AND EMPLOYEE BEHAVIOR**

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. The 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's commitment to a work environment free from discrimination.

### **102.25 CHAPLAIN PROGRAM**

The ACSO Volunteer Chaplain Program has been established to allow chaplains to administer spiritual guidance and support to ACSO personnel and their families. Volunteer chaplains may also serve the citizens of Ada County by assisting deputies during stressful situations involving trauma, serious injury, or death. The ACSO recognizes that deputies and professional staff are often confronted with tragic situations that create emotional, mental, and spiritual burdens. As these burdens can affect the employees, their families, as well as the citizens involved, employees may find it helpful to express their frustration and problems to someone who fully understands the circumstances surrounding their duties, without fear of repercussions. As such, ACSO chaplains are in a unique position to listen to an employee's issues with empathy and offer advice, counseling, and assistance when appropriate. ACSO chaplains are skilled clergy members who are committed to ministering to all people regardless of their religious beliefs and shall always respect the beliefs of those whom they serve. ACSO chaplains are considered volunteers with the ACSO and shall be duly ordained and experienced members of the clergy in good standing with a religious organization in the Ada County community. Although an ACSO chaplain is not an employee of the ACSO, they are allowed (once individually approved by the Sheriff or his designee) to enter any ACSO secure facilities or substations, ride with deputies in patrol cars, and generally be available to deputies and staff as needed, including at the scene of incidents. In accordance with Idaho Code Title 9, Chapter 2, communications between a chaplain and the counseled are privileged communications meaning a chaplain may not be compelled to disclose what has been heard. Volunteer chaplains at the ACSO will also keep any other case-related information learned in the course of being on-scene or involved with deputies confidential.

### **102.26 PEER SUPPORT PROGRAM**

Employees of the Ada County Sheriff's Office are our most valuable assets. The purpose of the peer support program is to provide ACSO employees with the opportunity for immediate peer support and assistance through times of personal or professional crises by specially trained employees working in conjunction with a designated mental health professional. Peer support specialists are employees who have been approved by the Sheriff to lead, moderate, or assist in a peer support counseling session. Communication between a peer support specialist and an employee will be considered privileged by the Sheriff's Office and will remain strictly confidential. Any peer support specialist or participant in a peer support counseling session cannot disclose and shall not be forced to disclose communication made during or arising out of a peer support counseling session without the consent of the person who made the communication or about whom the communication was made, unless the communication:

- Involves a threat of suicide or a threat to commit a criminal act;
- Involves information required by law to be reported; or
- Is an admission of criminal conduct.

## **SECTION 103 – EMPLOYEE CONDUCT POLICY**

### **103.1 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. The 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 are 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.

The following are illustrative of causes for disciplinary action and constitute only a portion of the disciplinary standards of this office.

### **103.1.1 VIOLATIONS OF LAWS, ORDERS, RULES, OR PERFORMANCE STANDARDS**

An employee shall not:

1. Violate any federal, state, local or administrative laws, rules, or regulations or fail to follow any ACSO policy or procedure.
2. Willfully disobey a lawful order or directive issued by any superior officer or person in a position of authority of the ACSO, however an employee who believes any written or verbal order to be unlawful or in conflict with another order shall:
  - a. Immediately inform the supervisor issuing the order, the employee's immediate supervisor, or the shift supervisor of the conflict or perceived error of the order and request clarification, guidance, and direction regarding following the order.
  - b. Request the order in writing, absent exigent circumstances, should the conflict or perceived error be unresolved.
  - c. Respectfully inform the supervisor if he/she intends to disobey what he/she reasonably believes to be a conflicting or unlawful order.
  - d. Note: An employee's election to disobey an order he/she believes to be unlawful is not a bar to discipline should the order be determined to be lawful.
3. Neglect their duty nor shall they leave, or otherwise neglect any assignment during duty hours without reasonable excuse and proper permission and approval.
4. Have unexcused or unauthorized absence or tardiness or abuse leave privileges or engage in sleeping during on duty time or assignments.
5. Exceed their lawful deputy powers by engaging in unreasonable, unlawful, or excessive conduct.
6. Fail to abide by the standards of ethical conduct for employees, including engaging in fraud in securing appointment or hire, or engage in activity that is incompatible with an employee's conditions of employment as established by law.
7. Fail to promptly and fully report activities on his/her part (or the part of another employee) where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline.
8. Engage in any type of on or off duty conduct which any employee knows or reasonably should know is unbecoming a member of the ACSO or which is contrary to good order, efficiency, or morale or which tends to reflect unfavorably upon the ACSO or its employees.
9. Be untruthful or knowingly make false, misleading, or malicious statements that are reasonably calculated to harm the reputation, authority, or official standing of the ACSO or employees thereof.
10. Falsify any work-related records or make any misleading statement in an official report or while under oath with the intent to deceive or engage in willful and unauthorized removal, alteration, destruction and/or mutilation of any ACSO record, public record, book, or electronic or paper document.
11. Fail to disclose or intentionally misrepresent a material fact or make a false or misleading statement on any application, examination form, or other official document, report, or form, or during any work-related investigation.
12. Fail to participate in, or give false or misleading statements, or misrepresent or omit material information to a supervisor or other person in a position of authority, about any investigation or in the reporting of any ACSO-related business or disclose to any unauthorized person any active investigation information.
13. Fail to participate in, or give a false or misleading statement, or misrepresent or omit material information during a polygraph examination administered by or on behalf of the ACSO (I.C. § 44-904).
14. Pursue any unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity or engage in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection, or other sexual contact.
15. Establish an inappropriate social relationship, as a result of an investigation, with a known victim, witness, suspect, inmate, or defendant of an ACSO case while such case is being investigated or prosecuted.
16. Display an unsatisfactory work performance, including receiving repeated poor performance evaluations or conceal, attempt to conceal, remove, or destroy defective or incompetent work.
17. Engage in a wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit, or any other improper purpose.
18. Engage in use of obscene, indecent, profane, or derogatory language while on duty or in uniform or when in or out of uniform make disparaging remarks or display disparaging conduct concerning duly constituted authority to the extent that such remarks or conduct disrupts the efficiency of the ACSO or subverts the good order, efficiency, and discipline of the ACSO, or that would tend to discredit any employee thereof.
19. Fail, while on duty or acting in an official capacity to furnish their name and ID number to any person requesting such information unless authorized by a supervisor to not do so.

20. Engage in the unauthorized use of any badge, uniform, identification card or other ACSO equipment or property for personal gain or any other improper purpose including loaning, selling, allowing unauthorized use, giving away or appropriating any of the above mentioned items for personal use, gain or any other improper or unauthorized use or purpose.
21. Engage in attempted or actual theft of ACSO property, the misappropriation or misuse of public funds or property or personnel or services or the property of others, or engage in the unauthorized removal or possession of ACSO property or the property of another person.
22. Offer or accept a bribe or gratuity, fees, gift, or money contrary to the rules of the ACSO and/or state law.
23. Allow any unauthorized and inappropriate or intentional release of designated confidential information, materials, data, forms, or reports.
24. Engage in political activities during assigned working hours except as expressly authorized by County policy or the Sheriff, or engage in solicitations, give speeches, or distribute campaign literature for or against any political candidate or position while on duty, on ACSO property, or while in any way representing him/herself as an employee, except as expressly authorized by County policy or the Sheriff.
25. Fail to maintain required and current licenses (e.g., driver's license) and certifications (e.g., first aid).
26. Fail to observe or violate ACSO safety standards or safe working practices, knowingly fail to report any on-the-job or work-related accident or injury within 24 hours.
27. Engage in unsafe or improper driving habits or personal actions contributing to a preventable traffic collision during employment.
28. Fail to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
29. Use letterhead or stationery or affix the name of the Sheriff or ACSO on any official correspondence for official business, without the approval of their supervisor.
30. Conduct any survey in the name of this office (either externally or internally) without approval of the Sheriff, Chief Deputy, or a Bureau Director.

### **Supervision Responsibility**

Supervisors are required to follow all policies and procedures and may also be subject to discipline for:

1. Failure to take appropriate action to ensure that employees adhere to the policies and procedures of this office and that the actions of all personnel comply with all laws.
2. Failure to promptly and fully report any known misconduct of an employee to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
3. The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose.

### **103.2 DISCRIMINATION/BIAS BASED PROFILING PROHIBITED**

The ACSO is committed to its mission of providing the entire Ada County community with a safer place to live, work, and play. In order to fulfill this mission, the ACSO will safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics. ACSO employees will enforce the law equally and without discrimination toward any individual or group. An individual's status 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.

Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias should be viewed very seriously and will be given high priority. The ACSO will deploy all necessary resources to identify and arrest hate crime perpetrators. This includes providing support and protection for victims, from the potential for reprisal and escalation of violence, and the other far-reaching negative consequences of these crimes on the community. All deputies shall be trained on and familiar with federal and state hate crime legislation to ensure the ACSO is fully prepared to respond to, investigate, and charge these types of crimes.

### **103.3 FITNESS FOR DUTY**

The 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.

### **Standards**

Each employee of the ACSO shall maintain good physical condition sufficient to safely and properly perform the essential duties of the position. Each employee shall perform his/her respective duties without physical, emotional, and/or mental constraints. During working hours, all employees are required to be alert, attentive, and capable of performing their assigned responsibilities. Any

employee who feels unable to perform his/her duties shall promptly notify a supervisor. If an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

### **Supervisor Responsibilities**

A supervisor observing an employee or receiving a report of an employee who is perceived to be unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action to address the situation.

### **Physical and Psychological Examinations**

- a) When circumstances reasonably indicate that an employee is unfit for duty, the Sheriff may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Sheriff's Human Resources Department to determine the level of the employee's fitness for duty. The order shall indicate the date, time, and place for the examination.
- b) The examining health care provider will provide the ACSO with a report indicating that the employee is either fit for duty or, if not, will list any functional limitations that limit the employee's ability to perform job duties. The scope of the requested fitness-for-duty report shall be confined to the physical or psychological condition that prompted the need for the examination. If the employee places his/her condition at issue in any subsequent or related administrative action or grievance, the examining physician or therapist may be required to disclose all information that is relevant to such proceeding.
- c) To facilitate the examination of any employee, the ACSO will provide all appropriate documents and available information to assist in the evaluation and/or treatment.
- d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.
- e) Any employee ordered to receive a fitness-for-duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered, or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline.
- f) In the event an employee is required to submit to a fitness-for-duty examination as a condition of returning from medical leave required under the Family and Medical Leave Act (FMLA), the Sheriff or the authorized designee should contact the Sheriff's Human Resources Department for direction.
- g) Once an employee has been deemed fit for duty and the examining health care provider has provided the ACSO with a written report to that effect, the employee will be notified to resume his/her duties.

If ordered to complete a fitness for duty evaluation, the employee shall not incur any costs associated with the evaluation.

### **Physical Fitness Standards**

The very nature of law enforcement requires commissioned deputies to maintain a high level of physical fitness in order to meet the physical demands of the profession. Accordingly, it is recommended commissioned employees, at a minimum, meet the fitness standards of the Idaho Peace Officer Standards and Training [POST] Physical Fitness Test Battery. Commissioned deputies were required to meet these standards to successfully complete the POST police and detention basic academies and become sworn law enforcement and/or detention deputies. Commissioned deputies are encouraged, but not mandated, to maintain these standards (minimums in brackets):

- **Vertical jump [14 inches]** - Measures leg power. Important in jumping or vaulting walls or ditches, and moving heavy objects or people.
- **One minute sit-up [15 reps]** - Measures muscular endurance of abdominal muscles. Important for performing tasks involving use of force and helps maintain good posture and minimize lower back problems.
- **Minimum push-up [21 reps]** - Measures endurance of upper body muscles in shoulders, chest and back of upper arms. Important for use of force involving pushing motion.
- **300-meter run [77 seconds]** - Tests anaerobic capacity. Important for performing short bursts of intense effort such as foot pursuits, rescues, and use of force situations.
- **1.5 mile run [17 minutes 17 seconds]** - Measures cardiovascular endurance.

The Sheriff's Office expects physical fitness to be a professional goal for every employee, not just commissioned deputies. Prior to the implementation of a personalized physical fitness program, all employees are encouraged to obtain a medical examination from their personal physician. It is recognized, however, that a single program will not meet the needs of all personnel. The Sheriff's Office encourages your success in developing a personalized program and has resources available for your use, including:

- Fitness room
- Organized fitness courses (e.g., block training, Detention Academy, and Advanced Academy opportunities)
- Wellness courses
- Health courses

- Personalized health program consulting

### **103.4 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 matter 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 or civil 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 matter 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. Any ACSO personnel involved in a traffic collision shall immediately notify their supervisor of the incident. The supervisor will then determine if the matter requires conflict to another agency for investigation.

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.

#### **Providing Assistance to the Defense**

Unless under subpoena, employees may not write letters or otherwise officially provide evidence or testimony for the defense, unless authorized through the handling prosecutor of the case and the Legal Advisor or Sheriff. Employees may not purchase anything from or for a prisoner nor purchase anything from a person against whom this office has a criminal charge pending or in which the employee is involved in prosecution as the arresting deputy, investigator, or a witness. Employees shall not take official action or make any decision or recommendation if the effect of such would be to the private financial or pecuniary benefit of the employee, his/her immediate family, household or business with which the employee or an immediate family household member is associated. If any employee believes that a transaction or contemplated action may be a conflict of interest, the employee shall prepare a written statement describing the matter and the nature of the potential conflict for review by the Sheriff or his authorized designee. Failure to provide such a statement may be a civil offense.

#### **Personal Relationships with a Subordinate**

Effective supervision and evaluations may be affected if a supervisor is involved in a sexual or romantic relationship with a subordinate or if a supervisor lives with a subordinate, whether or not those individuals are involved in a sexual or romantic relationship. If a romantic, sexual, or other personal relationship develops between employees and a supervisor such that a conflict of interest or potential conflict of interest exists, the supervisory employee shall disclose the relationship to his/her immediate supervisor without delay. The ranking employee in the relationship shall have the responsibility to submit a written plan with suggestions for eliminating conflicts of interest, or potential conflicts of interest. This plan may include altering supervisory/reporting lines or establishing alternative means of evaluating work performance as long as these proposed changes do not have a negative effect on the operations or efficiency of the Sheriff's Office. Supervisors who receive conflict of interest elimination plans shall suggest changes as needed and work with the Human Resources Manager and their chain of command to approve a plan that is consistent with proper functioning and management of the unit and the Sheriff's Office. The Sheriff has the complete and absolute discretion to determine the proper resolution to the conflict of interest and to approve or reject any proposed plan. Upon final approval of the plan, the immediate supervisor will then assist the employee in implementing the approved plan.

#### **Posting Bail**



An employee may become surety or guarantor, post bond or furnish bail for himself/herself or members of his/her immediate family. Employees may not become surety or guarantor, post bond or furnish bail for other persons unless such action is approved by a supervisor, and it is determined that Sheriff's Office interests are not at stake.

### **Gratuities, Rewards and Gifts**

No employee shall accept a bribe or other unlawful means of obtaining money or property of any kind. No employee shall solicit any reward for the performance of duty or ask for a free gratuity of any kind. Employees may accept unsolicited discounts on purchases or may accept gifts or items of advertising or giveaway materials (such as pens, pads, calendars, diaries, or similar items), as long as:

- These items are also offered to all employees of the ACSO or to the general public;
- The aggregate value of any gift is less than \$50; and
- The gift involves no substantial risk of undermining official impartiality.

However, in no circumstance may an employee solicit, accept, or agree to accept any pecuniary benefit from a person subject to an investigation by our agency or in the custody of the ACSO.

### **103.5 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 onto 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.

### **103.6 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. Any employee whom a supervisor finds is not in compliance with this policy shall be referred to the Sheriff for his consideration. The Sheriff shall be the final authority on what is and is not allowed for a particular tattoo, body art, piercing, or any other exception needed so that the employee is considered within policy.

### **103.7 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 has been established with county and city prosecutor's offices 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.

### **103.8 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. Any person who seeks to create a specialty coin, patch, or other item using any ACSO insignia or involving any ACSO personnel shall seek the approval of the Sheriff via the uniform committee prior to creating or distributing such item.

### **103.9 TIMEKEEPING AND OVERTIME REPORTING**

Timesheets are submitted to the 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 overtime, on-call, and call-out duties.

### **103.10 SECONDARY EMPLOYMENT**

The ACSO is considered the primary employer of all Sheriff's Office employees. To help ensure 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. Secondary employment is the provision of a service outside of the employee's specific job at the Sheriff's Office in exchange for a fee or other service and compensation, including operating any business or providing paid consultancy services to another person or organization.

### **103.11 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 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). ACSO deputies 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.

### **103.12 OCCUPATIONAL DISEASE, WORK-RELATED INJURY, AND LIMITED 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 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. The ACSO will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' 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 limited duty and be assigned based on the needs of the ACSO. Limited 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. Limited duty assignments are a management prerogative and not an employee right. All requests for limited duty are to be submitted to the Sheriff's Human Resources Department. Eligibility for a limited duty assignment is subject to availability and must be initially approved by the Sheriff or his designee.

### **103.13 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).

### **103.14 LINE OF DUTY DEATHS**

The 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 deaths include 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.

### **Line Of Duty Deaths Procedures**

After confirming the facts and circumstances of the death of an employee, the on-duty shift supervisor will immediately notify his/her Bureau Director who will then contact the Sheriff, Chief Deputy, and PIO. The Sheriff, or his designee, will notify the immediate family in person as soon as possible and before the deceased employee's name is released publicly. Command Staff conducting the notification should be well informed of the circumstances surrounding the death to freely share information with the family. The notifying official will remain with the family until the arrival of suitable support persons. If the family requests to visit the hospital, they should be transported by an ACSO vehicle. If the health of any employee's family is a concern, the notifying official will place emergency medical services on standby.

### **Agency Liaison**

The Sheriff, or his designee, will assign a liaison to aid the family and coordinate agency resources and activities until after the funeral reception.

Liaison activities may include:

- Managing the arrival at the hospital of family members, visiting agency employees, media, and others;
- Providing briefings for the Sheriff, Chief Deputy, PIO, and senior command staff;
- Assisting with funeral arrangements to ensure the needs and requests of the family are fulfilled;
- Being available to the family during the funeral; and
- Arranging routine residence checks of the family's home for six to eight weeks following the death.

### **Agency Notification and Support**

Notification to agency personnel, command staff, and other governmental or law enforcement officials will be determined by the Sheriff or his designee. The Sheriff will decide who needs to be notified and who will share that message. Employees are prohibited from contacting the deceased member's family until after the family has been notified by the ACSO. Additionally, employees shall not publicly release the names of any involved parties until they have been officially released by the agency. Peer counseling support and the Employee Assistance Program are available to provide emotional support for all employees.

### **Public Notice**

The PIO will oversee all communications to the public. He/she will work with the Sheriff and Chief Deputy to determine how and when to publicly announce the line-of-duty death. The name of the deceased employee will NOT be released until after notification has been made to the immediate family. The ACSO will also take necessary steps to protect family members from unwanted media attention and curiosity seekers.

### **Funeral Protocol**

Funeral arrangements of the deceased employee shall be decided by the family, with their wishes taking precedence over the agency. If accepted by the family, commissioned peace officers (including reserve officers) killed in the line of duty will be offered full ceremonial honors and assistance for the funeral service including presentation of the American flag, Honor Guard escorts of the fallen, casket guards, motorcade procession, caisson or hearse, Color Guard, bugler, bagpipers and drum corps, and a "Final 42" dispatch sign off. An Honor Guard presence will be provided at funeral services for employees who are not peace officers, with additional ceremonial participation determined by the Sheriff or his designee.

### **103.15 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.

Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any ACSO property. A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit. A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made. The use of damaged or unserviceable property or equipment should be discontinued as soon as practical and replaced with comparable items as soon as available and following notice to a supervisor. Except when otherwise directed by competent authority or required by exigent circumstances, issued, assigned, or entrusted property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed. Such property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority and no employee shall attempt to repair the property without prior approval of a supervisor.

### **Filing Claims for Personal Property**

Claims for reimbursement for damage or loss of personal property must be made in a report. This report and claim are to be submitted to the employee's immediate supervisor. The supervisor shall direct a memo to the appropriate Bureau Director, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage. Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Sheriff or his designee who will then forward the claim to the Finance and Budgeting Office. This office will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of a work assignment.

#### **Loss or Damage of Property of Another**

ACSO employees, in connection with their duties may, intentionally or unintentionally, cause damage to the real or personal property of another. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall make a verbal report to their immediate supervisor as soon as circumstances permit, and a written report shall be submitted before the employee goes off duty or within the timeframe directed by the supervisor to whom the verbal report is made.

#### **Damage by Person of Another Agency**

If employees of another jurisdiction cause damage to real or personal property belonging to the ACSO or the County, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor. These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Bureau Director.

#### **103.16 PCD, CELL PHONE, COMPUTER, SOFTWARE, MDT, AND EMAIL USE**

ACSO employees shall properly use ACSO information technology resources, including computers, all electronic or mobile devices, hardware, software, and systems as required. The 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, 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, emailing, 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 device while on duty may impair deputy safety and may lead to discipline as a violation of policy or procedure.

Any employee utilizing any PCD, computing device, computer, electronic storage device or media, internet or phone service, information conduit, system, or other wireless service provided by or funded by the 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 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.

#### **103.17 VEHICLE USE AND MAINTENANCE**

Any ACSO vehicle shall be used appropriately and kept in a safe, serviceable, and clean condition. The 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 the 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 to ride as a passenger in their vehicle, unless otherwise authorized. 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.

#### **103.18 MANDATORY PHYSICAL TESTING (PT), 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. 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 regard 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 are for ACSO use only and do 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 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 exams 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.

## **SECTION 104 – OPERATIONS POLICY**

### **104.1 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. Employees shall include any and all relevant information gathered at the time of the investigation (including any digital evidence that can be attached to the report such as messages, emails, photos or videos) as well as any potentially relevant or material information to the guilt or innocence of the persons involved in the report at the time it is created. Employees should do

their best to record emails / messages / and any other digital evidence in the report via screenshot when possible to ensure the accuracy of such content. When not possible, entering such items into evidence and documenting such in a supplement report is acceptable to ensure such evidence is properly preserved. Deputies are required to keep a case file for each and every investigation and meet with the prosecutor assigned to each case regularly to ensure all relevant material has been properly sent to the prosecutor's office prior to trial. Deputies shall keep their case files until the case has been adjudicated and then may destroy the case file following the retention policies of the Sheriff's Office.

#### **104.2 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 Americans 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.

#### **104.3 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 shall 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. The ACSO recognizes that a deputy may fail to begin recording for many reasons, such as addressing an immediate public or officer safety situation, or the recorder is not available due to uploading or charging status. 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 when such recording would be required by this policy, 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.

#### **104.4 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.

### **Force Committee**

In order to ensure use of force incidents are regularly reviewed, the Sheriff has created a Use of Force Committee. The committee shall consist of the Court Services Bureau Captain, the Chief Legal Advisor, the Patrol Services Bureau Captain and the ACSO Training Lieutenant as permanent members and at also have at least one lieutenant from each bureau who shall be appointed by their bureau captain to attend committee meetings. The Committee will be chaired by the Court Services Bureau Captain. The Sheriff, Chief Deputy, or any other captain may attend any committee meeting as they desire in addition to those members who are assigned to the committee. The committee shall meet six times per year or more on a schedule to be set by the Chair with the specific purpose of discussing and reviewing use of force incidents and officer involved critical incidents, to examine and discuss new training tactics, and to evaluate new equipment that may provide a force option or that may be needed for enhancing officer safety.

When reviewing use of force incidents, the committee shall review the matter and determine whether the incident was handled in a lawful manner, was correctly documented, whether the actions of those involved was tactically sound, and whether any part of the incident should be addressed with follow up training. The committee shall also review incidents with an eye toward installing new training tactics or equipment needs that are missing from the ACSO's current training or equipment. Any member of the committee as laid out above, or the Sheriff, the Chief Deputy, or any bureau captain may ask that a particular force incident be brought before the committee for review, and if no incidents have been selected for the monthly meeting the committee chair shall choose at least two incidents at random to review and discuss. When any critical incident review is completed by a reviewing prosecutor and the matter is now closed, the Chair shall place that incident on the next available committee meeting as an item for review and discussion. Any deputy who desires to test new equipment shall seek permission from the committee chair to put the item on the next meeting agenda for discussion so the committee can determine if it is appropriate to move forward with further testing or evaluation prior to any deployment of such equipment.

### **104.5 DUTY TO INTERVENE**

Any deputy present and observing another deputy using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intervene to prevent the use of unreasonable force. Additionally, all on-duty employees upon recognition, and when in a position to do so, must act upon their duty to intervene to prevent or stop any other employee or other law enforcement officer from committing criminal misconduct, knowingly violating a person's constitutional right, or from using excessive force.

When any such conduct is being committed, ACSO employees shall safely intervene to prevent and/or stop the activity if is safe and reasonable to do so. The most appropriate manner of intervention will depend on the situation as well as the information and knowledge available to the intervening officer at the time of the incident. Appropriate action may include, but is not limited to:

- Verbal or physical intervention;
- Immediate notification to a supervisor; and/or
- A direct order by a supervisor to cease such action.

Regardless of any action taken to intercede, employees are required to report the commission of any criminal misconduct, the knowing violation of a person's constitutional rights, or a use of excessive force by another deputy or any officer from another agency immediately to a supervisor, who shall immediately take action to intervene when appropriate to stop a violation of someone's constitutional rights and then notify their chain of command as soon as possible.

ACSO deputies shall receive training on a regular basis regarding their duty to intervene, to include situational awareness / scenario training to address this topic.

Any retaliation against a deputy who intervenes to prevent, stop, or report an alleged act of misconduct shall be a violation of agency policy and shall be investigated immediately at the direction of the Chief Deputy. The ACSO will make every reasonable effort to prevent retaliatory conduct against the intervening deputy and all employees shall report retaliatory behavior they observe or are made aware of to a supervisor as soon as reasonably possible.

### **104.6 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.

#### **104.7 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.

#### **104.8 MAJOR INCIDENT - COMMAND PAGE / COMMAND EMAIL**

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.

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 serious incidents that may require member(s) of command staff to take immediate action at any time of the day or night. A command email is meant for incidents where command staff needs to be informed in a timely manner, but the incident does not rise to the level of requiring a command page.

Responsibility for command pages and emails resides with sergeants/supervisors (or their designees), lieutenants/managers, captains/bureau directors, the chief deputy, or the sheriff. The incident commander is responsible for making the appropriate notifications and initiating a command page or email. If applicable, the page should list the incident commander and location of the command post. For most incidents, once a command page has been made, any continuing updates can be provided via command 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.

#### **COMMAND PAGE INCIDENTS**

- The on-duty death or serious injury of any Ada County employee, any person in ACSO custody or any person being supervised by an ACSO employee.
- The on-duty death of any peace officer in Ada County or any surrounding county.
- Any officer-involved critical incident in Ada County.
- The escape of any person in ACSO custody.
- Any major event within Ada County likely to require a large ACSO response or the deployment of a specialized ACSO unit or ACSO resources (i.e., large fire, bombing, act of terrorism, prison riot, major road closure, SWAT activation, etc.).
- Any major disaster that will impact any infrastructure in Ada County (i.e., landslide, flooding, fires, or plane crash).
- Any time an ACSO employee is responding outside of Ada County to a high risk or hostile situation, an active emergency, or a situation where there is a strong likelihood of a higher level of a serious bodily injury or death as the result of use of force (i.e., riot, active shooter, violent disturbance, etc.).



**COMMAND EMAIL INCIDENTS**

- The on-duty death of any peace officer in Idaho.
- The arrest or booking of any prominent individual or high-profile suspect.
- Any time an ACSO call involves a political issue, a political figure, or response to any city, county or state-owned property in ACSO's jurisdiction.
- Any incident that involves an interview with media or is likely to result in a media story.
- Any traffic fatality in ACSO's jurisdiction.
- Any time an ACSO employee is injured on duty requiring medical care or any time an ACSO vehicle is involved in a traffic collision.
- Any time ACSO responds outside of Ada County jurisdiction to assist another agency.
- Any incident that causes significant damage to any county property.
- Any incident that is likely to disrupt normal ACSO business operations (i.e., courthouse bomb threat, flooding on campus, sewage issue in jail, extended power outage, dispatch computer failure, etc.)
- Any incident utilizing the CODE RED SYSTEM for public notifications.

For any item not listed above that involves any ACSO personnel or their family (such as arrest of an employee) the supervisor handling the incident should immediately notify their chain-of-command and then only provide a command email or command page if so directed.

**104.9 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.

**104.10 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.

**104.11 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.

**104.12 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.

The Bureau of Justice Assistance (BJA) administer a State Criminal Alien Assistance Program (SCAAP) in conjunction with the U.S. Immigration and Customs Enforcement (ICE). SCAAP provides federal payments to county jails that incur costs for incarcerating undocumented criminal aliens with at least one felony or two misdemeanor convictions for any violation of state or local law where the undocumented criminal alien is incarcerated for at least 4 consecutive days during the reporting period. At the direction the Sheriff, the ACSO may elect to participate in the SCAAP program and direct staff to comply with the program requirements as needed in order to seek reimbursement funding.

#### **104.13 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.

#### **104.14 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.

### **104.15 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. A competent observer should also assist the certified pilot whenever feasible. 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. 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 by 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.

### **104.16 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.

#### **104.17 AFTER ACTION REPORTS**

An After-Action report (AAR) is designed to provide ACSO Command Staff an opportunity to assess what actions were taken by deputies in any specific operation or incident and what, if anything, could be improved upon in the future. An AAR is meant for events or incidents outside of the regular scope of a deputy's duties that require a retrospective analysis of strengths to be maintained and built upon. An AAR also should include a review of issues or problems with personnel, equipment, training methods, or any other issue that requires improvement for better responses in the future. Responsibility for conducting an AAR at the completion of the event or incident resides with the supervisor, or their designees, in charge of the incident or event. Supervisors will be trained on completing the template form, how to access it, and how to submit it through the chain of command for review. Completed AARs shall be retained for at least two years if not earmarked for a longer retention by an Administrative Investigator, the Chief Legal Advisor, the Chief Deputy, or the Sheriff.

#### **Examples of potential AAR incidents:**

- Active shooter or hostage incident or training exercise.
- Any incident, event, or training exercise likely to disrupt normal ACSO business operations (i.e., courthouse bomb threat, major medical episode, unplanned fire alarm, flooding on campus, extended power outage, dispatch computer or power failure, protests, riots, etc.)
- Deployment of a specialized ACSO unit or resources (i.e., SWAT, Dive, CNT, SRT).
- Catastrophic or major disasters impacting Ada County infrastructure (i.e., landslide, flooding, fires, plane crash, etc.).

#### **104.18 ADA COUNTY SHERIFF'S OFFICE HONOR GUARD**

The mission of the Ada County Sheriff's Office ACSOHG (ACSOHG) is to represent the Sheriff's Office at funerals, parades, ceremonial functions, and other special events. The ACSOHG is a ceremonial unit comprised of sworn members of the Sheriff's Office who are highly motivated, maintain exceptionally high standards of appearance maintain exceptionally high standards of conduct, and who show an aptitude for ceremonial duty. The ACSOHG will establish ceremonial protocols for official functions the ACSO participate in. The ACSOHG will provide emotional support and ceremonial services to and for the families of fallen ACSO employees, as well as families of other Law Enforcement Officers in the state of Idaho, local officials, and service members whenever possible. The ACSOHG and its members will strive to represent the highest standard of integrity, professionalism, and dedication to duty. The ACSOHG serves at the pleasure and direction of the Ada County Sheriff.

#### **104.19 CSB BUILDING SECURITY AND SCREENING**

In order to ensure the safety of ACSO employees working in the Court Services Bureau building, as well as the clients who use ACSO services for probation, pre-trial and other alternative sentencing, the Sheriff has directed that security staff shall screen all persons entering the building pursuant to this policy.

##### **A. Building Locations**

*POST#1 – Misdemeanor Probation, Pretrial & Alternative Sentencing - Located at 7180 Barrister Dr. Boise, ID, 83704*

Office: (208) 577-3460

Hours: 0700 hours – 1700 hours.

##### **B. Allied Universal Security (AUS) Staff Duties and Responsibilities**

Allied Universal Staff (AUS) shall maintain a professional public image and a visible presence by being in the public view at the fixed screening post. AUS Staff shall ensure every visitor to the Misdemeanor Probation, Pretrial & Alternative Sentencing Lobby submits to the screening process that is outlined in Section D below. Without compromising facility security, ASU Staff will work with the goal that the screening process does not affect scheduled visits.

##### **C. Magnetometers**

"Magnetometers" (MAGS) refers to the security system located at the entrances to the Ada County Sheriff's Misdemeanor Probation, Pretrial & Alternative Sentencing Lobby. This security system is the first line of security for all individuals who work and/or have business to conduct within the facility. All MAGS will be staffed with and operated by a member of the AUS Staff. The MAGS are intended to be a tool that AUS Staff use to help detect security threats. However, AUS Staff shall not solely rely upon MAGS to replace common sense and vigilance.

##### **D. Screening and Searching Procedures**

**Packages or Containers**

Any container, bag, or other package shall be left in the visitor's vehicle or placed into a locker prior to the visitor going through the MAGS. If the visitor insists on bringing a bag or package with them into the facility, AUS Staff shall thoroughly search the item. If a subject refuses to allow a search of a bag or item, the subject will be instructed to leave the premises.

**Screening Persons**

All persons shall be searched. Any individual, who refuses to pass through the MAGS may be scanned with the hand-held detector, if AUS Staff deems it appropriate or after the visitor has triggered the alarm. If the visitor refuses to pass through the MAGS or AUS Staff does not find it appropriate to use the hand-held detector as an alternative, then the visitor shall be denied entry into the facility. As the individual approaches the magnetometer, the AUS Staff should request that the visitor remove all metal objects or other items that would trigger the MAGS from their person and place them in the basket provided. The visitor should then be directed to pass through the MAGS where he/she is allowed to retrieve his/her personal items from the basket, provided that none of the items present are prohibited by facility regulations or state law. If the alarm sounds as the visitor passes through the MAGS, that person should be asked to step back to entry side of the MAGS, then asked again to remove all metal items, and then pass through the MAGS again. If the alarm sounds again, the visitor must be scanned with a hand-held metal detector to ensure they are not carrying any weapons.

**E. Exemptions to the Security System**

The following classifications of individuals are exempt from the security screening process at the facility.

1. Any duly sworn law enforcement officers, including probation or parole officers, acting within the scope of their duty that has proper identification may enter the lobby with their weapons.
2. Any Ada County Sheriff's employee with proper identification.
3. Any Ada County Operations employee assigned to Barrister campus and who has proper identification.
4. Any other approved individuals (with the proper identification) and an appointment.
5. Any visitor who cannot safely or is medically unable to pass through the MAGS must be scanned by the hand-held detector prior to entry into the facility. If the AUS staff cannot conduct a search with either the MAGS or the hand-held detector, then an ACSO Supervisor shall be contacted.

Note: Any person granted an exception above who is entering the facility to support someone or participate in an appointment shall follow the same rules for entry as any other member of the public and will not be permitted to carry any weapon in the building. If a visitor objects to the use of the metal detector due to a medical issue, the lobby security officer should discuss the matter with an ACSO supervisor to see if a reasonable accommodation can be made (such as use of pat search or wand search in lieu of the normal screening detector).

**F. Contraband to be Seized**

AUS Staff or a Deputy may seize any item that they reasonably believe poses a security threat. Such items include but are not limited to:

- Firearms of any kind;
- Knives or bladed weapons of any kind;
- Razor blade or box cutters;
- Bullets or ammunition of any kind;
- Explosives or explosive parts or accelerants;
- Any mace or pepper spray;
- Any baton, nightstick club or other blunt object; or
- Any deadly or dangerous weapons of any weapon readily capable of producing death or serious physical injury to include any knife, club, nightstick, blackjack, karate sticks, death star, artificial knuckles or similar hard metal object used for self-defense or designed to injure another.

An ACSO Supervisor or Commissioned Deputy shall immediately be notified when any of the above items are discovered. Idaho Code § 18-3302C makes it a misdemeanor to enter the facility with a deadly weapon. If a visitor is found in possession of an item AUS Staff believes to be a deadly weapon, then they should seize the weapon and treat it as evidence of a crime.

The following items are also prohibited from entering the facility:

- Bicycles or scooters of any kind;
- Aerosol Cans of any kind;
- Protest Signs;
- Animals (except for properly identified police K9s or other Service Animals);

- Alcoholic beverages of any type;
- Any controlled substance of any type;
- Skateboards/helmets must be left in a locker; or
- Food or Drink containers of any kind.

#### **G. Processing and Booking Contraband/Abandoned/Lost or Stolen Item(s)**

If an item(s) of contraband (that does not constitute a deadly weapon, controlled substance, or item of evidence) is discovered, the owner of the contraband should be asked to take the contraband back to their vehicle for storage purposes. If the person refuses to take the item to their vehicle, then they may leave their item with AUS Staff and a ACSO deputy will then process the item through ACSO Property and Evidence Room per their policy. All seized items found by AUS Staff, left or not otherwise claimed at the end of each day will be considered abandoned and shall be delivered to an ACSO deputy. Once delivered to the ACSO deputy, that deputy will properly process the items. As part of processing those items, a report should be generated so all items can be turned over to the Ada County Property and Evidence Room located at the Ada County Sheriff's Office for storage or disposal.

#### **H. Lockers**

The lockers provided by the ACSO are a courtesy, and do not constitute any guarantee of privacy or eliminate searches by ACSO Staff. ACSO Staff may search items in the lockers at any time. Any items left in the ACSO Lockers after hours are subject to search and disposition up to and including: inventory search, booking into the Ada County Property and Evidence Room, booking into Ada County Jail Small Property, and discarding in the garbage.

#### **I. Breaks and Lunches**

Staff will take one (1) break per every two (2) hours of the ten (10) hour shift ~~per AUS Policy~~. One of the breaks will be a lunch break of thirty (30) minutes duration. All other breaks will be no longer than fifteen (15) minutes duration. Relief for breaks will be provided by ACSO staff or the Lobby will be closed during the break.

## **CHAPTER 2 – ADMINISTRATIVE SERVICES BUREAU**

The Administrative Services Bureau (ASB) is comprised of the following areas:

- Budget and Finance Office
- Data Analytics and Intelligence Unit
- Fleet Services
- ACSO Human Resources Unit
- Licensing Services
- Property and Evidence Unit
- Records Services
- Victim Witness Coordinator Unit
- Community Engagement & Information Unit

Each of these areas serves a unique function for the Ada County Sheriff's Office as explained below.

### **SECTION 201 – BUDGET AND FINANCE OFFICE POLICY**

#### **201.1 BUDGET AND FINANCE OFFICE**

The ACSO Budget and Finance Office accurately manages the financial resources of the Ada County Sheriff's Office. The Budget and Finance Office prepares the annual budget, manages and reports all fiscal auditing, handles all expenditures, and provides an accurate accounting to the Sheriff and his executive staff on all financial transactions that occur each year. The office is made up of a Budget and Finance Officer who manages a team of analysts, accountants, purchasing agents, and finance clerks who determine the current and future needs of the office to ensure all divisions of the Sheriff's office can continue to operate. The Budget and Finance Office works closely with the Ada County Treasurer and Assessor's Offices to ensure that the Ada County Sheriff meets all statutory and county regulations in the implementation of the budget as well as for purchasing. In addition to this policy manual, the Budget and Finance Office staff shall refer to the Ada County Employee Handbook.

### **SECTION 202 – DATA ANALYTICS AND INTELLIGENCE DIVISION POLICY**

#### **202.1 DATA ANALYTICS AND INTELLIGENCE DIVISION**

The ACSO Data Analytics and Intelligence Division conducts research, analysis and quality assurance utilizing data inputted into various systems utilized by the Office. The Data Analytics and Intelligence Division is responsible for all internal and external reporting consisting of crime, intelligence, agency measures, jail, courts, auditing, and compliance. Internal and external reporting is completed under the instruction of the Bureau Director, bureau leadership member, and/or Sheriff or designee. The division is separated into four separate units and is managed by the Data Analytics and Intelligence Manager who oversees the team of analysts, research technicians, data specialists and the Terminal Agency Coordinator (TAC).

The Crime Analysis Unit (CAU) works alongside Patrol, Detectives, Emergency Communications, other law enforcement agencies and county departments. CAU performs various activities related to collecting, processing, analyzing, and reporting of crime trends, patterns, problems and people involved in crime. CAU conducts a variety of statistical and descriptive analyses utilizing software and agency databases that contain Police and Emergency Communication data. CAU provides tactical, operational and strategic products to inform on officer safety, identification of crime-related issues, assistance on crime-reduction and the identification of criminal suspects.

The Planning Unit is responsible for conducting research, data analysis and report preparation to assist in the creation, development and implementation of strategic initiatives throughout the ACSO. The Planning Unit provides information to agency leadership including resource projections, performance monitoring and customer experience evaluations. The Planning Unit regularly conducts quality assurance audits to ensure data integrity and prepares data for State and Federal reports.

The National Incident-Based Reporting System (NIBRS) Unit is tasked with transferring crime-related data from our report writing system into our records management system. The data is collected in accordance with Idaho State NIBRS guidelines and Federal Uniform Crime Reporting guidelines. The NIBRS team will ensure the accuracy of all data submitted to the State and State-provided deadlines will be met for participation in the annual Crime in Idaho report.

The Terminal Agency Coordinator (TAC) is tasked with maintaining NCIC standards as outlined in section 102.20.6.

## **SECTION 203 – FLEET SERVICES POLICY**

### **203.1 FLEET SERVICES**

The Ada County Sheriff's Office Fleet Services Unit is responsible for making sure our deputies and employees have safe and reliable vehicles so ACSO can respond to citizen needs in a timely manner. ACSO Fleet services employs a team of trained technicians who are responsible for maintaining all ACSO vehicles each year as part of the ACSO fleet, which include patrol vehicles, inmate transport vehicles, undercover vehicles, and several types of off-road vehicles. The team is responsible for inspecting and repairing these vehicles so the ACSO personnel who rely on them can get where they are needed anywhere in the county. As Fleet Services maintains vehicles for all ACSO personnel, the specific requirements, and procedures for employees in regard to vehicle care and responsibilities can be found in this manual at 103.17.

## **SECTION 204 – HUMAN RESOURCES UNIT POLICY**

### **204.1 ACSO HUMAN RESOURCES UNIT**

The Ada County Sheriff's Office Human Resources Unit strives to ensure the ACSO finds the best recruits and new hires to work as deputies or professional staff. The ACSO HR Unit is overseen by an HR Manager who employs a team of HR professionals who ensure the ACSO remains a competitive and discerning employer for law enforcement in the treasure valley. In addition to recruitment and hiring, the HR Unit also manages the daily human resources functions (in conjunction with Ada County Human Resources) to ensure current employees are appropriately compensated and cared for. The Unit manages the personnel files, HRIS system, time-keeping system, and the performance evaluation system, among others to hold employees accountable and promote good growth and professional development. As the HR Unit's practices applies to all employees, their procedures can be found throughout this manual, specifically in Chapter 1, along with the Ada County Employee Handbook.

## **SECTION 205 – LICENSING SERVICES POLICY**

### **205.1 ADA COUNTY LICENSING SERVICES**

ACSO Licensing Services provides citizens with driver's licenses, training permits, and identification cards. This team serves the residents of Ada County at two locations, one in Boise and one in Meridian. Driver's License staff is composed of a manager, three supervisors, and multiple records technicians who are dedicated to providing friendly and prompt service. They work closely with the Idaho Transportation Department to ensure compliance with all regulations and requirements. Ada County Licensing Services also provide Concealed Weapons Permit and handle sex offender registration as ordered by the court.

## **SECTION 206 – PROPERTY AND EVIDENCE UNIT POLICY**

### **206.1 PROPERTY AND EVIDENCE UNIT**

The ACSO Property & Evidence Unit (herein P&E) is vital to the criminal justice process. Its effective and efficient operation is an integral part of our agency's overall quality of service to the community. The management of this function has become increasingly complex due to factors related to legislative mandates, hazardous material storage, the protection and preservation of biological and DNA related material, facility security, and chain of custody. P&E's mission is to provide a secure chain of custody for the successful prosecution and return of property to its rightful owner as quickly as possible, and in the same condition as it was received. When it is not possible to return property, the unit will be responsible for carrying out the timely disposal or auction of property when legally permissible.

An effective property & evidence management system must develop and maintain strict procedures on the handling, security, and disposition of property and evidence so the courts and the public have confidence in the law enforcement and judicial process. The mismanagement of the property & evidence function can result in the unsuccessful prosecution of criminal cases and the loss of public confidence. These consequences can be avoided when all employees become aware of the issues confronting the property and evidence function.

ACSO Property and Evidence Technicians receive, process, store, and secure legal evidence, safekeeping and lost and found property; testify in court regarding the chain of custody and the handling of evidence; research and recommend procedures to ensure proper



handling of evidence; and perform related duties as required. Employees assigned to this unit may perform functions of this position under the direction of the Evidence Manager.

The policies outlined in this manual are set forth to improve and maintain the efficiency and integrity of the property & evidence function.

## **206.2 PROPERTY AND EVIDENCE TECHNICIAN RESPONSIBILITIES**

A P&E employee's general duties consists of the following:

- Maintain the chain of custody for evidence.
- Properly handle sensitive materials.
- Prepare and file property invoices for all property & evidence receipts.
- Enter and remove data related to property & evidence using a computerized inventory management system.
- Attempt to locate owners of lost property and/or determine identity of rightful owner(s).
- Retrieve property & evidence and work to release it, temporarily or permanently, to property officials or rightful owners.
- Complete disposition of property statements and necessary documentation for all required transactions.
- Prepare property for sale at public auction.
- Provide information relating to lost property, evidence, policies, and procedures to officers and public.
- Maintain control of bicycle locker & outside storage locations.
- Conduct background checks on recipients of firearms prior to release.
- Receive found items from the airport on behalf of Boise City Police Department.
- Ensure that property & evidence is secure from theft, loss, contamination, or compromise.
- Maintain a system in which items can be located and retrieved in a timely manner.
- Maintain property invoices with notations of all actions associated with the property (chain of custody).
- Ensure timely and legal notification to known property owners when authorization to release property is received.
- Coordinate the disposal of unclaimed property.
- Coordinate the special disposal of narcotics, explosives, hazardous materials, and weapons.
- Process and release items to court as directed.
- Provide court testimony on the chain of custody and department property and evidence procedures.
- Be an effective liaison between the Sheriff's Office and local, State and Federal law enforcement agencies.
- Stay apprised of local, State and Federal laws involving property and evidence handling and recommend updates.
- Maintain clean, safe, and orderly property & evidence storage facilities.
- Use computer systems for case research and information for the classification and disposition of property items.
- Transport and or ensure proper delivery of drug evidence to the State Forensic Lab as needed.
- Provide supplies needed to properly package property and evidence.
- After hours and on-call assistance as scheduled.
- All other duties as assigned.

Note: For the purposes of this chapter, the term "booking officer" will mean any law enforcement employee who prepares and submits evidence to the Property and Evidence Unit. The booking officer who recovers evidence or finds property is responsible for transporting and booking except when the responsibility is assumed by or assigned to another employee.

### **Work Instructions**

Refer to the 'ACSO Training' folder on the ACSO Property section of the Z Drive for further guidance. Each role within the evidence area has a folder specific to its function with detailed work instructions. These instructions are updated as best practices change.

### **Evidence Packaging Guide**

The ACSO Evidence packaging guide provides step by step instructions for packaging of evidence items and completion of invoices. Please refer to the 'ACSO Packaging Guide' folder on the ACSO Property section of the Z Drive for further guidance.

## **206.3 PROPERTY CATEGORIES, LOCATIONS, AND ACCESS**

### **Property Categories**

All property assigned to the Property & Evidence Unit for storage shall be classified as Evidence, Found, Safekeeping and Destruction. The unit will maintain an accurate record of all property that comes into its custody and will record the final disposition.

- **Evidence:** Any property that comes into the custody of a law enforcement officer or deputy when such property may tend to prove or disprove the commission of a crime, or the identity of a suspect, pursuant to an official criminal investigation.

This property will be held until the case is closed and authorization to return/destroy has been given by officer, prosecutor, or court order.

- **Found Property:** Non-evidentiary property coming into the custody of an officer or deputy that has been determined to be lost or abandoned and is not known to be associated with any criminal offense. This property will be held for thirty (30) days if the value is \$25.00 or less, and six (6) months if the value is \$25.01 or more.
- **Safekeeping Property:** Non-evidentiary property placed into the custody of an officer or deputy for temporary protection. This property has a known owner and will be held for six (6) months. Property and Evidence will notify the owner in writing either in jail custody or at their last known address on how to claim their property.
- **Property booked for destruction only.** Any property such as firearms and ammunition seized from or released by a citizen for disposal. This also includes found drugs or drug paraphernalia.

### **Property Locations and Access**

The Ada County Sheriff's Office has several locations where property may be left for intake into the system. No individuals whether employed in law enforcement, in a government capacity, or members of the public shall be allowed entry into the unit without authorization and completion of the visitor log w/escort. Regular access to the Property & Evidence Unit and all property and evidence storage areas is limited to authorized personnel. Access cards and keys to the property facility shall always remain under the control of the property & evidence staff. Duplication of keys is prohibited without the knowledge and written approval of the Sheriff. Defense counsel is only allowed to view/handle evidence if the booking officer or assigned investigator(s) are present. In the absence of property & evidence personnel, specific authorization must be received from the Sheriff or his/her designee before obtaining access to the secured facility. A documented log sheet must list each authorized person and the date and time of their entry and exit from the facility during this time frame.

In the event of any security breach, theft, or fire, any ACSO employee, in addition to dealing with the emergency shall notify their chain of command and the P&E Manager immediately. If the P&E manager is unavailable, employees should notify one of the Property & Evidence Technicians using the emergency on-call list maintained in Dispatch immediately.

**The main P&E evidence storage location is located 7200 Barrister Drive. This location is staffed Monday – Friday 05:30 – 17:00 and closed on recognized holidays. Additionally, Eagle, Star, and Kuna Substations have temporary evidence lockers available to be used in accordance with this policy.**

To determine the correct location to take in property and evidence use the following guidelines:

- Property & Evidence Drop-off location – items that can fit inside a storage locker or requiring cold storage may be booked at this location. See Cold Storage Matrix – Appendix 2 below.
- Bicycle Locker – place all bicycles being stored as evidence, found, or safekeeping in the bicycle racks in the front of the fenced in area.
- Tires, bumpers, and other large items are also stored in the bike locker area.
- Hazardous Materials Container – all items of a hazardous and flammable nature.
- For special exceptions please contact Property & Evidence for further guidance.
- For after hours assistance please refer to the on-call list with ACSO Dispatch.

### **Evidence Processing by Booking Officer**

After property is marked for identification and packaged to avoid loss or contamination by a booking officer, the booking officer shall attach the property invoice to the envelope or other container. The property accompanied by a property invoice will then be deposited by a booking officer into one of the following appropriate temporary storage areas and then secured by Evidence Technicians.

**Evidence Storage Lockers:** Individual Evidence Storage lockers are located on the west wall of the Officer Booking Room. These lockers are locked upon closing and when secured, are only accessible only by property and evidence personnel. An evidence drop box for the deposit of small evidence items is also available.

**Bicycle Locker:** All bicycles or parts shall be temporarily stored on the bicycle rack or just outside of the bicycle locker adjacent to the rear property and evidence facility. Larger property items such as tires, ladders, air compressors, machinery, etc., may be temporarily stored just outside of the secured fence adjacent to the bicycle locker.

**Refrigerator/Freezer:** A refrigerator/freezer is located in the officer booking room. Items that need to be refrigerated or frozen can be placed inside.

### **Drying Lockers**

- The Evidence Storage lockers can be used as a drying locker if necessary. Once these lockers are closed and locked, they are accessible only by property & evidence personnel.
- A note should be placed on the door of the locker to let the Property & Evidence Technician know that the locker should remain locked until the items have dried, and the booking officer is available to package and seal the property.
- The ACSO Crime Lab and Boise City Police Department have secured drying cabinets available for larger items that require drying. We encourage officers to use these cabinets for drying items as needed. Please consult with the ACSO Crime lab and BPD Crime lab for access.

### **Hazardous Materials**

The Hazardous Material container is used to house all items classified as Hazardous Materials. When possible, booking officers shall use standard evidence packaging for items placed into this storage area. If standard packaging is not possible, a wire tag will be affixed to any items bearing the DR#, item number, and description.

Evidence Technicians handle biohazard materials such as blood and urine from time to time both within the evidence room and during transport. Following strict rules and procedures when handling such materials not only will protect your health, it will also protect other personnel handling the same items multiple times, as this type of evidence tends to move around a lot to various labs and courts before it is eventually disposed. All hazardous items submitted to the Property & Evidence Unit must be marked on the exterior packaging with the provided Biohazard stickers available in the Officer booking area. Hazardous items should be handled as infrequently as possible to minimize the risk of exposure.

First Aid Kits including eyewash bottles are housed in both the main office area in addition to the Officer booking area. The kits are regularly monitored for stock level and replaced as necessary. Eye protection is provided to assigned personnel and should be used as necessary. N95 masks are also available for use when necessary.

Disposable gloves are provided and will be used when handling any evidence items. The gloves should be changed frequently to avoid cross contamination risk. In addition to the disposable gloves, needle-resistant gloves are provided and must be worn when handling the RX Takeback boxes, sharps, and when opening items to determine contents prior to disposal.

Exposure to Fentanyl is a possible risk to assigned personnel, Narcan (Naloxone) nasal sprays are stocked in both the main office area and the Officer booking area for use. The sprays have instructions printed on the packaging and all personnel have been briefed on the usage of these sprays. Stock levels and expiration dates are closely monitored. If additional supplies are required, they can be obtained from the ACSO Health Services Unit.

Needles are not permitted for disposal in the RX Takeback box and must be disposed of in a sharp's container. Sharps containers are provided and should be used as necessary. When the container is full it must be sealed and placed into one of the provided Hazardous waste bins for disposal. Sharps containers are also available in the Officer booking area for the disposal of sharps. These containers will also be placed into the Hazardous waste bin when full.

In the event of any accidental exposure, a report must be made to ACSO management immediately.

## **206.4 PROPERTY ROOM INTAKE, INVENTORY & STORAGE**

### **Property Intake**

Each day the P&E Technician assigned to intake shall inspect all evidence storage lockers, the evidence drop box, the bicycle rack, the refrigerator/freezer, and the hazardous materials container and will remove and process all items submitted. The P&E Technician will collect all property invoices and verify that information on the invoice matches the property or evidence submitted. They will then inspect submitted items to ensure they meet required standards and make the appropriate entries into the automated evidence management system and assign a barcode label to each item. Finally, the P&E Technician will store each item in the designated location in the property and evidence facility and prioritize items for testing at the appropriate lab as needed, adjusting for holidays and urgent requests.

Evidence Technicians shall enter all property that comes into the possession of the Property & Evidence Unit within the electronic evidence management system. Data should be entered as soon as possible to ensure that it is searchable to facilitate efficient location, storage, and inventory. Evidence Technicians shall update the status of all property retained in inventory as necessary (chain of custody) and shall retain a complete "hard copy" file as a back up to the computer system and to facilitate regular inspections, audits, and inventories. Upon disposition of all entered items, the 'hard copy' file is forwarded to Records for archive.

All property that is taken into custody must be documented in a police report prepared by the booking officer. The report must include a complete description of the property collected or seized, complete with accurate information of the person or location the property was obtained from and ownership when known. All property submitted to the Property & Evidence Unit shall be fully documented on the Property invoice.

- **White copy** - This copy serves as the original of the property invoice. The back of this form serves as the "Chain of Custody" and property release record for the Property & Evidence Technician. When the case has been adjudicated and the property has been permanently released from department custody, this form will be forwarded to Records for inclusion into the original case file.
- **Yellow copy** - This copy serves as the Records copy to be included in the original case file. Place both the white copy and the yellow copy with the police report and submit it to Records. Records will then send the original copy to Property.
- **Pink copy** - This copy serves as an overview of what has been booked into property and should be attached to the property by the booking officer. The booking officer needs to leave a copy as a receipt for the person from whom property has been taken.

### **Shipping Evidence to Private Lab**

A Court Order or letter from the prosecutor must be sent to: "ACSOEvidence@adacounty.id.gov" informing the P&E Unit what item(s) need to be shipped and what lab is analyzing the evidence. Two P&E Technicians will ensure the evidence is properly sealed and ready for shipment. A P&E Technician will sign the chain of custody on the evidence being shipped and the corresponding property invoice. The P&E Technician will photograph the package before sealing it in the shipping box and upload the photo to the Property section of the Z Drive. The P&E Technician will apply evidence tape to the outside shipping box and sign and date the tape. All evidence will be shipped express overnight via Fed Ex. An Evidence Technician will confirm within 24 hours that the package was delivered to the lab.

### **Right of Refusal**

Every item that is submitted to the Property & Evidence Unit must be done in a safe and thorough manner that meets departmental policies and procedures. The Evidence Technician has the authority to refuse acceptance of any item submitted in an unsafe, incomplete, or unacceptable condition. Property & Evidence personnel WILL NOT accept any money or controlled substances in which the envelope, packaging, or container has been opened, tampered with, or otherwise improperly submitted. The Evidence Technician will, as soon as practical, notify the Booking Officer submitting the item, or the Booking Officer's Supervisor, to correct the problem as quickly as possible. Refer to the Evidence Return Locker procedure below when Booking Officer is unable to correct the issue within the same business day.

An Evidence Return Locker (ERL) will be used whenever there is a need for the Booking Officer to securely access an item outside of normal business hours. Examples of this would be when an item needs a correction or is needed in court for some other reason.

### **High Security Storage Locations**

The following types of property & evidence shall be stored separately in high security vaults that are located within the main facility or if the property & evidence is associated with a case that occurred in the Canyon County portion of the city of Star then that property & evidence may be stored in the storage locker located in the Star Police Department. These vaults have additional security measures requiring staff to enter their personal PIN number and hold a proximity access card up to an electronic card reader to gain access to the vaults. CCTV cameras are installed at the entrances to these areas for additional security.

- Firearms
- Controlled Substances
- Money
- Jewelry
- Precious Metals & Stones

## **206.5 FACILITY SECURITY, AUDITS & INSPECTIONS**

### **Access**

Department personnel and visitors not assigned to the property & evidence function are restricted to enter secured storage areas unless escorted by assigned personnel and must sign into the Visitor Log prior to entry. Property or Evidence can only be removed from its storage location by an Evidence Technician. Access to all areas under the direct control of the Property & Evidence Unit is restricted to assigned personnel. The doors, gates, or other closure devices to any storage area must be secured at all times. All property releases are scheduled by appointment only between 0730-1630 Monday, Wednesday, and Friday, excluding holidays.

### **Key Control and Access Cards**

All keys/security access cards that are required for access and security of the Property & Evidence Unit are always to remain under the control of the assigned personnel. Lost keys/access cards must be reported to the Evidence Manager immediately to ensure the integrity and security of the facility. The duplication or unauthorized possession of keys is strictly prohibited. Assigned personnel are prohibited from providing keys, access cards and combinations to anyone other than authorized personnel. New locks or keys will be installed if a key is lost, or security is otherwise compromised. The Evidence Manager has the responsibility for assigning all keys and securing the master keys. Keypad access codes are assigned to authorized personnel, changed as required, and unique to each authorized user. The Manager will audit and review keypad access control records on a quarterly basis.

### **Alarms and Other Security Systems**

The Property & Evidence area is protected by an alarm system that is monitored by an outside alarm company. Access codes will be assigned to authorized personnel only and changed as required. Authorized personnel entering the main office must deactivate the alarm upon entry and it will remain deactivated during normal business hours when the room is occupied. The security system must be armed upon closing or when area is unoccupied by assigned personnel. All personnel will be trained on appropriate alarm protocols.

### **Inspections and Audits**

The Ada County Sheriff's Office shall conduct or participate in both internal and external audits or inspections to include specifically the following:

- Semi-annual inspections by the P&E Manager (or his or her designee) to assess compliance with set procedures.
- A complete inventory matching current records against a current physical inventory of property & evidence whenever the Manager for the unit is replaced for whatever reason. The newly designated Evidence Manager and a member not associated with the property & evidence function (typically Administrative/Accounting staff) shall conduct the process jointly.
- A Supervisor (or designee) who is not part of the Property & Evidence Unit shall perform an annual audit in coordination with the P&E manager.
- Random, unannounced inspections and/or audits may be conducted at the discretion of the Sheriff.
- Any required audits or inspections approved by the Sheriff for accreditation purposes.

The above standards are designed and intended to ensure the integrity of the system, not to require an accounting for every item of property. Thus, random sampling of property and evidence may be used to assess compliance with policies and procedures. For the purposes of this standard, inspections mean "to look at either physically or in print". Inventories mean "a complete listing", and audit means "a random sample, such as 10 articles of property".

## **206.6 RELEASE OR DISPOSAL OF PROPERTY**

### **Disposal**

Property shall be disposed of by either a release to the rightful owner, an authorized agent of the rightful owner, destruction of the item, or release of the item to the contracted auctioneer for the county or city to be auctioned for the benefit of the county or city. Questions about disposal for any unique circumstances shall be addressed with any of the authorized persons listed below. Any property or evidence that has been retained or has been requested to be retained for civil litigation shall not be released or destroyed without prior approval of the prosecutor or the Chief Legal Advisor.

Evidence shall not be disposed of without written permission from either the Prosecutor's office, the investigating officer or the Sheriff's Legal Advisor. All evidence or property collected in homicide cases will be stored until the death of the defendant(s) or 99 years from the date of incident. Property/Evidence may generally be disposed when all court action involving all suspects is final and the Prosecuting Attorney's Office has approved the release.

### **Authorized Persons**

The following persons may authorize the release of property or evidence that has been placed in the Property Room under the provisions of this manual.

- The investigating officer, assigned investigator, or the investigator's supervisor (in writing)
- A Judge (via court order)
- The City or County Prosecutor's Office (via Case Closing/Written Case Status)
- An ACSO Legal Advisor
- The Sheriff or the Chief Deputy
- The rightful owner or an authorized agent of the rightful owner. A person may become an authorized agent of the rightful owner by presenting to Property & Evidence Staff a signed and notarized document releasing the property to the

authorized agent or the authorized agent may present Property & Evidence Staff with a filled out, notarized and signed copy of the Unavailable Rightful Owner Form and the authorized agent's driver's license or equivalent identification.

### **General Disposition Outline**

Once a case has been adjudicated and the property is no longer needed, the Evidence Technician will follow the Disposition Matrix (Appendix #1 Below). If disposition is unclear, P&E Staff should route to ACSO Legal Advisor for review. ACSO shall proceed with the property and evidence disposition process once a case has been closed by the prosecuting agency, the investigating officer, or upon advice of the ACSO Legal Advisor. Court orders supersede the disposition process. ACSO shall comply with all court orders and seek guidance as needed.

Staff will make a good faith effort to return property to the correct owner and generally property should be returned to the person listed on the property invoice. In the case of a search warrant where only locations are listed, property should be returned to the subject of the search warrant unless the invoice or police report indicates a different owner. When multiple people are claiming ownership of property, staff route to City Legal for disposition on city cases and the ACSO Legal Advisor on ACSO cases. Electronics shall be returned to the owner unless there is a court order for destruction of the item. The prosecuting agency shall request destruction orders in all child pornography cases. ACSO shall route any cases for possession of child pornography that do not have a destruction order to the ACSO Legal Advisor or Boise City Legal for review, depending on the cases' jurisdiction.

Found property with a value of \$25.01 or more is disposed of if an owner cannot be located or the items are unclaimed within 90 days. Items with a value of less than \$25.00 will be disposed of if not claimed within 30 days. Safekeeping property is held for 90 days, and a notification will be sent to the owner at the last known address of the owner (or to the jail if the person is in custody). Bicycles booked in as found property are held for 60 days unless claimed by owner. Bicycles that have a value of less than \$25.00 are disposed of if not claimed by the owner within 30 days. Safekeeping bicycles are held for 90 days.

### **Disposition Types**

#### Case Closed by Prosecuting Agency

Once a case has been filed by a prosecuting agency, that agency will send a closing sheet to ACSO, when the case is complete. A closing sheet will not be sent to ACSO until the time for a direct appeal has run. Any motions relevant to the disposition of property (e.g. motions for asset forfeiture, for destruction of property, to apply cash in evidence to restitution, to release property to a certain individual, etc.) shall be filed prior to the sending of a closing sheet, and any instructions or court orders shall be attached to the closing sheet. Ensuring that a case is properly closed, and all relevant motions filed is the responsibility of the prosecuting agency. ACSO staff is not required to research case status or search for court orders.

#### Case Closed by Deputy/Officer (inactive cases)

Cases that have not been sent to the prosecutor's office may be closed by the deputy or officer pursuant to their own department policy. Property and evidence in inactive cases shall be disposed of upon receipt of written instructions from the investigating deputy or officer or when the statute of limitations expires (whichever occurs first).

Note: Murder, voluntary manslaughter, rape, L&L, sexual abuse of a child/sexual battery, and terrorism do not have a statute of limitations. Property and evidence in these cases shall be permanently retained unless ACSO is instructed otherwise by the prosecutor or ACSO Legal Advisor.

#### Declined Cases

Cases that have been sent to a prosecuting agency and have been declined shall be processed as closed cases. Prosecuting agencies will, upon request, send ACSO a list of declined DRs. This list will act a closing sheet for all cases on the list. Property staff shall verify on declined cases that no further investigation is being conducted before completing disposition.

#### Cases with Active Warrant

All property and evidence for cases with outstanding warrants shall be retained for as long as the warrant is active.

#### Transferred Cases

If a case is closed by a prosecuting agency because it has been transferred to another prosecuting agency (e.g., conflict cases, federal cases), the transfer shall be clearly indicated on the closing sheet. Property and evidence shall be retained until a closing sheet is received from the agency to which the case was transferred.

### **Special Disposition Outline**

- Narcotics are recorded on the Drug Burn Roster including the DR#, item #, type of substance and the weight. Upon filling the box, the contents are validated by 2 Evidence Technicians and then sealed immediately with a signed and dated seal by both Technicians. The validated roster is included both within the box for external auditing and as part of the complete roster retained by the agency. These boxes are transported to the Idaho State Police (ISP) for temporary storage prior to disposal at a certified Narcotics Disposal facility.
- Blood and Urine kits are placed into a Biohazard disposal bin pending collection by a medical waste disposal company.
- Sexual Assault kits and other DNA evidence items are placed into a Biohazard disposal bin pending collection by a medical waste disposal company. Sexual Assault kits are held for 55 years if evidence of a crime is present, 10 years if no evidence of a crime is present or victim declines to pursue criminal charges.
- Narcotics paraphernalia are placed into sealed cardboard boxes. Sealed boxes are turned over to the Ada County Landfill for disposal with two-person verification. Paraphernalia items booked for destruction are retained for 30 days before disposal.
- Firearms not suitable for auction are turned over to the Armorer for destruction.
- Ammunition approved for destruction will be turned over to the ATF for disposal.
- Money that is unclaimed is turned over to the Finance Department of the agency that seized them.
- Money with a value less than \$20.00 that is contaminated with narcotics residue will be destroyed unless directed by forfeiture.
- Money with a value more than \$20.00 that is contaminated with narcotics residue will be transferred to Finance. Finance will coordinate with the financial institution for special handling.

### **Statute of Limitations and Automatic Purge Protocol**

If there is no case closing sheet from the PA's office, ACSO Property and Evidence (P&E) may, pursuant to current protocols destroy and/or release items related to the charges below after six (6) years if P&E research shows (either via DR or via confirmation from case officer) the case is inactive (also known as routed to file) because there were no further investigative leads **and** if the prosecutor confirms the case has never been routed to screening or was routed but was declined.

P&E staff shall generate list of cases where such property exists noting the DR# and charge (and suspect if known) and provide such first to the BCAO for BPD cases to confirm the case is not in their prosecuting attorney's record keeping system. The list will then be sent to ADA PA office to confirm the case is not in their prosecuting attorney's record keeping system. If either PA office needs more research than initially provided on the list, they may ask P&E to further research the matter or provide information such as property and evidence invoices. The PA's office will strive to respond to the list of cases within approximately 30 days.

The above protocol may be used for the following charge types:

- Burglary evidence collect, no suspect identified.
- Grand theft or attempted Grand theft, no suspect identified.
- Vandalism/ Injury to property, no suspect identified (examples: actual destroyed property taken for fingerprints).
- Vehicle accident, no injury to victim, no suspect identified (example: car parts left at scene).
- Financial crimes/fraud cases (examples: victim's records, or items knowingly bought with illegal gains by suspect).

### **Court Exhibit Returns**

Refer to the 'ACSO Court Evidence & Exhibit Procedure' folder on the ACSO Property section of the Z Drive for further guidance on the return of court exhibits and the storage/disposal thereof.

### **Auction of Unclaimed Property**

Auctions may be held for all unclaimed property that have a sufficient auction value. Auctions are held off-site and handled by a 3rd party private company that contracts with the ACSO. Unclaimed property not suitable for auction and/or has no real auction value will be disposed in accordance with Idaho Code. Items to be auctioned are listed on an Auction Roster and assigned a lot number unique to each item. To avoid conflict of interest, no employee of the Sheriff's Office shall purchase any item at such auction.

## **206.7 JOINT OPERATIONS WITH PATROL DIVISION**

### **ACSO Property Crimes Burglary Trailer**

In order to develop and deploy the ACSO Construction Site Burglary Investigation Trailer, ACSO property and evidence shall make available to ACSO CID a list of tools and construction related items in its possession that are to be auctioned or destroyed. Prior to the list of tools being disseminated to the public, ACSO CID may choose to temporarily use these items to investigate potential burglary suspects. CID may select from the list of items any item that meets the needs of a CID investigation. CID shall establish

oversight and management of these repurposed items, following strict inventory control and sign-out protocols. For further direction please refer to the Burglary Activity Investigations Trailer (BAIT) section (601.4.11) of the ACSO Policy & Procedure manual.

**ACSO Forensic Laboratory Firearms Library**

In accordance with Idaho Code § 55-403(4), the ACSO Property and Evidence Unit shall make available to the ACSO Forensic Laboratory a list of firearms in ACSO custody that are scheduled to be auctioned or destroyed prior to the list being disseminated to the public. The Forensic Laboratory shall select from the list any firearms or magazines that meet the standards and needs set out by its Firearm Reference Collection Technical Leader to be used for testing in the Forensic Laboratory. The Forensic Laboratory Firearm Reference Collection Technical Leader will then have the authority to transfer the selected firearms and magazines from the property and evidence vault to the Forensic Laboratory's possession to be used for forensic testing, subsequent to the weapon being approved for such use by a gunsmith or ACSO approved firearm handler. For further directions please refer to the ACSO Forensic Laboratory Firearms Library section (104.6.15) of the ACSO Policy & Procedure manual.

**K9 Training Aids**

The ACSO maintains samples of controlled substances to train and verify the abilities of narcotics detection K9s. Oversight and management of controlled substance training aids must follow strict inventory and sign-out protocol. Controlled substances may, whether legal or illegal to possess be used as training aids in the training and education of K9s and K9 handlers. For further directions please refer to the K9 Training Aids section (601.8.17) of the ACSO Policy & Procedure manual.

**APPENDIX 1 - ACSO / BPD DISPOSITION MATRIX**

PD/ACSO PROPERTY & EVIDENCE DISPOSITION GUIDE			
<p><b>PROPERTY V. CONTRABAND</b>                      Property: Items obtained from the defendant, victim, or other person (e.g. clothing, paperwork, cell phones, driver's licenses (if not stolen), weapons (if not illegal)).</p> <p>Contraband: Items that are illegal or are illegal for the particular person to possess (e.g. drugs, paraphernalia, gang affiliated items, illegal weapons, cigarettes/vapes if possessed by a minor, weapons if illegal or owner is unlawful possessor). If owner is an unlawful possessor, owner can designate another person to receive the property.</p>		<p><b>CASE STATUS</b>                      Closed: Case closed by prosecutor. Proceed with dispo once closing sheet is received from prosecutor's office.</p> <p>Declined: Charges declined by prosecutor. Proceed with dispo upon instruction from prosecutor's office or when the statute of limitations expires, whichever occurs first.*</p> <p>Inactive/closed by officer: Case not sent to prosecutor's office. Proceed with dispo upon instruction from investigating officer or when the statute of limitation expires, whichever occurs first.</p>	
<p><b>Auction</b></p> <p>If owner has not retrieved property within required time OR Owner unknown AND Property has value.</p>	<p><b>Currency and Coins</b></p> <ul style="list-style-type: none"> <li>• Currency/coins with unknown owner or unclaimed – to State Treasury</li> <li>• Foreign currency/collectible coins – auction</li> <li>• Counterfeit currency – route to Secret Service</li> </ul>	<p><b>Idaho Dept of Transportation</b></p> <p>Mail Expired/Stolen/Unclaimed ID DLs and Fake IDs to:  Dept. of Transportation PO BOX 7129 Boise, ID 83707</p> <p><b>DESTROY</b></p> <ul style="list-style-type: none"> <li>• Out of state DLs</li> <li>• License plates</li> </ul>	<p><b>Firearms</b></p> <ul style="list-style-type: none"> <li>• All guns, gun parts, &amp; ammo go through BPD/ACSO firearm dispo process</li> <li>• Holsters, gun cases, gun cleaning supplies, gun safes, etc. are property – return to owner</li> <li>• Fake Guns, pellet gun, air</li> </ul>



			<p>guns, BB guns are property – return to owner</p>
<p>Special Cases</p> <p>Murder, voluntary manslaughter, rape, L&amp;L, sexual abuse of a child/sexual battery, terrorism – retain all Evidence unless otherwise instructed by Legal.**</p> <p>Unattended Death/Suicide – Confirm case status with investigating officer (i.e. not a homicide) and get next of kin information. Proceed with dispo.</p>	<p>Destroy</p> <ul style="list-style-type: none"> <li>• Unclaimed property with no value</li> <li>• Soiled clothing/personal items</li> <li>• Contraband</li> <li>• Opened personal items (perfume, mouthwash, etc.)</li> <li>• Condoms, lubricant, personal sanitary items</li> <li>• Open alcohol containers</li> <li>• Blood/urine/DNA samples</li> <li>• Non-SAK swabs (e.g. GSR)</li> <li>• Stolen gift cards/credit cards/misc. cards</li> <li>• Spent shell casings</li> </ul>	<p>Release to Owner***</p> <p>Release to person listed on invoice or subject of the search warrant (unless another owner listed in report).</p> <ul style="list-style-type: none"> <li>• Return weapons if not illegal (illegal weapons = e.g. bombs)</li> <li>• Return awkward items (e.g. sex toys, underwear, legal porn); unopened alcohol/flasks (unless D&lt;21)</li> <li>• Return electronics (unless contain known or suspected contraband (e.g. child porn), then destroy)</li> </ul>	<p>L.E. Archive</p> <p>Documents, recordings, &amp; forensic Evidence.</p> <p>Examples:</p> <ul style="list-style-type: none"> <li>• Pawn slips</li> <li>• Hard copies of photos (including line-ups)</li> <li>• Surveillance audio/video CDs/DVDs</li> <li>• Fingerprint cards</li> <li>• Ballistic Evidence (e.g. test fires, primer imprints)</li> </ul>

\* Statute of limitations: felonies = 5 yrs, misd. = 1 yr. (exception: sexual exploitation by medical provider = 2 yrs).

\*\* These offenses have no statute of limitations.

\*\*\* Court orders supersede disposition process. Court orders to release property to a certain person, to destroy property, or to release to BANDIT per asset forfeiture will be attached to the prosecutor's closing sheet. Comply with all court orders.

## APPENDIX 2 – COLD STORAGE MATRIXES

### Short-Term Requirements (ref: *Biological Evidence Preservation Handbook, April 2013*)

Type of Evidence <sup>2</sup>	Frozen	Refrigerated	Temperature Controlled	Room Temperature
Liquid Blood <sup>3</sup>	Never	Best	Less than 24 hours	
Urine	Best	Less than 24 hours		
Dry Biological Stained Item <sup>4</sup>			Best	Acceptable
Wet Bloody Items (if cannot be dried)	Best	Acceptable	Less than 24 hours	
Bones	Acceptable		Acceptable	Acceptable
Hair			Best	Acceptable
Swabs with Biological Material		Best (wet)	Best (dried)	
Vaginal Smears			Best	
Feces	Best			
Buccal Swabs			Best	Less than 24 hours

### Long-Term Requirements (ref: *Biological Evidence Preservation Handbook, April 2013*)

Type of Evidence <sup>2</sup>	Frozen	Refrigerated	Temperature Controlled	Room Temperature
Liquid Blood	Never	Best		
Urine	Best			
Dry Biological Stained Items			Best	
Bones			Best	
Hair			Best	Acceptable
Swabs with Biological Material			Best (dried)	
Vaginal Smears			Best	
Feces	Best			
Buccal Swabs			Best	
DNA Extracts	Best (liquid)	Acceptable (liquid)	Acceptable (dried)	

## **SECTION 207 – RECORDS SERVICES POLICY**

### **207.1 RECORDS SERVICES**

ACSO Records Services, also known as the Public Safety Information Center (PSIC) processes tens of thousands of bookings, releases and jail visits per year, which translates to tens of thousands of records. The PSIC is overseen by a Records Manager who employs an inmate records supervisor, a court support supervisor, and a booking & classifications supervisor to ensure records staff properly manage all of the records related to the arrest, bonding, prosecution, sentencing, and release for each case handled by all of our treasure valley police agencies.

Inmate Records is one of the main access points between the public and the ACSO. When a person has questions, the Records window has the responsibility to guide that person in the correct direction. In addition to providing this front-desk service, ACSO Inmate Record Law Enforcement Record Techs (known as LERTs) are responsible for routing all arrest paperwork to the courts, and prosecutors. These LERTs also ensure the proper maintenance of an inmate file throughout the inmates stay. Once the file has been closed and the inmate released, LERTs scan all the paperwork from the file into Laserfiche. All bonds are processed through Inmate Records.

Court Support is responsible for entering all warrants, no contact orders (NCO) and Protection Orders (POs) into our local record management system and our national database known as NCIC. Our court support LERTs confirm the warrants, NCO's and PO's for officers, deputies and the public. LERTs work very closely with the clerks at the court house to determine the validity of the warrants, NCOs, and POs. Additionally, every month LERTs must validate the warrants, NCOs and POs so that they are routinely validated or else they could be deleted out of the NCIC database. ACSO Transport Coordinators also fall under court support. LERTs are responsible in making sure the transport deputies have a list each morning of all inmates that are going to court and make sure all transport orders have been received in order to move inmates to other facilities and to coordinate getting people to and from our facility from other states.

Processing Support is responsible for booking in all charges on an inmate when they are processed in booking. This unit keep an inmate's property secured until the inmate is released from the facility. Our LERTs run a triple I on every inmate in our custody so they can be classified appropriately by a Classification Deputy. These LERTs label all incoming mail for inmates and run it through the mail scanner for detection of drugs. Once it has been scanned, LERTs then assist with ensuring mail is delivered to the inmate. Our Jail Lobby LERTs are responsible for booking warrants and taking fingerprints and a photo for all self-surrenders. They also schedule and manage all of the professional visitors wanting to visit with an inmate that is housed in our facility. Finally, they also are responsible for taking fingerprints of all applicants that have applied to work for Ada County and for contractors that are doing work within our facility.

The processes outlined above can be found throughout this policy and procedure manual, specifically 504.34, 35 and 36.

## **SECTION 208 – VICTIM SERVICES UNIT POLICY**

### **208.1 VICTIM SERVICES UNIT**

The ACSO Victim Services Unit (also known as Victim Witness Coordinators) assists victims, witnesses, and survivors of crime with navigating their way through the criminal investigation and/or prosecution of criminal cases by providing needed resources, referrals, and assistance to ensure their rights are received as afforded to them by the Idaho State Code and the Victim's Rights Act. The Unit acts as a liaison between the crime victim and/or witness and the investigators and prosecutors to ensure victims are supported, heard, and validated. Members of the unit are on-call 24/7 to assist victims any time of the day or night at the scene of incidents. VWCs are subject to the same call out rules as detectives and crime lab personnel, found in 601.3.3. The VWC unit is overseen by a supervisor who relies on coordinators with specific specialties for certain victims to ensure comprehensive victim case is provided in each instance. Specifics on the Victim Witness Unit and their work with the Patrol Services Bureau can be found in Chapter 6 of this manual.

## **SECTION 209 – COMMUNITY ENGAGEMENT & INFORMATION UNIT POLICY**

### **209.1 COMMUNITY ENGAGEMENT & INFORMATION**

The Community Engagement & Information Unit (CEI) within the ACSO was created to build and nurture positive relationships with members of the community throughout Ada County. The Public Information Request team ensures timely and transparent responses to all inquiries made by members of the public pursuant to Idaho law. Talent Acquisition engages with members of the public to

make connections and share possible careers. The Community Outreach Coordinator creates specialized programs to best serve the community. CEI is overseen by a manager who is also responsible for strengthening the agency's relationship with key community stakeholders and ensures the team is working towards the ACSO's mission to create safer places to live, work, and play.

### **209.2 MEDIA AND RELEASE OF PUBLIC INFORMATION**

The ultimate authority and responsibility for the release of information to the media shall remain with the Sheriff, however, in situations not warranting immediate notice by the Sheriff and in situations where the Sheriff has given prior approval, the Chief Deputy, bureau directors, lieutenants/managers, shift supervisors and designated community information specialist(s) will work with the ACSO Public Information Officer (PIO) to prepare and release information to the media in accordance with this policy and the applicable law. Any media request for information or access to a law enforcement situation (including any on-going investigation) shall be referred to the media representative as designated by this office, or if unavailable, to the first available supervisor. The ACSO acts as its own news service, using the ACSO website and social media platforms to communicate directly to the public. The ACSO Community Engagement & Information Unit determines the frequency and subject matter of the releases, with approval and direction from the Sheriff. Information that is routinely shared includes information about arrests, crime trends, traffic crashes, police standoffs, warrant arrests in the community, feature stories, and photo galleries.

### **209.3 MEDIA RELEASE**

Prior to releasing any information to the media, employees shall consider whether the information is considered sensitive, restricted, or authorized for release. At no time shall any employee of this office make any comment or release any official information to the media without prior approval from a supervisor or the PIO. It shall be the responsibility of the authorized employee dealing with media requests to ensure restricted information is not inappropriately released to the media by this office. When in doubt, employees should seek input from the Sheriff's Legal Advisor. In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this office. Under no circumstance should any member of this office make any comment(s) to the media regarding any law enforcement incident not involving this office without prior approval of the Sheriff.

Information authorized for routine release includes:

- Defendant information: defendant's name, age, city of residence, and similar identifying information (unless the defendant is a juvenile).
- Violations: Substance of the charge and statutes violated.
- Agency: Identity of the investigating and/or arresting agency and the duration of the investigation.
- Circumstances: Circumstances immediately surrounding an arrest or incident including the time and place, resistance, if any, and description of items seized at the time of arrest.
- Victim information: Name, age, and city of residence of the victim (unless a juvenile or in the opinion of the investigating deputy the disclosures are not required at the time due to the state of the investigation, or the nature of the case, or other factors involving the safety, privacy or welfare of the victim, such as in sex crimes). Victim information should be limited to only what is absolutely necessary to properly explain the release of information as protecting the safety, privacy, and welfare of victims is usually more important than the public release of information, so any release should be done with extreme care.

### **209.4 MEDIA ACCESS**

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities subject to the following conditions:

- The media representative can produce press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- Media representatives may be prevented from interfering with emergency operations and criminal investigations.
- Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency operations or a criminal investigation.
- All information released to the media should be coordinated through the PIO or other designated spokesperson.
- No member of this office who is currently under investigation shall be subjected to media visits or interviews without the consent of the involved member.
- Media interviews with individuals who are in custody shall not be permitted without the approval of the Sheriff or his designee, and the express consent of the person in custody.
- A tactical operation should be handled in the same manner as a crime scene, except the news media should be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Office members shall not jeopardize a tactical operation in order to accommodate the news media.

### **209.5 MEDIA RELATIONS DURING A CITF**

All press releases about incidents involving employees of the ACSO shall be prepared by the PIO in cooperation with a representative from the lead investigative agency. All media inquiries shall be referred to the PIO. No involved officer shall make any public comment regarding the incident unless authorized by the Sheriff, Chief Deputy, or a Captain or Director. No employee shall make any public comment about incidents occurring in other jurisdictions that do not involve the Ada County Sheriff's deputies. All media inquiries about incidents occurring in other jurisdictions and not involving ACSO deputies shall be referred to the agency primarily responsible for the investigation.

### **209.6 PUBLIC REQUESTS FOR RECORDS**

The Idaho Public Records Law, Title 74, Chapter 1, Idaho Code provides that records created by a public agency shall be subject to inspection and release pursuant to request, except pursuant to exemptions set forth in the Act and any other exceptions established by statute. Citizens may seek the release of any unrestricted document or electronic record created and maintained by the ACSO by submitting an online or written request for each record sought and paying any associated fees. Citizens are a person, partnership, corporation, association, or any other legal entity that is not a member of a law enforcement or prosecutorial agency, or any City or County employee not acting in an official capacity. Requests for public records should be made through the ACSO Public Records Request Form. The employee processing the request shall determine if the requested record is available and if so, whether the record is exempt from disclosure. The ACSO shall respond to all record requests by releasing the requested record, requesting an extension in time to prepare the release, or provide a reason why non-disclosure is appropriate as authorized by the Public Records Act. The ACSO is not required to create records that do not otherwise exist in order to accommodate a request. Any requests for records that are not open to public inspection should be referred to the Sheriff's Legal Advisor for a determination as to whether the records may be released. The public record request form can be found here: <https://acsiforms.adacounty.id.gov/forms/pir>

### **209.7 OTHER INFORMATION RELEASES**

The sole authority to disclose or release information concerning civil cases involving this office or its members rests with the Sheriff and the ACSO Legal Advisor. Any questions regarding disclosure of any record should be discussed with the Sheriff, Chief Legal Advisor, or the ECB Director.

#### **Civil Case**

Employees shall not discuss any civil case involving themselves, this office, or Ada County to the public or otherwise disclose any information relating to any civil case without the specific permission of the Sheriff. This is not to be construed to limit attorney/client relationships between an employer and his attorney.

#### **Inmate Medical Records**

Pursuant to Idaho Code 39-602 and 39-606, and related Department of Health and Welfare regulations, all medical data is confidential. Requests should be forwarded to the ACSO Legal Advisor's office.

#### **Address Confidentiality**

Notwithstanding any other provision of state law, no member of the ACSO shall disclose to any person or entity the personal information of any law enforcement officer or his/her residing household members, including, but not limited to, information regarding sex, race, marital status, birth date, home address and telephone number, except under the following circumstances:

- When directed by the Sheriff or the Chief Legal Advisor pursuant to a court order or an official request from another law enforcement agency.
- When requested by a financial institution or title company for business purposes, to the requesting financial institution or title company.
- When the deputy provides written permission for disclosure of such information.

Commissioned deputies who wish to keep their home address and telephone number confidential may apply to other public agencies (for example, a public utility district) and use the department address and telephone as an alternative (Idaho Code 19-5803(1)(2)). It is the deputy's responsibility to pay to the public agency any associated fees for application or renewal of any such request.

#### **Criminal History Letter**

Members of the public from time to time need a letter from the ACSO documenting that they do not have an arrest history. These are typically requested by people traveling to another country to complete a service mission, study abroad, or to pursue an application for adoption or citizenship. The PIR Office will take public requests for criminal history letters and run a local criminal history check. The PIR office will respond with a letter from ACSO that gives the status of the person's criminal history in Ada County.

## **CHAPTER 3 – COURT SERVICES BUREAU**

### **SECTION 301 – PRETRIAL SERVICES POLICY**

#### **301.1 PRETRIAL SERVICES UNIT**

The ACSO Pretrial Services Program, through the Pretrial Services Unit (PSU), provides two essential services to the Ada County court system. First, the PSU collects, verifies, and assesses relevant information about a defendant which the PSU then provides to the court prior to the defendant's initial appearance. Second, the PSU supervises those defendants released on pretrial conditions by monitoring and ensuring compliance with release conditions. The goals of the program are to minimize risk to the community, maximize community and victim safety, and minimize the risk of nonappearance at court proceedings.

#### **301.2 IDAHO PRETRIAL RISK ASSESSMENT INSTRUMENT**

PSU staff use the Idaho Pretrial Risk Assessment Instrument (IPRAI), based on a nationally accepted tool, to examine a defendant's status at the time of the arrest related to any active community criminal justice supervision, current charges, pending charges, criminal history, history of failure to appear, history of violent convictions, employment, and history of substance abuse. PSU staff shall conduct IPRAI assessments prior to the defendant's initial appearance and provide a copy of such to all court parties. IPRAI assessments shall be conducted in the accordance with the IPRAI's instructions and the information will be validated according to the PSU quality assurance process.

Pretrial services are available to defendants at all IPRAI risk levels. Pretrial release conditions are set entirely at the discretion of the judge. A defendant's charge alone will not exclude the defendant from participating in the program.

A defendant's IPRAI results are inputted into a risk assessment table that suggests the level of supervision and strategies needed for that defendant. This "Supervision Matrix" dictates which categories of defendants are best suited for Pretrial supervision however a judge may override the Supervision Matrix's recommendation at any time.

#### **301.3 PRETRIAL CASE MANAGER**

Pretrial Case Managers (PCMs) are expected to perform a variety of tasks related to the PSU's essential services, including but not limited to, searching for and ensuring No Contact Orders are being adhered to, conducting appropriate orientations in accordance with the PCM's training, utilizing the information from the IPRAI to determine the appropriate supervision level, identifying defendant needs, providing resources to the defendant, and obtaining proof of treatment if applicable. PCMs are assigned cases based on their active caseload numbers. The Pretrial Manager can assign a PCM to any defendant for any reason.

#### **301.4 PRETRIAL SERVICES TECHNICIAN**

A Pretrial Services Technician assists the PSU with case management set-up, data entry functions, preparing and maintaining defendant case files, and related documentation. The PSU Technician creates, searches, archives, and otherwise manages pretrial records. They also perform a variety of other administrative duties, such as:

- reading and clarifying (if necessary) court documents;
- providing a positive customer service experience;
- providing appropriate information to defendants;
- scheduling appointments; and
- other related duties as required.

#### **301.5 CASE DOCUMENTATION**

PSU staff shall document case activity in sufficient detail to support testimony in court or provide affidavits concerning Pretrial Release Order violations. PSU staff shall maintain a computerized case file on each defendant to document dates and times of all monitoring and supervision activities. All paper documents shall be originally scanned and stored electronically as part of the defendant's pretrial case file.

#### **301.6 SUPERVISION AND CASE MANAGEMENT**

Supervision and Case Management includes, but is not limited to:

- Supervising the defendant according to the PSU Supervision Matrix;
- Reviewing and reporting to the courts on any required monitoring devices or requested drug/alcohol testing;
- Ensuring and notating during each defendant contact that all necessary biographic data is up to date and the defendant is aware of all scheduled court appearances; and

- Monitoring any changes or updates in the defendant's environment that would affect their ability to successfully continue being released on pretrial supervision. Any changes will be notated and if necessary, addressed with the prosecutor or the court.

### **Test Results**

The PCM shall follow up on all positive or inconclusive test results within one business day. Follow up includes one or more of the following:

- Determining the cause of the positive or inconclusive result;
- Providing immediate follow up testing;
- Offering confirmatory testing; or
- Providing substance use treatment resources per the defendant's request.

Positive, inconclusive or missed test results shall be reported to the court, defense counsel, and prosecutor.

### **Status Updates, Case Summaries, and Verified Applications**

Status Updates will be electronically filed to the courts to update all parties on the defendant's current status on Pretrial prior to scheduled hearings or upon the request of the court.

Case Summaries will be electronically filed to the courts to update all parties prior to sentencing to provide the defendant's overall performance on Pretrial.

Verified Applications will be electronically filed to the courts when:

- The defendant has failed to report for or has absconded from Pretrial supervision;
- The defendant continues to violate conditions and a Verified Application has not yet been filed;
- The defendant has committed a new crime;
- Monitoring equipment has been removed; or
- There is a safety concern for the victim, the defendant, or others.

PSU staff will track and collect data on the effectiveness of pretrial services program. This data will be available to court parties upon request. This includes technical violation, new crime and failure to appear rates. Requests for this data should be made through the ACSO Public Information Request Department.

### **Curfew Checks**

When a judge orders a defendant to a specific curfew on the pretrial release order, PSU staff will contact dispatch to alert patrol with the appropriate LE agency to conduct a curfew check when appropriate. Any known violations of a curfew will be communicated to the court.

### **Welfare Checks**

When necessary, PSU staff will coordinate a home visit with either the ACSO Compliance Team or ACSO patrol deputies.

### **301.7 VENDOR MONITORING**

Pretrial shall provide all monitoring ordered by the courts. All monitoring shall be provided by contracted vendors that meet the high standards of the PSU. When a defendant is out of county or going on a trip that is allowed by the court, PSU will work with the defendant to minimize any disruption in court ordered monitoring. This includes the defendant working with PSU to find a suitable testing facility that is approved by the court or the PCM on a case by case basis.

### **301.8 CASE CLOSURE**

The Defendant will be removed from the pretrial program upon acquittal or court order. This removal should be included in the court order and communicated to the pretrial case manager as soon as possible. However, PCM are responsible for their cases and should make every effort to know when a defendant's case is approaching closure, in order to complete the Case Summary.

Within one week prior to sentencing the PCM will complete a Case Summary that will outline the defendant's compliance while they were being supervised on Pretrial Release. The Case Summary will be sent to the court, Defense and Prosecuting Attorney. No more than 5 business days after sentencing the pretrial case will be closed. All pretrial cases will be closed as successful, unsuccessful, or other. PCM will ensure that all appropriate documentation is included in the defendant's case file, including incomplete conditions, all appropriate court documents, and a final note in the journal section. The Pretrial Manager will review a random selection of cases to ensure accuracy and consistency in reporting.

**Successful Discharge**

If a defendant reported to all their court hearings and did not get arrested on or cited with a new charge, they will be closed as "successful." PCM will ensure that all appropriate documentation is included in his/her case file, including a final note in the journal section.

**Unsuccessful Discharge**

If a defendant failed to appear for at least one of their court hearings, was cited with or arrested on a new charge that occurred after the Pretrial Release Order was signed by the Judge, or received a warrant the case will be closed as "unsuccessful." PCM will ensure that all appropriate documentation is included in his/her case file, including a final note in the journal section.

**301.9 TRAINING**

PSU staff shall be fully trained on their duties and responsibilities. PSU staff are encouraged to find and complete on-going skill-based training. Such trainings will ensure PCM's and assistants are achieving high-quality results and providing a valuable service to our stakeholders and partners. Such trainings should be focused on learning, adopting, and adhering to new evidence-based techniques to assist the pretrial services program goals. Additionally, PSU staff will work to educate personnel at all levels – line staff, supervisors, managers and others – and promote cross-training opportunities with stakeholders to improve understanding of resources and capabilities that support PSU's objectives.

**SECTION 302 – ALTERNATIVE SENTENCING POLICY****302.1 ALTERNATIVE SENTENCING**

The Ada County Sheriff's Office (ACSO) provides sentencing alternatives to incarceration in the Ada County Jail. To accomplish this goal, the ACSO operates a Sheriff's Labor Detail (SLD) program, a Sheriff's Community Service (SCS) program, a House Arrest program, a Scheduled Sentence Program (SSP), and a Community Transition Program (CTP) as part of its Alternative Sentencing division. Additionally, the ACSO may accommodate judges' orders for work release pursuant to Idaho Code § 20-614.

**302.2 ALTERNATIVE SENTENCING PROGRAM SELECTION**

Unless otherwise specified, individuals who receive a misdemeanor court order where options have been allowed must report to either the ACSO Court Desk or Alternative Sentencing office to make arrangements within 72 hours of their sentencing hearing. Individuals who received a felony court order where options have been allowed must report as indicated on the order or directed to through their probation officer.

Alternative Sentencing staff have the discretion to determine which options are appropriate for each participant when options are provided by the judge. All options allow the Alternative Sentencing staff to assign or change programs as necessary in response to participant's needs, unforeseen situations, or eligibility. Alternative Sentencing staff members are prohibited from offering legal advice to any participant in Alternative Sentencing Programs.

**302.3 ELIGIBILITY REQUIREMENTS**

In order for an individual to be eligible to participate in any Alternative Sentencing program, the following criteria must be met:

- Participants must be at least 18 years of age.
- Participants must be court ordered to "All Options" or the specific program.
- Participants must agree to follow all of the rules of the program.
- Participants cannot have any pending criminal cases requiring them to remain in custody, holds or active warrant(s). Note: Non-extraditable warrants from other jurisdictions may be reviewed for eligibility.
- Participants must have no trace of illegal drugs or alcohol in their system.
- Participants may not have been removed from an Alternative Sentencing Program in the previous 30 days.
- Participants must meet any other ACSO suitable requirements as determined by the Sheriff or Director of the Court Services Bureau.

**302.4 APPOINTMENT TIMES**

Appointment times are to be kept. Any participant showing up more than 10 minutes late to an appointment may be asked to reschedule their appointment for a later date and time. Staff should use reasonable discretion in circumstances where a participant might incur a fee for having to reschedule.

**302.5 PAROLE PROCESS**



When someone is on parole, we can accept their parole agreement without the original court order when scheduling Discretionary Jail Time (DJT). Parole agents have the authority to order DJT. For felony and misdemeanor orders, a court order must still accompany the DJT.

### **302.6 OUT OF STATE APPOINTMENTS**

If a participant checks in at the court desk and states that they live out of state, the participant can go straight to the Alternative Sentencing office and a Case Manager can see them (if available). The participant will sign up that day for a program. If the participant is leaving the state immediately after court, the court desk can make them a phone appointment to sign them up for their options.

### **302.7 DRUG & ALCOHOL TESTING**

In order to ensure an orderly and safe operation, staff reserves the right to test any participant for the presence of alcohol or drugs at any time. Testing positive or refusal to submit to an alcohol or drug test may result in removal from the Alternative Sentencing program. The specific test used to detect the presence of alcohol or drugs shall be at staff's discretion. If a participant is under the supervision of Pretrial or Misdemeanor Probation, drug and alcohol testing may be reviewed to determine program eligibility.

### **302.8 TIME TO START PROGRAM**

Unless otherwise specified by the court or the particular Alternative Sentencing program, all Alternative Sentencing programs should commence within 30 days from the original appointment.

### **302.9 REMOVAL FROM AN ALTERNATIVE SENTENCING PROGRAM**

Participants may be removed from an Alternative Sentencing program for a variety of reasons. The removed participant shall serve the remaining days in either the Ada County Jail or another Alternative Sentencing program.

### **302.10 RE-ENROLLMENT INTO ALTERNATIVE SENTENCING PROGRAMS**

If a participant is removed from an Alternative Sentencing Program, they may be eligible to return to the program after 30 days. If the following occurs while a participant is serving their time in one of the programs, the participant may not be eligible for re-enrollment for the remainder of their current jail stay.

- Arrested on a new crime.
- Receives a Probation or Parole violation.
- Introduced drugs, alcohol, or other paraphernalia into the program.
- Violation of a No Contact Order or Restricted Area on GPS.

### **302.11 COMMUNITY TRANSITION CENTER**

The Community Transition Center (CTC) will provide a place where sentenced individuals can be connected with education and resources needed to reduce criminal behavior and prepare for a successful reentry into our community. The CTC will do this through a non-custodial housing program that provides enhanced case management services.

#### **Free Time**

All eligible CTC participants who are in good standing will be allowed three hours of free time per calendar week. Participants will be released from the CTC to conduct personal business. During free time, participants shall not violate any laws, consume any intoxicants, and shall remain within a 50-mile radius of the CTC unless otherwise approved by CTC staff. **Free time is a privilege.** Participants returning late from free time will be subject to disciplinary action. Any Alternative Sentencing staff member may recommend denying or placing restrictions on free time based on the participant's behavior, however a participant may request a supervisor to review the decision. When a schedule change occurs, no participant shall have two scheduled free times within a calendar week. When a participant's day off falls on another day, other than Sunday, their free time may be adjusted accordingly and will be scheduled during the hours of noon to 3:00 PM. Participants may request an adjustment to this free time through a request form.

#### **Unscheduled Release**

Absent a court order, participants housed at the CTC should serve the days required of them per their Judgment of Conviction (JOC), sanction order, or other valid order. In the event it is determined the participant was released from their program prior to the valid release date, security staff or re-entry specialists should forward the information up the appropriate chain of command. Notification should include the CTC Supervisor, CTC Sergeant, CTC Manger, and the CTC Lieutenant.

#### **Prison Rape Elimination Act**

The Court Services Bureau handles all aspects of sentencing not related to the Ada County Jail. However, in order to protect participants serving sentences outside of the Ada County Jail, the Ada County Sheriff's Office Community Transition Center (CTC) and CTC Portable classroom shall follow Prison Rape Elimination Act (PREA) guidelines which are applicable to the programs and

services being provided. To accomplish that goal, CSB personnel will be trained in PREA policy and guidelines, as well as what to do when a PREA incident is reported. Given the nature of the programs and services provided to inmates under the Court Services Bureau Alternative Sentencing program, some PREA guidelines will not be applicable, specifically:

- Contract with other entities to confine participants
- Strip and cavity searches
- Youth in the CTC – Youth under the age of 18 are not permitted at the CTC
- Medical or mental health services

The CSB Captain or Director shall determine if any other part of the PREA guidelines should be applicable to existing or future Alternative Sentencing programs, with the advice and consult of the Sheriff's Legal Advisor. In the event that the Sheriff or Captain does not find that PREA is applicable to a given situation, then a criminal report (or an internal affairs investigation) should be initiated in order to document the incident and ensure it is properly investigated. PREA education shall be handled during orientation for any new participant entering an Alternative Sentencing program, and at a minimum shall be explained and provided to the participant via the CTC handbook.

### **Use of Screening Information**

Security staff will make individualized determinations about how to ensure the safety of each participant. Decisions for housing will be made using all available and relevant information.

Decisions may include, but are not limited to, the following:

- Information derived from the participant;
- Current and former charges/convictions;
- Information from other participants/ other inmates;
- Medical input; and
- Agency guidelines for housing.

Alternative Sentencing case managers and/or reentry specialists will evaluate what options the participant is court ordered to. If a different option than the CTC is available and fits the participant's and ACSO's needs, the individual will be placed in one of those less restrictive programs (Sheriff's Labor Detail, Community Service, or House Arrest).

In deciding whether to assign a transgender or intersex individual to a housing unit within the CTC for male or female participants, and in making other housing and programming assignments; the facility shall make considerations on a case-by-case basis whether a placement would ensure the individual's health and safety, and whether the placement would present management or security problems.

Placement and programming assignments for each transgender or intersex participant shall be reassessed at least every 10 days to review any threats to safety experienced by the participant. A transgender or intersex participant's own views with respect to his or her own safety shall be given serious consideration. Transgender and intersex participants should be given the opportunity to shower separately from other participants.

### **302.12 AFFIDAVIT FOR NON-COMPLIANCE OR FAILURE TO RETURN**

In the event an individual is found to be non-compliant with the rules of an Alternative Sentencing program or their court order, an affidavit of non-compliance or status update may be filed with either their probation officer or the court. The filing of an affidavit or status update should be done in a timely manner and in accordance with agency policy and training. In some circumstances the participant may be arrested or returned to jail depending on their sentence or the legality of their actions. Upon receiving information that a participant has failed to return or walked away from the facility or program, staff will make attempts to locate the participant and notify the Alternative Sentencing and CTC supervisor(s).

### **302.13 JOB CHECKS**

Authorized ACSO staff or law enforcement may visit the participant at the work site or conduct a phone verification. If an employer does not permit regular inspection of the work place and visitation, the participant may be deemed ineligible for the program or placed on electronic monitoring. Staff shall be as discreet as possible to avoid unnecessary disruption.

### **302.14 RECORD KEEPING AND RELEASE**

Alternative Sentencing files will be kept in accordance with the ACSO Records Retention policy. Alternative Sentencing staff may provide completion letters as outlined in the ACSO Information Release Form. Any other release of documents for cases deemed to be closed shall only be made through a Public Information Request.

**302.15 ALTERNATIVE SENTENCING FEES**

One of the primary goals of the Alternative Sentencing Division is to assist in the effort of not keeping people in jail due to their financial status. The set fees and the use of a sliding scale based off the Federal Poverty Guidelines are used to help meet this goal. Participants must provide copies of current pay stubs, tax information and/or social security paperwork to qualify for a sliding scale fee.

Community Transition Program	Daily Fee - \$25 or sliding scale (Work Search fees are applied after first full paycheck)
Scheduled Sentence Program	Daily Fee - \$25 or sliding scale
House Arrest	Daily Fee - \$25 or sliding scale (Must be paid prior to starting program)
Sheriff's Community Service	Monthly Fee - \$25 Workman's Comp \$.60/hour (Must be paid prior to starting program)
Out of County	One-time Fee - \$25
Sheriff's Labor Detail	Monthly Fee - \$25 Reschedule Fee - \$10 No Show Fee - \$25 (Must be paid prior to starting program)

Refunds are issued if community service hours or SLD days are completed earlier than scheduled and all proper forms are accurately completed. Fees may be waived with appropriate documentation upon approval by program staff or supervisors.

**Collections**

Participants are required to pay Alternative Sentencing fees in advance. If participants fail to have their fees paid, they may be subject to disciplinary sanctions. Partial payments and payment plans will be taken into consideration to bring program balances current. If a participant is removed from the program and is behind on fees, the collection process will begin once they are released from jail. If they apply to return to the program, all fees must be current before being accepted.

**302.16 MEDICAL CARE, DENTAL CARE, AND MEDICATION**

Participants in the Community Transition and Scheduled Sentencing programs shall use their private physician or dentist for medical or dental care and make their own financial arrangements. Participants will not use the health care services and resources of the Ada County Jail. In the event of a life-threatening emergency, CTC staff will take immediate action by calling 911 to request medical assistance. CTC supervisors or managers should be notified as soon as possible.

The ACSO shall not be billed for any medical expenses for Alternative Sentencing participants. The participant will be responsible for contacting their Reentry Specialist immediately upon release to reschedule time. No rescheduling fees shall be imposed.

Absent a life threatening or disabling injury, the participant shall make arrangements to seek medical help in the community when they receive an injury or become ill enough to need medical assistance. The participant is responsible to make arrangements for transportation to the medical facility. The participant will be required to obtain a Community Transition Center Participant Release form. This form must be completed by a physician and returned to the Community Transition Center staff upon discharge from the medical provider. The participant release form must be accompanied by documentation to verify that he or she did receive medical treatment.

CTC participants may possess medications as long as all prescriptions are properly labeled and in their original container. CTC staff may confirm the number of pills remaining in the original container compared to the dosing instructions and date filled. Medications are stored in a medicine locker next to the CTC deputy station under staff supervision. Authorized over-the-counter medications shall be in original packaging and stored in the participant's dorm locker. Any participant who misuses medication, whether prescription or over-the-counter, is subject to sanctions, program removal or possible criminal charges.

**302.17 ELECTRONIC MONITORING**

The use of electronic monitoring technology or GPS may be used to monitor the movement of certain program participants. Participants that meet the GPS requirements will have to pay associated monitoring fees directly to the vendor. Additional circumstances may dictate the GPS requirement, but generally if the participant has one or more of the following conditions, they may be required to wear a GPS device:

- Actively participating in the House Arrest Program,
- Job searching due to being unemployed or under employed,
- Multiple job sites throughout the day or week,
- Constant schedule or location changes,
- Reoccurring approved non-work activities in the community, i.e., AA/NA meetings, doctor visits, treatment etc.,
- Registered Sex Offender,
- Active valid No Contact Order or Protection Order,
- Self-employed,
- Unsupervised at work, or
- Working for family.

### **302.18 REMOVAL FOR DISCIPLINARY REASONS**

Any staff member may recommend removal from the Alternative Sentencing program for a rule violation.

### **302.19 ALTERNATIVE SENTENCING PROGRAM OPTIONS**

#### **302.19.1 COMMUNITY TRANSITION PROGRAM**

Participants enrolled in the Community Transition Program will receive educational classes and reentry services that may include but are not limited to: Work Search, Work Release, Interactive Journaling, Active Behavioral Change (ABC), Substance Abuse Program (SAP), Workforce Readiness (WFR), and individualized reentry plans.

#### **Eligibility**

In addition to the general eligibility criteria to participate in any Alternative Sentencing program outlined above, the following criteria shall be used to determine Community Transition Program eligibility:

- Participants must be court ordered to the Community Transition Program or "All Options".

#### **Work Release Eligibility**

In addition to the general eligibility criteria to participate in any Alternative Sentencing program outlined above, the following criteria may be used to determine work release eligibility unless otherwise ordered by the court:

- The job site must be located within a 50-mile radius of the CTC,
- The job site may not be at the participant's or family member's residence,
- Participants may work no more than 16 hours a day,
- The ACSO must be able to verify employment through employer,
- Business must be registered, or participant must be receiving reported income,
- Participants must follow all work site guidelines outlined in the Community Transition Program contract and the CTC Participant Handbook.

#### **Loss of Employment**

Any participant who loses employment is obligated to report their loss of employment to CTC staff immediately. Loss of employment will result in a review to determine whether a participant may remain in a program or be placed in another alternative, including jail if applicable. Participants who fail to report the loss of employment or leave the Community Transition Center under the pretext of having employment when they do not, may be removed from the program.

#### **Check In and Orientation**

CTC staff is to complete a check-in and orientation with all new participants.

#### **Release for Treatment/Classes**

A CTC program participant will be able to attend treatment or classes. Participants who attend rehabilitation programs away from the CTC will be required to obtain a special purpose pass or community programs attendance sheet to do so. The participant shall return to the CTC once the reason for the approved leave is complete.

#### **Students at Community Transition Center**

If an individual is court ordered to stay at the Community Transition Center (CTC) as a student, they are required to follow all rules within the Community Transition Center Participant Handbook. Students will need to provide school schedules with times, dates,

and locations. They will not be able to leave the school during the day without prior permission. GPS may be required depending on the school location and schedule. Students will be required to pay \$25 a day for the program but may apply for a fee reduction based on federal poverty guidelines. Students can work at the same time as they are attending school as long as the hours add up to be less than 16 hours a day.

### **302.19.2 SCHEDULED SENTENCE PROGRAM (SSP)**

The ACSO operates a Scheduled Sentence Program (SSP) as part of its Alternative Sentencing options. Participants who are eligible to participate in SSP will schedule their time to serve in the Community Transition Center (CTC) on an intermittent basis. Participants in the SSP will be housed in the CTC pursuant to scheduling and will be obligated to comply with all rules in the CTC Participant Handbook.

#### **Eligibility & Program Structure**

In addition to the general eligibility criteria to participate in any Alternative Sentencing Program, the following criteria will be used to determine Scheduled Sentence Program eligibility:

- Participants must be court ordered to "All Options" or Scheduled Sentence.
- Must serve 1-7 consecutive days at a time in the CTC.

Participants must report every week to begin serving their time at either 7:45 AM or 8:45 AM. A participant's check in time will be determined and agreed upon at sign up.

#### **Reschedules**

An SSP participant may be allowed to reschedule his/her SSP day with appropriate employment, court, or medical documentation. Any rescheduling prior to a participant's first day of SSP must be done in person at the Alternative Sentencing office no later than 4:00 PM on the day prior to the scheduled day. Rescheduling done while participating in SSP will need be done through the participant's reentry specialist at the CTC.

#### **Free Time During SSP**

Scheduled sentence participants are generally not eligible for free time. Alternative Sentencing staff may allow free time based on the length of the participant's sentence and scheduled days or another articulated reason upon supervisor approval.

### **302.19.3 SHERIFF'S LABOR DETAIL (SLD)**

The ACSO partners with other governmental agencies and non-profits to allow SLD work crews to participate in work projects in and around Ada County. An Ada County employee or properly trained and approved SLD supervisors from partnering agencies will provide supervision for every SLD work crew. When feasible, SLD work sites are to be requested a minimum of 14 days in advance through a SLD Project Request Form pending approval from ACSO staff. This will assist with the calendar and daily schedule of the SLD Officers. Work sites are to consist of locations that are commonly used by members of the community or are controlled by partnering governmental entities (parks, roads, greenbelt, schools, etc.). Private businesses/organizations will not be allowed to utilize SLD work crews.

#### **Eligibility**

In addition to the general eligibility criteria to participate in any Alternative Sentencing program outlined above, the following criteria shall be used to determine SLD eligibility:

- Participants must be court ordered to "All Options" or Sheriff's Labor Detail.
- Able to perform physical labor with no major physical, medical or mental restrictions.

Participants who have medical restrictions must supply a doctor's note for eligibility consideration.

#### **SLD Program Time Conversion**

Individuals sentenced to jail with SLD as an option will convert each day of jail to one, eight-hour shift on SLD.

#### **SLD Work Times**

SLD program role call is typically at 7:30 AM. Work crews are scheduled to return to the ACSO no later than 4 PM (except during special events approved by the Alternative Sentencing Supervisor or CTC Sergeant).

#### **Fees**

All fees are to be paid in full prior to beginning the SLD program.

#### **Rescheduling**

A SLD program participant may be allowed to reschedule his/her SLD day as long as their request is approved by the Alternative Sentencing staff or supervisors. If charged a reschedule fee, payment must be received before the participant's next scheduled SLD day. All reschedule days must be done in person at the Alternative Sentencing office before 7:30 AM on the scheduled day. A reschedule fee of \$10 shall be charged for each reschedule event. Partial payments or waiving of fees are at the discretion of the Alternative Sentencing supervisor. If removed from the program, all fees may be forfeited.

### **No Shows**

A SLD program participant may be charged a no-show fee of \$25 if he/she fails to report by 7:30 AM for a scheduled day of SLD without a reason that can be verified within a reasonably immediate period of time. No-shows may result in removal from the program.

### **SLD Crew Walk-On**

A SLD program participant will be permitted to complete a walk-on day assuming the following conditions have been met:

- The SLD participant's fees for the month have been paid;
- The SLD participant is in good standing with the SLD program;
- The SLD participant reports to the Alternative Sentencing office to receive permission to complete a walk-on day no later than 10 minutes prior to the scheduled check-in time; and
- There is an available position on a SLD crew.

Once all conditions have been met, the SLD participant will be authorized to complete the walk-on day. Alternative Sentencing staff will remove the last day from the SLD participant's calendar resulting in the earlier conclusion of the SLD participant's sentenced time.

### **Maximum Crew Size**

Generally, a SLD officer shall supervise no more than 30 participants on a crew.

### **Disciplinary Actions**

SLD officers and/or supervisors are ultimately responsible for documenting and making notifications of disciplinary action while supervising the SLD crew. If a SLD participant is removed from the program due to disciplinary issues, the participant will be given one day credit for every 8 hours they have completed. If they get removed earlier in the day and have completed less than 8 hours, they will not be credited for that day.

### **Disallowed Items**

SLD participants are not to bring any disallowed items while on a SLD crew. These items include but are not limited to:

- Any electronic devices with cellular and/or internet capabilities.
- E-cigarette.
- Audio listening devices.
- Weapons (Staff discretion – i.e., commonly identified weapon types, multi-tools, etc.).
- Drug and/or alcohol.

### **Vehicle Operations**

The ACSO will maintain transport vehicles, normally buses and vans, which are clearly identified as ACSO vehicles connected with the SLD Program. The buses shall be properly maintained, not only to render them roadworthy but also to present a favorable public image. Only approved employees who possess a valid Commercial Driver's License A or B with airbrake endorsement will drive a SLD transport vehicle designed to carry fifteen (15) or more passengers. SLD officers will promptly and properly report any damage incurred to the vehicle or any needed repairs or maintenance due.

### **Inclement Weather/Air Quality**

The CTC Sergeant, the Alternative Sentencing Supervisor, or their designee has the authority to postpone all outdoor SLD work projects in the event of extreme inclement weather or other hazardous conditions. In the event SLD is cancelled for the day, all participants will reschedule the missed day at no charge. SLD officers are responsible for checking air quality data before departing for the work site. In the event the air quality is orange (as determined by the DEQ), more frequent breaks are to be given and the intensity of the work to be completed shall be scaled down. In the event the air quality is red, all outside work will be cancelled for the day and inside projects will commence.

### **Medical Care**

In the event a SLD worker experiences an injury that requires medical attention, the SLD crew supervisor in charge should coordinate transport to the nearest medical facility identified by the county to treat workman's compensation cases. In the event the injury is determined to be severe and/or life threatening, the SLD officer is to request emergency medical attention from dispatch.

### **Worker's Compensation Claims**

In the event a SLD worker is injured while on an approved project, a worker's compensation form is to be completed by an Alternative Sentencing Case Manager, SLD officer, or partnering agency SLD Supervisor and sent to the Ada County Risk Management unit in compliance with reporting policies. Alternative Sentencing staff should be notified as soon as practical.

### **302.19.4 HOUSE ARREST PROGRAM**

The ACSO offers a House Arrest program as one of the Alternative Sentencing options. The House Arrest program is generally offered to participants with medical and/or mental health conditions that are better suited to serve their sentence in their home rather than the Community Transition Center or another Alternative Sentencing option. Participants must serve the entire sentence in consecutive days. Participants in the House Arrest program are required to remain at their designated location, unless prior authorization is granted by Alternative Sentencing staff.

### **Eligibility**

In addition to the general eligibility criteria to participate in any Alternative Sentencing program outlined above, the following criteria shall be used to determine House Arrest program eligibility:

- Participants must be court ordered to "All Options" or House Arrest.
- A Co-Habitant Waiver form must be signed by any adult living with the participant if not living alone.
- Participants will be subject to and must agree to home checks.
- Participants will be required to do a daily phone call check in and a weekly CTC check where they will be required to report to the CTC for a Urine Analysis test and a Breathalyzer test.
- Participants must provide documentation and obtain prearranged approval for any pre-approved medical, probation or court appointments to leave the residence.
- Participants may be allowed to work while in the House Arrest program. All employment must meet the work release requirements. Participants who are approved for work release must adhere to the criteria listed in this section.
- Registered Sex Offenders are not eligible for this program.

Medical documentation may be required for acceptance into program.

### **Payments**

All fees are due by the day prior to the participant's first day. Online payments made after this deadline will be considered late and the participant will be required to meet with his/her Alternative Sentencing Case Manager to reschedule his/her days. Follow up payments may be made on time.

### **Electronic Monitoring**

The use of electronic monitoring technology/GPS will be required for the entirety of this program. The cost of the monitoring unit shall be paid by the participant.

### **Boundaries**

Participants may not leave their property without prior approval from Alternative Sentencing.

### **Release for Medical or Other Court Related Appointments**

A House Arrest program participant may leave their residence to attend prearranged and approved medical, probation, or other court appointments. These appointments need to be approved in advance by Alternative Sentencing staff or supervisor. Documentation will be required. In an emergency, the Community Transition Center would need to be alerted immediately of any transport or change in location. Ada County will not be billed for any medical care or expenses during the House Arrest program.

### **Out of County**

Participants who do not live in Ada County will need to provide a court order allowing them to serve in the designated county. The designated county also must be willing to accept the participant into one of their programs.

### **302.19.5 SHERIFF'S COMMUNITY SERVICE (SCS) PROGRAM**

The ACSO currently operates a Sheriff's Community Service (SCS) program as one of its Alternative Sentencing options. For participants with more than thirty-two hours to complete, monthly meetings with his/her Case Manager may be required to track progress. The ACSO will partner with community non-profit organizations with a 501 or 503 standing or

State/County/City/Government agencies to allow SCS participants to complete their SCS hours at a variety of locations. Alternative Sentencing Case Managers should work with SCS participants to locate the SCS partner site that is best able to accommodate the needs of the participant.

### **Eligibility**

In addition to the general eligibility criteria to participate in any Alternative Sentencing program outlined above, the following criteria shall be used to determine SCS program eligibility:

- Participants must be court ordered to "All Options" or Community Service.
- Participants must serve at one of the approved Sheriff's Community Service Providers unless authorized to serve out of county on the JOC.
- Due to Sheriff's Community Service providers setting their own restrictions, participants must qualify for the selected provider.
- Participants must be able to perform physical labor with no major physical, medical, or mental restrictions.
- Participants are required to work 20 hours per month minimum until completion, unless otherwise indicated by the sentencing judge.

### **Fees**

Fees are to be paid in full within seven days of the initial meeting with the Case Manager. Once fees are paid in full, the participant will be given a time sheet to begin to log SCS hours.

The following fee structure shall be charged for the SCS program:

- Worker's Compensation fee of \$.60 per hour of SCS pursuant with I.C. § 31-3201C.
- The Participant will pay for each month up front. If they complete their community service hours early, they can receive a refund of \$25 for every month early they complete.

### **Time Conversion**

Individuals sentenced to jail with SCS as an option will convert each day of jail to eight hours of SCS. If an individual is removed from the SCS program, the same conversion will be used to determine the number of days left to serve. The individual will only be given credit of one jail day, if after the conversion from hours to days; the entire day has been completed.

### **Transportation and Meals**

Each SCS program participant will be required to provide his/her own transportation to the work site and is responsible for his/her own meals.

### **Time Sheets**

The Alternative Sentencing Case Manager will provide the participant with a time sheet to keep track of his/her completed community service hours. Each participant is responsible for his/her own time sheets. The participant will return the time sheets to the Case Manager when his/her community service hours have been completed. The hours on the time sheet are to be filled out by the approved site supervisor and not the participant. Any hours recorded on a time sheet other than the one provided by the Alternative Sentencing Case Manager will not be counted.

### **Worker's Compensation**

In the event a SCS worker is injured while on project, a worker's compensation form is to be completed by an Alternative Sentencing Case Manager or site supervisor and sent to the Ada County Risk Management unit in compliance with reporting policies.

### **Out of County Community Service**

If the judge allows a participant to serve their time in a different county, Sheriff's Community Service may be an option. Participants will be required to provide payment ahead of time and submit a letter on letterhead from a non-profit agency showing proof that they have been accepted to complete their hours at the location. After this has been received, the Case Manager will email the approved timesheet to use. When hours have been completed, the timesheet must be submitted for proof of completion.

## **302.19.6 OUT OF COUNTY CASES**

### **Ada County Orders Serving in a Different County**

A participant may serve their time in another county if the judgment has authorized it. The other county has the right to accept the participant or not. The receiving county must have a program and available space to take the participant. Program options may be limited depending on the county.



**Out of County Orders Serving in Ada County**

Ada County has the discretion to accept out of county court orders. The judgment of conviction from a different county must specifically state the sentence may be served in Ada County.

**SECTION 303 – PROGRAMS POLICY**

**303.1 PROGRAMS**

The Ada County Sheriff's Office offers educational programs that consist of classes, case management, and case planning for inmates and participants at the Community Transition Center (CTC) 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 and CTC participants can participate in programs on a voluntary basis or as part of a court order.

**303.2 PROGRAMS STAFF RESPONSIBILITIES**

All staff are expected to perform their duties to the best of their ability. Staff members will remain current on best practices in the field of corrections as well as programming and reentry. Staff are expected to treat all inmates and participants with respect and model appropriate pro-social behaviors at all times. Staff members will enforce the rules and expectations of program participants fairly and consistently.

**303.3 CLASSES**

**In-Custody Classes**

The following classes are offered in the Ada County Jail:

- Active Behavior Change (ABC)
- Substance Abuse Program (SAP)
- Creative Expressions

**Community Transition Center Classes**

The following classes are offered at the Community Transition Center:

- Active Behavioral Change (ABC)
- Substance Abuse Program (SAP)
- Workforce Readiness (WFR)

**303.4 APPLICATION PROCESS**

Inmates or CTC participants who wish to participate in a program must complete a program application. Completed applications that meet the eligibility standards regardless of placement into the class will be entered into the Programs case management database.

**303.5 PAYMENT/FUNDING PROCESS**

One of the primary goals of the Programs Division is to assist in the effort of educating people regardless of their financial status. The set fees and the use of the Interlock Device Fund (IDF) and/or scholarships help meet this goal. Programs fees are as follows:

Ada County Jail:

Active Behavioral Change (ABC)	\$200 (IDF and scholarship opportunities available, if eligible)
Substance Abuse Program (SAP)	\$200 (IDF and scholarship opportunities available, if eligible)
Creative Expressions	Free

Community Transition Center:

Active Behavioral Change (ABC)	\$150 (Scholarship opportunities available, if eligible)
Substance Abuse Program (SAP)	\$150 (Scholarship opportunities available, if eligible)
Workforce Readiness	Free

Receipt of payment or verification of funding must be received prior to the inmate or CTC participant being screened for participation in a program. Payment/funding options include private payment by cashier's check or money order, online credit card payment, or commissary balance transfer. When available, fees can also be paid via the Interlock Device Fund when accompanied by a court order or via a Programs Scholarship.

**Scholarship Criteria for Programs**

Inmates and CTC participants will be screened for class scholarships when appropriate.

**303.6 ELIGIBILITY FOR PROGRAMS****Jail Class Eligibility**

Screening of potential participants will take place on a weekly basis. Programs staff will send a list to classifications requesting approval for all inmates who have completed the application process. Classifications will screen all inmates and respond accordingly based on a review of their file and behavioral history.

In order to be considered for participation in a program, inmates will be screened and must meet the following criteria unless otherwise ordered by the courts:

- Must be classified at a level 4 – 9;
  - Level 3 inmates may be staffed for programs and approved or denied at the discretion of the Programs Supervisor;
- Must be free of Level II or III discipline for a minimum of 30 days;
- Must be housed in a dorm or able to live in the general dorms setting;
  - Inmates housed in HSU will be considered on a case-by-case basis and will be approved at the discretion of the Programs Supervisor;
- Must have adequate time remaining in custody to complete the entire class;
- Must have funding prior to beginning the class; and
- Must not have any IDOC holds with the exception of court ordered participants.

**CTC Class Eligibility**

Screening of potential participants will take place as court orders are received. Individuals will be required to complete the application process as well as funding information and will also be subject to the CTC eligibility criteria found in section 4B.01.01a.

**303.7 PROGRAM EXPECTATIONS**

In order for any ACSO program to be successful, expectations for staff and participants must be clear and concise. Enforcement of these expectations must be consistent and immediate.

**Participant Expectations**

Participants in a program are expected to abide by all rules outlined in the inmate or CTC handbook. Participants are also expected to:

- Actively participate in all classes and process groups, both in and out of the dorm;
- Maintain respect for staff and other participants;
- Complete all required testing;
- Complete all assigned work in the time frame provided and submit for instructor approval;
- Maintain confidentiality; and
- Abide by all specific class rules outlined by programs staff.

**303.8 REFUNDS FOR PROGRAMS**

A refund can be requested by a participant or the individual out of custody who paid for any class. A participant is eligible for a refund for a class if they have not started the class or received/written in any of the materials for class. If a participant is removed from a program for any discipline related issue or if the participant requests removal after the first day of class, any class fee will not be refunded. Refunds can only be placed on an individual's commissary account if it was paid directly from their commissary account. All refunds require the approval of the Programs Supervisor.

**303.9 REMOVAL FROM A PROGRAM**

Rule violators may be staffed for removal from a program. If a participant is removed from a program, all action against them is subject to the grievance process and jail discipline procedures. If a participant is removed from the CTC for any violation, they may reapply and be staffed for eligibility.

**303.10 PROGRAMS FILES PROCESS**

Programs files will be kept in accordance with the ACSO Records Retention policy.

## **SECTION 304 – ADA COUNTY MISDEMEANOR PROBATION POLICY**

### **304.1 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.

### **304.2 PROBATION OFFICER**

A Probation Officer (herein PO) is assigned to a specific magistrate judge, meaning PO caseloads are primarily determined by court schedules. There is no ideal caseload size; however, the American Probation and Parole Association suggest that the number of individuals an officer supervises should decrease if the officer is supervising high-risk/high-need offenders. Exceptions to caseload assignment by a judge may arise under some circumstances. The ACMP Manager may choose to assign a probationer to a different officer's caseload to avoid a conflict of interest, balance caseloads among officers or accommodate an appropriate request for an officer of a specific gender, with a specific skill set (e.g., experience with mental health issues) or to address a perceived conflict.

A PO will attend court hearings when a subpoena has been issued for their appearance. They are also expected to attend court when their client has a probation violation hearing, review hearings (when necessary), or any dates for specialty court. A PO may, as part of a case plan, make referrals to state- or court-approved providers where appropriate and available. ACMP will maintain a list of available community programs and resources, identifying the providers, their goals, and eligibility criteria.

It is the expectation ACMP staff will not transport probationers. If transport is necessary, ACMP staff will request support from ACSO deputies.

#### **PO Training**

ACMP probation officers will participate in in-service training and/or accreditation as required. An ACMP PO shall attend and complete the POST accreditation academy within 12 months of employment. ACMP is committed to on-going skill-based training to ensure officers and assistants perform in a high-quality manner and adopt and adhere to new evidence-based techniques. The ACSO will educate personnel at all levels – line staff, supervisors, managers, and others – and promote cross-training opportunities with stakeholders to improve understanding of resources and capabilities that support ACMP objectives. Training for ACMP staff may include formal course work and testing, online courses and webinars, peer support and/or mentoring. All misdemeanor probation officers shall meet minimum basic training and certification standards established by the Idaho Peace Officer Standards and Training Council (POST; IDAPA 11.11.06).

### **304.3 CASE MANAGEMENT AND SUPERVISION**

A PO, with input from the probationer, will develop a case management plan with tailored supervision and/or treatment strategies for each individual. The case management plan will align the court-ordered conditions with screening and assessment results, and outline expectations of the probationer during his/her probationary period. Case plans will be developed at the first or earliest possible meeting and reviewed at each subsequent office visit. Case management plans will be updated at these visits based upon reports from treatment providers, UA test results, monitoring conditions, issues brought forth by the probationer, or any relative changes in the probationer's status.

A PO will supervise probationers in various settings, which may include visits at the ACMP office. Telephone contact will be actual voice contact with the probationer. Frequency of visits and contacts will be based on probationer compliance, risk to community, and applicable court-ordered requirements. A PO shall contact probationers not less than once every 30 days to discuss progress and/or compliance with the case management plan and any other matters pertinent to the completion of the probation conditions. Contacts must include a face-to-face scheduled meeting with probationer not less than once every 60 days.

Screening and assessing probationers is a critical step in effectively allocating service resources and developing supervision and treatment strategies tailored to an individual's risk and needs. Our goal is to collect robust screening and assessment information and summarize it in a precise, clear format to improve ACMP practices.

Probationers sentenced to supervised probation in Ada County are instructed to contact ACMP within one business day of sentencing. Upon contacting ACMP by phone or visit to the office, clients are asked to complete an Initial Check-In Form. During the initial contact, ACMP staff will get the case number and the probationer's contact information. The probationer will be scheduled for a probation orientation class, generally within one week of sentencing. ACMP staff will conduct a risk assessment (preferably at the probationer's initial interview) to determine any potential indicators of a likelihood to re-offend and need areas. The supervision plan will be based on the results of the risk assessment.

Probationers will be required to fill out the initial meeting packet when they first report to the ACMP office. The intent of this packet is to gather relevant information from probationers to assist officers in developing an individualized case plan, and to provide additional means of contacting the client, if necessary. This information is maintained in the client's paper file and entered into the ACMP case management system.

Information requested on the form includes but is not limited to:

- Demographics such as age, race, gender and physical description.
- Contact information for the probationer, their family, significant others and emergency contacts.
- Criminal history.
- Victim information.
- Special needs.
- Physical health information (including substance abuse or mental health issues).
- Income and employment information.
- Factors associated with a risk to re-offend.

#### **304.4 SPECIAL SUPERVISION CONDITIONS**

##### **Interstate Compact**

ACMP will abide by all compacts entered into by the Governor of the State of Idaho regarding Interstate Compact Statutes. If a probationer is eligible to transfer, the PO will use the Interstate Compact Offender Tracking System (ICOTS) to request supervision in the receiving state. If a State declines to provide supervision, the probation manager, or Sheriff, will determine if supervision by phone and mail contact will be allowed. The decision to allow alternative supervision will be based on public safety considerations and the rehabilitative potential of the probationer.

##### **Courtesy Supervision**

The probation manager or Sheriff may provide courtesy supervision within Ada County on behalf of a sending county, or request supervision from another county, to allow probationers to transfer within the State of Idaho. These requests will be submitted using the Idaho Adult Misdemeanor Probation Courtesy Supervision Information sheet, and will be approved or denied by the ACMP manager. Probationers who transfer to Ada County are subject to ACMP's (not their sending county's) cost of supervision fees unless a reduction in the cost of supervision fees is part of the probationer's court order.

#### **304.5 FEES**

Individuals ordered to supervised probation are required to pay a monthly supervision fee (I.C. § 31-3201D). The amount for the cost of supervision (herein COS) will not exceed the maximum monthly felony probation or parole supervision fee set forth in I.C. § 20-225. Lesser sums may be charged with the proper approval. Any individual on ACMP supervised probation will begin accruing COS charges on the date that they are ordered to misdemeanor supervised probation. Fees will be assessed and monitored by the Ada County Court Clerk's Office.

##### **Testing**

Probationers are responsible for all costs associated with court-ordered breath or bodily fluid testing and monitoring unless otherwise adjusted by the Court.

##### **COS Fees While in Confinement**

To prevent a probationer from being charged both a COS fee and a housing fee for the time that the probationer is in confinement, the ACSO will request that the court waive the COS fee for any confinement lasting seven days or more. The amount that is waived by ACMP will be determined once the probationer has spent a minimum number of days in confinement, as established by the ACSO.

Confinement is defined as any time the PO does not have the ability to actively supervise the probationer. This includes, but is not limited to; time spent in jail, the work release program, and inpatient medical facilities.

### **COS Adjustments**

Any adjustment to a probationer's COS fee must have the courts approval (I.C. § 31-3201D).

### **COS Balance Prior to Coming off Supervised Probation**

A PO will make every effort to assist their probationer to bringing their COS balance current prior to being released from supervised probation. If the probationer is unable to pay off their COS balance by the time they are released from supervised probation, the PO should set the up a payment plan to bring the probationer's COS account current.

### **Outstanding COS Balance**

When a probationer is off of supervised probation and has an outstanding COS balance, a letter advising the individual that they have an unpaid COS balance will be sent to the individual last known address. This letter will also serve as notice to the individual that if payment arrangements are not made within 30 days of the date on the letter, the account may be turned over to a collection agency.

### **304.6 REPORTING SEXUAL OR CHILD ABUSE**

ACMP staff who observe or receive information about the physical or sexual abuse of a child or vulnerable adult will immediately notify the ACMP Manager. The ACMP manager will ensure that all laws and legal guidelines are followed when reporting any abuse.

### **304.7 DRUG TESTING SERVICES**

All misdemeanor probationers are subject to drug and alcohol testing. A probationer may be placed on regular random testing if recommended by treatment providers, if there is a suspicion of drug or alcohol use from a credible source, or if the probationer tests positive, has drug/alcohol-related charges or reports a recent history of drug/alcohol use, or testing has been court ordered.

### **304.8 ELECTRONIC MONITORING SYSTEMS**

Electronic monitoring and/or alcohol monitoring devices will be used at the discretion of the PO as ordered by the sentencing court. Equipment will monitor probationers 24 hours per day, 7 days per week. An independent contractor of ACSO will be responsible for monitoring said equipment during regular business hours.

### **304.9 CASE CLOSURE**

Not less than 60 days prior to the end of a probationer's term, the PO will provide a status update to the prosecuting agency, if the terms of probation have not been met. All probation cases will be closed as "successful discharge", "unsuccessful discharge", or "other discharge" as outlined below. The PO will ensure that all appropriate documentation is included in the probationer's case file, including incomplete conditions, all appropriate court documents, and a final note in the journal section. The ACMP Manager/lead will review a random selection of cases to ensure accuracy and consistency in officer reporting.

### **Successful Discharge**

If a probationer has met all terms and conditions of their probation, they will be discharged as "successful." The PO will ensure that all appropriate documentation is included in his/her case file, including completion dates on all conditions and a final note in the journal section. A status form documenting successful completion of probation terms will be provided to prosecuting agencies on cases where judgment has been withheld. Files closed as "successful" will be stored at the probation office for one year. After that time has elapsed, ACMP will follow the ACSO Retention Schedule.

### **Unsuccessful Discharge**

If a probationer has failed to meet all terms and conditions of their probation, they will be discharged as "unsuccessful." An unsuccessful discharge will be reported if the case was commuted, revoked, or otherwise terminated by the presiding Judge. The PO will ensure that documentation is included in the case file that describes how the terms and conditions of probation failed to be completed. Files closed as "unsuccessful" will be stored at the probation office for one year. After that time has elapsed, ACMP will follow the ACSO Retention Schedule.

### **Other Discharge**

In the instance where the case has expired, but the probationer has an active warrant due to a violation, the case will be closed as "other/warrant pending". The case will be left on this status until the case has been adjudicated. If the case resolved as a revocation, the closure will be updated to "unsuccessful." If the Judge reinstates probation at the time of the violation hearing, the probation technician will re-open the case. Probation technicians will maintain a list of all files closed as "other/warrant pending" and periodic case auditing will be conducted. In situations where a probationer is deported or dies before probation expires, those cases shall

be closed as "other/deported" or "other/deceased." All files closed as "other" will be stored in the probation office indefinitely until the case has been resolved. Once closed, the file will be stored at the probation office for one year. After that time has elapsed, ACMP will follow the ACSO Retention Schedule.

#### **304.10 ALTERNATIVE SUPERVISION CASES**

ACMP recognizes that over supervising some clients can be a barrier to that client's success. Therefore, a PO may require a low-risk client only to meet once every 60 days. A low-risk client is determined through use of the LSI-R (Level of Service Inventory). An LSI score of 14 or lower will be used to define low risk. In addition, probationers that have successfully completed one year of supervision and have completed all terms of probation may be seen every 60 days per the PO and supervisor's discretion.

### **SECTION 305 – TRANSPORT TEAM POLICY**

#### **305.1 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 306 – TRAINING DIVISION POLICY**

#### **306.1 ACSO TRAINING DIVISION POLICY**

The Sheriff, via the ACSO Training Division, shall administer a training program that will provide for the professional growth and continued development of all personnel. The objectives of the 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 Training Division 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 professional staff are required to be trained in certain aspects of their job. The Training Division 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 POST mandates, funding, requirements of a given assignment, staffing levels, and legal mandates. While there are exceptions, the ACSO will strive to provide training using only approved industry standards and best practices.

The Training Division 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 POST Auditing and civil or criminal court.

The training schedule as developed by the Training Division is central to the success of all ACSO deputies. Therefore, any adjustments made to the training schedule must be cleared with the training cadre, prior to implementation. The lead instructor conducting training has the authority to augment the training schedule, but other ACSO personnel will not change training times or training plans without the consent of the training cadre, regardless of rank. Any disagreements shall be resolved by the Training Division Lieutenant.

#### **306.2 TRAINING EXPECTATIONS AND ATTENDANCE**

ACSO training is designed to provide employees with the best possible training that meets law enforcement industry standards and best practices. Training sessions, including block training, are designed to provide deputies the chance to increase knowledge, skills and abilities that are perishable if not otherwise practiced. Block Trainings should occur at regular occurring intervals for all teams. Deputies shall take personal accountability for their training attendance and its completion in order to stay in compliance with Idaho POST and ACSO training standards. If a deputy fails to attend training as laid out above or fails to maintain required certifications and qualifications, that deputy will be subject to the disciplinary process. **All scheduled training is mandatory without an excused absence.** Employees only attending partial days of training will be subject to discipline, unless they have been properly excused from work. All excused absences must be cleared through the employee's supervisor, regardless of rank. Deputies shall be

excused from training for the following reasons: pre-approved vacation leave, sick leave, court appearance, or any other emergency circumstance.

Mandated ACSO training for commissioned personnel is as follows:

- Block Training (Firearms, ARCON, EVOC, etc.)
- Physical Fitness Testing
- Medical Exams
- EAP Counseling
- Police 1 Learning Assignments

### **306.3 MAKE-UP TRAINING**

There will be no make-up session held for unexcused absences. Any foreseen absence for an upcoming Block Training shall be worked out between the employee and their supervisor prior to missing the training, and arrangement shall be made with the Training Division Lieutenant or Training Division Sergeant to allow the employee to attend another offered Block Training session to avoid missing training.

### **306.4 POST-MANDATED TRAINING**

Effective January 1, 2023, the Idaho Peace Officer Standards and Training Agency (POST) has mandated twenty-four (24) hours of training every 2 years for all commissioned patrol personnel. The training is related to perishable training skills in the following areas:

- Firearms (8 hours and a passing qualification)
- ARCON (8 hours)
- EVOC (4 hours)
- Legal Update (4 hours)

POST also requires a total of forty (40) hours of continued training in law enforcement related subjects within a 2-year cycle. The twenty-four hours of mandated training is included within this forty-hour training requirement.

### **306.5 TRAINING DOCUMENTATION**

The record keeping of training is almost as important as the training itself. In order to prove that an employee was properly trained, deputies shall comply with all requests from the Training Division to complete and return training forms and documentation as required. In addition to what is required to be filed with the Training Division, specialty units/assignments of the ACSO also may retain duplicate copies of any training plans, materials, or documentation of employees attending training. Training Records for any deputy shall be released when such information has been properly subpoenaed in lawful process.

### **306.6 ACSO ACADEMY**

The ACSO Training Division hosts a POST-approved satellite academy for dual detention and patrol deputy certifications. The ACSO follows the rules, regulations, and procedures as set forth by POST and requires all recruits to follow the guidelines set forth in the academy setting. Once the ACSO Academy is completed, employees shall also complete the required Field Training Officer (FTO) or Jail Training Officer (JTO) program.

### **306.7 ACSO GYM FACILITIES**

The ACSO wishes to encourage and aid every ACSO employee to maintain a level of fitness that will allow for good physical health. For this reason, the ACSO has created two fitness facilities open to all current employees. Additionally, the ACSO has opened both fitness facilities to approved family members pursuant to the restrictions found in the applicable ACSO Gym Releases and ACSO Gym Rules. The administration and operation of the ACSO fitness facilities shall be the responsibility of the Court Services Bureau Captain/Director and his or her designee.

#### **Facilities**

There are two fitness facilities maintained by the ACSO. The first is the facility located at the Barrister Campus and is within the Quartermaster's Building. This location shall be referred to as the Barrister Gym. The second facility is located inside the Ada County Sheriff's Office Training Center. This location shall be referred to as the Training Center Gym.

#### **Releases and Rules**

Prior to entering and utilizing either of the ACSO facilities for the purpose of working out in the gym, the employee (and their approved family member) shall sign the ACSO Gym Release and agree to adhere to the ACSO Gym Rules. A gym rule violation shall be treated with the same effect as violating any other ACSO policy or procedure. Family members seeking to use the gyms shall be approved by the CSB Captain or his designee prior to use. Family members must be accompanied at all times by the ACSO employee whom they are in the facility with and shall not be provided any code or other method of entry to any ACSO facility.

## **SECTION 307 – COURTHOUSE SECURITY POLICY**

### **307.1 COURTHOUSE SECURITY POLICY**

Ada County Sheriff Court Security is granted the authority to perform its function based on a Memorandum of Understanding between the Ada County Sheriff's Office (ACSO), the Fourth Judicial District Administrative District Judge (ADJ), the Fourth Judicial District Trial Court Administrator (TCA), and the Ada County Board of Commissioners (BOCC). The role of the Court Security Team (CST) is to provide court security at all Ada County court facilities.

The CST is made up of peace officer certified deputies from the Ada County Sheriff's Office who perform peace officer duties required by Idaho Code § 31-2202. The CST may also contract security companies to assist with security services. If contract security companies are employed, they will be referenced in this policy as a member of the CST and shall be required to follow all policy and procedures herein unless specifically designated otherwise in writing or by an ACSO supervisor. All contract security employees will be assigned specific functions as outlined in this policy, but they will not perform duties reserved for certified peace officers.

Ada County court facilities include all courtrooms, court and court-related offices and rooms, all hallways, entrances, elevators, bathrooms, stairs, premises and parking lots at the Ada County Courthouse, and any other office located in a court facility from which a person can directly enter or access any of the foregoing areas within a courthouse without passing through a magnetometer, the Ada County Juvenile Center, or any annex or other facility designated in writing by the ADJ.

ACSO deputies will follow and adhere to the policy directions of the ADJ and any lawful order of a judge relative to the control of the judge's courtroom. The ACSO will otherwise retain command authority over ACSO deputies and contract security service personnel in the performance of their duties.



## **CHAPTER 4 - EMERGENCY COMMUNICATIONS BUREAU**

### **SECTION 401 - EMERGENCY COMMUNICATIONS BUREAU POLICY**

#### **401.1 EMERGENCY COMMUNICATIONS BUREAU**

The Emergency Communications Bureau (ECB) and Ada County 911 Emergency Dispatch Center employs 911 emergency dispatchers and support staff along with the 911 Technical Operations and Business Systems teams. The Ada County 911 Emergency Dispatch Center answers calls for service from members of our community and coordinates all police, fire, and emergency medical responses within Ada County. The bureau's mission is to make safer places to live, work, and play by ensuring the right information gets to the right people at the right time in the right way.

#### **401.2 PUBLIC ALERTS / AMBER ALERTS**

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria. Employees of the ACSO should notify their direct supervisor or shift supervisor as soon as practical upon learning of a situation where public notification, a warning, or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information. AMBER Alerts, CODE RED, and Reverse 911 Alerts are part of this public alert policy.

#### **Reverse 911 Or Large-Scale Public Alerts**

Ada County Dispatch may provide a public alert system commonly referred to as "CODE RED", "Reverse 911", or "geocasting". This service typically allows for a large number of citizens to be contacted by telephone or text message to alert them to important safety-related information. The intent of providing this service is to increase public safety during events which may affect a large segment of the community or citizens in a specific geographic area. Examples of this service may range from dangerous environmental hazards such as flooding, natural disasters or hazardous material exposure to smaller neighborhood or community emergencies. The information shared should be immediately relevant to people receiving the call and should provide specific instructions to the public to further their safety and well-being. The intent of the alert should benefit the recipient. Using this service to solicit investigative knowledge or information from the community is discouraged. Unless otherwise directed, Ada County Dispatch shall consider the foregoing criteria when any agency requests a Reverse 911 Alert. Instances where Ada County Dispatch and the requesting agency do not agree on the criteria are considered an "Event Alert" and will follow the procedures below.

#### **Informational Alert**

- May occur only between the hours of 8 AM and 9 PM.
- The event or incident is in progress or rapidly developing.
- The information serves only as a notification to the recipient(s).
- No specific action is required by the recipient(s) to immediately protect themselves or respond to law enforcement.

Examples may include school lockdown drills where the public may perceive a danger to the school or public safety response to an incident which would generally not be considered dangerous to the public but requires a large response.

#### **Actionable Alert**

- Available 24 hours a day.
- The event or incident is in-progress.
- There is an immediate threat to public safety for the recipient(s) or to the area they are in.
- There are specific actions which should be taken by the recipient(s) to ensure their safety.

Examples may include an active shooter or armed subject pursued by police, natural disasters, hazardous material concerns or bomb threats.

#### **Event Alert**

Any request for the use of "CODE RED", "Reverse 911", or a "geocast" as a public alert that falls outside of the criteria for an informational or actionable alert must come from a lieutenant rank or higher in the requesting agency. Such requests should be coordinated with the Dispatch Supervisor or Dispatch Lead and submitted in writing when possible; however, due to the nature of unpredictable circumstances in law enforcement, written requests are preferred, not required. Examples may include tactical operations, large scale community events where mass notification serves a specific public safety purpose or any other unforeseeable reason not qualifying as informational or actionable by this policy.

Public alerts issued by Ada County Dispatch which deliver a recorded message will contain the following information at a minimum:

- Identification of the requesting agency.
- Whether or not a specific action is to be taken by the recipient and what that action should be based on the requesting agency's direction.
- Critical information about the severity of threats, subject descriptions, areas of impact, routes of travel, vehicle descriptions, etc. This information must be provided by the requesting agency.
- Relevant contact information if the recipients are asked to respond to the requesting agency, or for questions and complaints.

### **Supervisor Responsibilities for Public Alerts**

#### **PATROL SUPERVISOR**

A patrol supervisor apprised of the need for a public alert is responsible for making the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Sheriff, the appropriate Captain or Director, and the PIO when any public alert is generated. The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- Updating alerts and canceling alerts.
- Ensuring all appropriate reports are completed.
- Preparing an after-action evaluation of the investigation, when needed, for the ECB Director.

#### **DISPATCH SUPERVISOR**

Ada County Dispatch is the primary point of contact for generating public alerts. A Dispatch Supervisor, Dispatch Lead, or his/her designee, is responsible for providing the requesting agency with the following information:

- Whether a request meets the alert criteria outlined in this policy;
- The number of citizens potentially impacted by the public alert if using a reverse 911 system; and
- When appropriate, the Dispatch Supervisor will generate a command level email for the agency requesting the public alert, activate the public alert, and deactivate the public alert.

In an event where the Dispatch Supervisor feels activating a public alert does not meet the criteria outlined in policy for a Reverse 911 or large-scale public alert, he/she will inform the requesting agency and confirm with that agency's on duty supervisor whether the alert should be issued. The Dispatch Supervisor should notify their supervisor of any such instance.

### **AMBER Alert**

The Idaho AMBER Alert system disseminates information statewide, as quickly as possible, about the disappearance of a child. The broadcast contains descriptive information that can readily identify the child and the abductor. The Amber Plan, using the Emergency Alert System, television, radio and the state highway variable message system, provides timely emergency information to the public regarding child abduction. Through these means, the public will be notified of the circumstances of a child's abduction and how they can assist law enforcement in the child's recovery. The goal of the Amber Alert program is the safe return of an abducted child by establishing an effective partnership between the community, the media, and law enforcement. The Patrol Services Bureau handles the activation and administration of Amber Alerts in conjunction with Idaho State Police.

### **SEE 601.4.5.2 AMBER ALERT PROCEDURES FOR FURTHER.**

#### **401.3 911 TECHNICAL OPERATIONS TEAM**

The 911 Technical Operations Team (TechOps) is an integral part of the Emergency Communications Bureau. The TechOps team is established pursuant to Idaho Code Title 31, Chapter 48, commonly known as the "Emergency Communications Act" of 1988. This act established the Emergency Communications Fund (ECF) which collects \$1 per month in revenue from each landline telephone, cellular telephone, and Voice-Over-IP (VOIP) line. The sole purpose of the TechOps team is to ensure 911 calls are delivered to first responders. The TechOps Team uses the ECF to fund the purchase of hardware and software and then provide the needed support to ensure dispatch and first responders have all necessary technical resources to respond to emergencies.

The ECF is overseen by an advisory board called the Emergency Communications Planning Committee (ECPC) which is comprised of one voting member from dispatch and one member from each law enforcement, fire, and EMS agency within Ada County, with the exception of Eagle Fire, Star Fire and Kuna Fire, which has one voting member representing all three agencies. The ECPC meets regularly to discuss and vote on items ranging from operational changes, policy changes, or request for funding items governed under Title 31, Chapter 48, with any request for funding of items then being forwarded to the Ada County Board of Commissioners for final consideration.

The TechOps team is led by the TechOps manager who sets the vision and direction for dispatch and first responders with evolving and innovating technology that is presented to the user groups. The manager is assisted by two infrastructure engineers who ensure the hardware and network infrastructure are functioning with redundancy to support the needs of the 24/7/365 operation of dispatch and first responders; a radio administrator who administers the statewide radio network to ensure interoperability with first responders throughout the state; and two application administrators who support the countywide Computer Aided Dispatch (CAD) and the other applications that interact with the CAD. The team also has a project manager who develops bid specifications, request for proposals, contracts and other necessary documentations for the procurement of new systems and applications; a GIS analyst who manages all mapping data needed and provides continual analysis of the mapping data for improving processes and efficiency; and a help desk technician who handles tier 1 issues for dispatch and tier 2 issues for IT departments from our partner agencies.

## **SECTION 402 – ADA COUNTY DISPATCH POLICY**

### **402.1 ADA COUNTY DISPATCH POLICY**

The ACSO provides 24-hour telephone service to the public for information or assistance that may be needed in emergencies. The ability of citizens to telephone quickly and easily for emergency services is critical. ACSO provides access to the 911 system for a single emergency telephone number. ACSO also employs two-way radio capability providing continuous communication between the dispatch center, deputies, and other law enforcement, fire and EMS agencies. Ada County Dispatch responds to incoming law enforcement, fire, and EMS calls and dispatches appropriate personnel to places of emergency. Dispatchers, when necessary, shall refer to these policies and procedures using their good judgment to be responsive and timely in their duties and shall refer complex problems to a floor supervisor. Dispatchers are responsible for maintaining familiarity with ACSO Policy and Procedure Manual and all emergency operations plans. Supervisors are responsible for the specific training of new or updated policies via direct briefings or briefing packets.

#### **Communication**

Ada County Dispatch will record all relevant information on calls for criminal and non-criminal service or self-initiated activity. Dispatchers shall attempt to elicit as much information as possible to enhance safety and assist in anticipating conditions to be encountered at the scene.

#### **Radio Communications**

Operations are more efficient and officer safety is enhanced when dispatchers, supervisors, and fellow deputies know the status of deputies, their locations, and the nature of cases. ACSO radio operations shall also be conducted in accordance with Federal Communications Commission (FCC) procedures and guidelines.

#### **Deputy Identification**

Identification systems are based on factors such as beat assignment and deputy identification numbers. Deputies should use their entire call sign when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate unit. Deputies initiating communication with other agencies shall use their entire call sign. This requirement does not apply to continuing conversation between the mobile unit and dispatcher once the mobile unit has been properly identified.

#### **Dispatch Law Enforcement Services**

Section 402.LE below are procedures developed through collaborative efforts with the leadership of the law enforcement agencies within Ada County. The purpose of these procedures is to provide the framework through which the public safety and law enforcement needs of Ada County citizens are met. In partnership with Ada County law enforcement agencies, the goal of Ada County Dispatch is to provide proficient and respectful service to citizens in need of emergency services. It is the responsibility of all Ada County dispatchers to know and understand these policies.

#### **Dispatch Fire and EMS Services**

Section 402.FE below are policies and procedures are developed through collaborative efforts with the leadership of the fire and EMS agencies within Ada County. The purpose of these policies and procedures is to provide the framework through which fire and EMS calls for Ada County citizens are met. In partnership with fire and EMS agencies within Ada County, the goal of Ada County Dispatch is to provide proficient and respectful service to citizens in need of emergency services. It is the responsibility of all dispatchers to know and understand these policies.

## CHAPTER 5 – JAIL SERVICES BUREAU

### SECTION 501 – JAIL SERVICES BUREAU POST ORDERS

#### 501.1 JAIL 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 502 – PRISON RAPE ELIMINATION ACT POLICY *(Updated 1-1-19)*

#### 502.1 PREA POLICY & PROCEDURES

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)**

**DEFINITIONS:** The definitions listed below are from the Federal PREA reporting guidelines and any reported incidents at the ACJ shall be documented using these prescribed definitions.

- **Agency** means the Ada County Sheriff's Office, who has the direct responsibility for the operation of the Ada County Jail that confines inmates, and/or detainees.
- **Facility** means the Ada County Jail, and buildings which are used to confine inmates/detainees.
- **Agency Head** means principle authority of the Ada County Sheriff's Office.
- **Bureau Director** means the principle authority of the Ada County Jail.
- **Shift commander** means the sergeant or shift supervisor having authority in the Ada County Jail at that time.
- **Security staff** means any deputy working for the Ada County Sheriff's Office, assigned to the facility; with primary responsibilities of the supervision and control of inmates in housing units, the courthouse, recreational and programming areas.
- **Staff** means any person who works directly for or contracts with the Agency.
- **Medical staff** means a health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his/her professional practice.
- **Mental health staff** means a mental health professional who by virtue of education, credential, and experience, is permitted by law to evaluate and care for patients within the scope of his/her professional practice.
- **Contractor** means a person who provides services on a recurring basis pursuant to a contractual agreement with the agency.
- **Volunteer** means an individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency.
- **Inmate** means any person incarcerated or detained in the facility.
- **Juvenile** means any person under the age of 18, unless under adult court supervision and confined or detained in a prison or jail.
- **Youthful inmate** means any person under the age of 18 who is under adult court supervision and incarcerated or detained in a prison or jail.
- **Direct staff supervision** means security staff in the same room with, and within reasonable hearing distance of the inmate/detainee.
- **Gender nonconforming** means a person whose appearance or manner does not conform to traditional societal gender expectations.

- **Intersex** means a person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.
- **Transgender** means a person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.
- **Substantiated allegation** means an allegation that was investigated and determined to have occurred.
- **Unfounded allegation** means an allegation that was investigated and determined not to have occurred.
- **Unsubstantiated allegation** means an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.
- **Sexual contact** means sexual intercourse, genital-genital, manual-anal, manual-genital, oral-genital, anal-genital or oral-anal, between any persons of the same or opposite sex.
- **Pat down search** means a running of the hands over the clothed body of an inmate by security staff to determine whether the inmate possesses contraband.
- **Strip search** means a search that requires a person to remove or arrange some or all of their clothing to permit a visual inspection of the inmate's breasts, buttocks, or genitalia.
- **Exigent circumstances** mean any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the safety and security of the facility.

## DEFINITIONS RELATED TO SEXUAL ABUSE

### Inmate on Inmate

Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
2. Contact between the mouth and the penis, vulva, or anus;
3. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
4. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

### Staff on Inmate

Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident:

1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
2. Contact between the mouth and the penis, vulva, or anus;
3. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
4. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
5. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
6. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section;
7. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and;
8. Voyeurism by a staff member, contractor, or volunteer.

### Voyeurism

Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as but not limited to: the unnecessary viewing of either recorded or live video feeds of inmates in bathroom or shower areas; (115.15(d)) peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions. **Updated for 115.15 (d)**

### Sexual Harassment Inmate on Inmate

Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another.

**Sexual Harassment Staff on Inmate**

Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

**COMMAND LEVEL SUPERVISION AND MONITORING**

The agency has in place a formal staffing plan that works to ensure adequate staffing, technology (video monitoring), best practice facility design and proper resources to maintain compliance in all areas. If the staffing plan cannot be followed due to exigent circumstances, documentation shall be made utilizing the COMPUTER LOG code SDD (Staff Deviation Documentation) stating the circumstances requiring deviation. The Staffing, Technology and Facility Review (STFR) plan shall be reviewed on an annual basis and adjusted as needed. Annual reviews and any changes made shall be documented and such documentation maintained in accordance with current retention practices.

**Hiring and Background Standards**

The ACSO shall ask any potential applicant who will have access to the jail or inmate contact the following questions as part of the screening/interview process:

1. Have you engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution?
2. Have you been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse?
3. Have you ever been civilly or administratively adjudicated to have engaged in the activity described above?

Any potential applicant who answers "yes" to any of the questions above will automatically be disqualified from any employment opportunities that would grant the applicant either access to the jail or inmate contact.

Prior to extending any final offer for employment, ACSO Human Resources shall contact all previous institutional employers for an applicant and request all information on any substantiated allegations of sexual abuse or any pending investigation of allegations of sexual abuse.

**Sharing Information to Future Institutional Employers**

The ACSO will provide information related to any substantiated allegations of sexual abuse or sexual harassment involving a former ACSO employee when such information is requested by an institutional employer for whom such employee has applied to work.

**INMATE SUPERVISION Updated for 115.15(d)**

Intermediate or command-level supervisors will make unannounced and irregular rounds throughout the facility for both day and night shifts. Rounds will be documented utilizing the COMPUTER LOG code 50WS. All staff members are expressly prohibited from alerting others that rounds are being conducted. Security staff will make unannounced and irregular rounds throughout the facility on both day and night shifts. Security staff will observe all inmate areas; being present to deter, allow for reporting of possible PREA incidents, and provide protection for all inmates within the facility. The rounds will be done on a time set forth by JSB SOP 6D.16.01. The well-being checks will be every 15 minutes for inmates in HSU North and South, CCU small holding cells, and inmates considered to be a risk to themselves. The well-being checks for HSU Dorms, CCU housing cells, MSU, MCU and J2 will be every 30 minutes. The rounds will be logged by utilizing the COMPUTER LOG Code 50W.

**CROSS GENDER SUPERVISION**

Security staff is required to announce that Cross Gender Supervision is possible at the beginning of each shift. Each time that a security staff member is changed in a housing unit for purposes of allowing breaks, or relieving that security staff of their duty in that housing unit, an additional Cross Gender Supervision announcement must be made. After each Cross Gender Supervision announcement, that announcement must be logged in the computer log system by utilizing the CGS log code (115.15(d)). **Updated for 115.15 (d)**

**CROSS GENDER SEARCHING**

**Pat Down Search**

Security staff will not conduct cross-gender pat down searches, except in exigent circumstances. Security staff will make all efforts to find suitable same gender security staff for completion of the search. If suitable same gender security staff cannot be found for the search, the Shift Commander must be notified in order for that search to be conducted. The approval for the cross gender search will be done by documenting the exigent circumstance in a report, included in that inmate's ELECTRONIC file. (115.15(b)) If same gender security staff is not available, the pat down search will be completed in compliance with agency search policies and facility SOP's. **Updated for 115.15 (b).** The above requirement to notify the Shift Commander or document the cross gender search in a report is not necessary when the pat search is conducted by a female transport deputy assisting with the transport of male inmates. In the event that there are no same gender security staff to perform pat searches of inmates attending programming classes; inmates will not be prohibited from attendance due to that staffing issue (115.15(b)). **Updated for 115.15 (b)**

**Strip and Cavity Search**

Security staff shall not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners. Exigent circumstances would not be authorized unless all efforts to find suitable same gender security staff have been exhausted.

**Documentation of Cross Gender Searching**

Security staff shall document all cross-gender strip searches and cross-gender visual body cavity searches, and shall document all cross-gender pat-down searches of female inmates. Written documentation of the search will be included in that inmate's ELECTRONIC file.

**GENDER DETERMINATION - Physical Examination**

Security staff shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. If the inmate's genital status is unknown, it may be determined during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.

**LIMITED ENGLISH PROFICIENT INMATES****Inmates with Disabilities**

The facility shall take appropriate steps to ensure that inmates with disabilities (including, for example, inmates who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of the facility's efforts to prevent, detect, and respond to sexual abuse and sexual harassment.

In the event the inmate is unable to read the notifications posted in booking, the information should be read and explained to the inmate.

Inmates, who do not understand the posted information regarding PREA, should have the information relayed to them. Options for dealing with the communication barriers such as this are/but not limited to: the language line, or through facility approved interpreters.

Inmate Handbooks will be made available in all housing areas in both English and Spanish for review. In addition, housing areas will have posters denoting rules regarding PREA, ways to report a PREA incident, and personal warning signs to be aware of.

**Inmate Interpreters**

The facility shall not rely on inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties, or the investigation of the inmate's allegations.

**INVESTIGATION REFERRALS**

The Bureau Director will ensure that an administrative or criminal investigation is completed for all allegations of staff sexual abuse. An administrative investigation, once assigned from the Bureau Director, will be given to a trained staff member who can conduct this type of investigation. The staff investigating the matter will interview all persons that were involved, or alleged to be involved, in the incident to verify the facts in the allegations. Upon completion of the investigation the investigating employee will write a

detailed report of his/her findings and will present the findings to the Bureau Director. Shift commanders will ensure that an investigation is completed of all allegations of inmate sexual abuse and harassment of other inmates. Referrals for further review to include criminal investigations will be sent through chain of command, and to the on-call agency detective. The facility has a policy to ensure that allegations of sexual abuse are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. The shift commander shall document all such referrals.

## **TRAINING AND EDUCATION**

### **Staff Training**

The agency will train all staff that may have contact with inmates on:

- 1) Zero-tolerance policy for sexual abuse and sexual harassment;
- 2) How to fulfill their responsibilities under facility sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
- 3) Inmates' right to be free from sexual abuse and sexual harassment;
- 4) The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
- 5) The dynamics of sexual abuse and sexual harassment in confinement;
- 6) The common reactions of sexual abuse and sexual harassment victims;
- 7) How to detect and respond to signs of threatened and actual sexual abuse;
- 8) How to avoid inappropriate relationships with inmates;
- 9) How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and;
- 10) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Training for staff is consistent with the gender of inmate that they shall be working with. Since the facility houses both male and female inmates, and cross gender supervision is approved, training curriculum covers aspects for both male and female staff as well as watching male or female inmates.

A formal initial training will be provided to every staff member prior to coming into individual contact with inmates, and shall be part of an initial training program. The training will be noted in that staff member's training file.

### **Ongoing Staff Training**

The agency provides staff with refresher training regularly to ensure that all employees know the facility's current sexual abuse/sexual harassment policies and procedures. The PREA standard requires training every two years, while Idaho Jail Standards requires a minimum of one hour of training be completed each year. This training will count towards the 40 hours of required training every two years by Idaho Jail Standards. The training will be presented through the agency's training department, and scheduled as part of a regular training program.

### **Volunteer and Contractor Training**

The agency will ensure that all volunteers and contractors who may have contact with inmates will be trained on their responsibilities under the ACJ SOP 6B.1.01 "Staff Reporting" regarding sexual abuse and sexual harassment prevention, detection, and response. Training for volunteers and contractors is tailored to the level of service and/or contact that they provide to the inmates, but at a minimum includes, notification of the agency's zero tolerance of sexual abuse or harassment policy and what to do if an inmate makes a report of sexual abuse.

### **Training Documentation**

The agency's training department keeps records of training by facility's Staff, Contractors and Volunteers received through employee signature or electronic verification that employees understand and acknowledge the training they have received.

### **Inmate Education**

The facility shall provide comprehensive inmate education to inmates housed in the facility within 30 days of intake. The education provided will be done via either on-line learning, video or in person, depending on staff availability. A method for tracking inmate participation has been developed to show the inmate received the training and a record of such inmate education is maintained. **(115.33 (a-c)).**

The comprehensive inmate education shall specifically inform inmates of:



- His/her right to be free from sexual abuse & sexual harassment;
- His/her right to be free from retaliation for reporting incidents; and
- The facility's general policies & procedures for responding to incidents.

During or prior to the admission process, inmates shall receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment, and how to report incidents or suspicions of sexual abuse or sexual harassment. This information will be delivered to them by handing them an informational pamphlet regarding PREA rules. Additionally a PREA video will be playing in the inmate waiting area in booking and PREA information will be available to inmates posted in the housing units as well as on the inmate computer system. ACSO deputies will confirm this education was provided via a written acknowledgement from each inmate which will be placed in the inmate's individual electronic for tracking purposes. **(115.33(a)).**

The facility shall provide inmate education in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills. The written information will be posted in each housing living unit, and available for inmates to review at any time. The information posters will be posted in one specific information area and at a sight level that the average person can visibly see. **(115.33 (d-e)).**

#### **Consensual Sexual Activity Between Inmates Prohibited**

Consensual sexual activity between inmates is prohibited. Good correctional practices can reduce, prevent, and detect sexual activity; however, detection of such activities can be difficult as disclosure of such acts will result in disciplinary action. Preventing a sexually charged atmosphere, conducting random well-being checks, observing inmate behavior, taking extra precautions with vulnerable inmates, and ensuring inmates are housed in a correct housing unit, all contribute to the reduction of opportunities for sexual activity.

If a staff member detects or learns of sexual activity between inmates, he/she will separate and restrict/isolate the offenders and immediately contact the on-shift supervisor. Upon learning of the incident, the on-shift supervisor will conduct a preliminary investigation. If it appears that the sexual activity may have been rape, the on-shift supervisor will implement the rape reporting procedures in this policy. If further investigation is required, the on-shift supervisor will place the inmates in appropriate housing, which may include restrictive housing. If the evidence indicates that the offenders were engaged in 'consensual' sexual activity, the on-shift supervisor will ensure that disciplinary incident reports are written under Sexual Contact / Conduct. If needed, the on-shift supervisor shall refer offenders to Health Services for evaluation if required. For rape kits, assault / sexual examinations, or evidence collections, inmates shall be transported to an external qualified medical professional (i.e. local area hospitals).

#### **Consensual Sexual Activity Between Inmates and Staff Prohibited**

Sexual contact between staff and inmates is never consensual. It is a felony for any officer, employee or agent of a state, local or private correctional facility to have sexual contact with a prisoner (as those terms are defined in Idaho Code §18-101A) housed in such facility. Any person found guilty of sexual contact with an inmate is punishable by imprisonment in the state prison for a term not to exceed life.

If a staff member learns of sexual activity between staff and an inmate, he/she will immediately report it to the on-shift supervisor. The on-shift supervisor will immediately report it to the on-shift lieutenant who will immediately report it to the Bureau Director. The Bureau Director will decide on a course of investigation.

#### **False Reports of Sexual Activity**

If an investigation finds that an allegation of rape, sexual assault, or sexual activity was false, the case should be reviewed for prosecution. A disciplinary incident report should also be written for making a false report. (SOP 5.3 Reports, Hotsheets and Log Entries)

## **SPECIALIZED TRAINING**

### **Investigators**

In addition to the general training provided to all employees, the agency shall ensure that, to the extent the facility conducts sexual abuse investigations; its investigators have received training in conducting such investigations in confinement settings.

Specialized training shall include techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, youthful inmates, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The training department will ensure that all investigators maintain required training, and report deficiencies to the PREA Coordinator for review. Trainings will include ongoing annual training through sources to include/but not limited to: the PREA Resource Center, court rulings, and legal updates.

Any State entity or Department of Justice component that investigates sexual abuse in confinement settings shall provide such training to its agents and investigators who conduct such investigations. This includes the agency as well as outside agencies assisting the facility with a sexual misconduct criminal investigation.

### **Medical and Mental Health Providers**

The agency shall ensure that all full and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in:

- 1) How to detect and assess signs of sexual abuse and sexual harassment;
- 2) How to preserve physical evidence of sexual abuse;
- 3) How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and
- 4) How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.

Documentation for training and certifications will be maintained by the Health Services Unit, and supervised the Health Services Manager.

## **RISK SCREEN FOR SEXUAL ABUSE OR VICTIMIZATION**

### **Initial Risk Assessment**

All inmates shall be assessed during an intake screening and upon being transferred from another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates. Intake screening shall take place within 72 hours of arrival at the facility. Initial assessment will be done in booking during medical questioning, and documented for housing and medical considerations. Within a set time period, not to exceed 30 days from the inmate's arrival at the facility, classification staff will reassess and document the inmate's risk of victimization or abusiveness based upon any additional relevant information received by the facility since the intake screening.

At any time, the inmate's risk level shall be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness. The reassessment will be done by security and/or medical staff as warranted. Classification staff is responsible for ensuring the reassessment is completed and results documented. All staff with relevant information must ensure classification staff receives that information immediately in writing. Inmates may not be disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked during the risk assessment interview. Inmates refusing to answer shall be referred to the shift commander or classification's officers for housing consideration. The facility shall keep all information received from responses on a need to know basis. Information found during the questioning period will not be exploited to the inmate's detriment. The sharing of information regarding a sexual assault and sexual activity shall be limited to those who need to know for safety and security decision-making, investigation, and prosecution. Staff members will refrain from talking openly about such issues. Staff shall immediately address inappropriate comments such as taunting or teasing.

### **Use of the Screening Information**

The security staff will make individualized determinations about how to ensure the safety of each inmate. The decision for housing will be made using information derived from the inmate, in addition to medical staff input, and in keeping within agencies guidelines for housing.

In deciding whether to assign a transgender or intersex inmate to a housing unit for male or female inmates, and in making other housing and programming assignments; the facility shall make considerations on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether the placement would present management or security problems.

Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least every 30 days to review any threats to safety experienced by the inmate.

A transgender or intersex inmate's own views with respect to his or her own safety shall be given serious consideration. Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates. Decisions on housing to provide shower access will be supervised the Classification's team. The facility shall not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated facilities, units, or cell blocks solely on the basis of such identification or status.

### **Risk Screening for Protective Custody**

Inmates at high risk for sexual victimization shall not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers. If an assessment cannot be conducted immediately, the inmate may be held in involuntary segregated housing for less than 24 hours while completing the assessment.

Inmates placed in segregated housing for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible. If the access to programs, privileges, education, or work opportunities is restricted, documentation will include:

- 1) The opportunities that have been limited;
- 2) The duration of the limitation; and
- 3) The reasons for such limitations.

Every 30 days, the facility shall conduct an inmate file review to determine whether there is a continuing need for separation from the general population. This review will be done by the Classification's team, in conjunction with Health Services staff during Treatment Team meetings (115.62 (a)). **Updated 115.62 (a)**

## **REPORTING**

### **Inmate Reporting**

The facility provides multiple internal ways for inmates to privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.

Inmate reporting can be done directly to security staff, health service staff, reporting through the PREA hotline, outside family or friends to report back to the agency, grievance forms, and through an external agency. All information regarding ways to report will be made available for viewing in housing areas throughout the jail.

For confidential reporting through an external agency inmates may write to the Idaho Sheriff's Association by addressing a letter as follows:

Idaho Sheriff's Association  
ATTN: PREA  
3100 Vista Ave. Suite 203  
Boise, Idaho 83705

Letters addressed in this manner are to be treated like legal mail and should not be opened unless there is an obvious reason to suspect something besides papers are inside. If an inmate requests an envelope and paper for this purpose staff shall make it available if the inmate has used up their weekly indigent issue.

Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports.

### **Staff Reporting**

The agency head requires all staff to report immediately according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in the facility, whether or not it is part of the agency; retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.

Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in SOP 1.2.25, to make treatment, investigation, and other security and management decisions.

Unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners shall be required to report sexual abuse; to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services. (Also found in HSU SOP J-B-05)

The facility shall report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators. The investigators will follow up on information to include/but not limited to: statements made, video recordings of the area of alleged incident, and interviews of those involved.

When a staff member learns that an inmate is subject to a substantial risk of imminent sexual abuse, they shall take immediate action to protect the inmate. Actions shall include immediate separation of that inmate to protect them from possible further incidents.

### **Agency Reporting**

Upon receiving an allegation that an inmate was sexually abused while confined at another facility ("Outside Facility"), the ACJ shall notify the Outside Facility or appropriate agency where the alleged abuse occurred. Shift commanders or their designees shall be responsible for reporting, and documentation of the allegation will be included in a written report. The Outside Facility shall be provided the notification as soon as possible, but no later than 72 hours after receiving the allegation (115.63(d)). **Updated 115.63 (d)**

### Hotline Reporting and Testing - **UPDATED 2/7/2022 and 3/3/2023**

A hotline has been established to facilitate the reporting of incidents. When a call is received on the hotline, the Security Control Specialists will notify an on-duty sergeant or designee of the call and relay the information. All calls placed to the PREA hotline will be recorded by Security Control Specialists with a "PREA" log entry. The information should include, at minimum, the time was call received, and the sergeant or designee notified. The on-duty sergeant or designee will review the inmate phone system to identify the name of the involved inmate and the location the call originated from. The on-duty sergeant will assign a PREA Investigator and will forward the PREA hotline email to be included as part of the PREA investigation. This will provide the necessary documentation to complete monthly audits.

To ensure the system is working, each Monday Night Inspection will include a test call to the PREA hotline to ensure the system, phone and/or email alerts are working properly. A "PREA" log entry will be made by the Security Control Specialists to record the test call. The log entry should state a test call was placed to the PREA hotline and the system functioned properly, or an error occurred, with explanation. This test call will not be documented in an incident report as the inmate phone system provides for an audible alert as well as a recorded test message and email alerts, all of which provide the necessary documentation to complete monthly audits.

If during the weekly test call an error is observed in the inmate phone system, the Central Control paging system or the email alerts, the on-shift supervisor shall note the error / issues on the Monday Night Inspection report and send an email detailing the observed error or issue to the PREA Coordinator or designee for follow-up and correction.

Audits will be done monthly on the PREA reporting hotline, comparing the email alerts received from the phone system to the Monday Night Inspection forms and/or incident reports, as appropriate, to ensure that test calls are made and that all actual calls are properly logged and necessary investigations and follow-up completed. Audits will be done by the PREA Coordinator or designee.

### **FIRST RESPONDER DUTIES**

Upon learning of an allegation that an inmate was sexually abused, the first security staff member to respond to the report shall be required to:

- 1) Separate the alleged victim and abuser;
- 2) Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;
- 3) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the *alleged victim* not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and

- 4) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the *alleged abuser* does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.

If the first staff responder is not a security staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff.

#### **ON-SHIFT SUPERVISOR DUTIES**

- 1) If a medical emergency exists, ensure the victim receives proper medical attention.
- 2) If the assault occurred within 72 hours:
  - a. Secure the victim in a dry cell to preserve evidence. Although it is natural for the victim to want to clean up, the victim should not shower, eat, or drink until after evidence is collected.
  - b. Secure the alleged perpetrator in a dry cell to preserve evidence.
  - c. Contact an on-call detective.
  - d. If the victim requires transport to a hospital, notify the hospital that the victim coming in is a possible rape victim and request that the hospital activate the SART (Sexual Abuse Response Team).

#### **QUALIFIED HEALTH PROFESSIONAL DUTIES**

- 1) Interview the victim to assess any mental health issues or suicidal ideation.
- 2) Make appropriate outside medical referrals for forensic medical exams.
- 3) Offer crisis counseling limited to the crisis created by the incident.
- 4) Make any appropriate recommendations to Health Services and/or Classifications.
- 5) Assist with directing the inmate to other counseling resources.

#### **PROTECTION AGAINST RETALIATION**

The facility will make all efforts to protect inmates and staff that report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff. The Classification's team will be responsible for ongoing supervision of matters regarding retaliation.

The facility employs multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations. All measures taken will be included in a documented report for review by the Bureau Director.

For at least 90 days following a report of sexual abuse, the facility shall monitor the conduct and treatment of inmates or staff who reported the sexual abuse and of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff, and shall act promptly to remedy any such retaliation.

Monitoring will be done by Classification's staff, and will be done on a regular schedule not to exceed 30 days per review. As part of the monitoring process, status checks on inmates, to include interviews, shall be conducted.

The specific duty to monitor and document staff and inmate safety after reporting a sexual incident will be performed by the Classifications Sergeant, and supervised by his/her Operational Lieutenant. Each staff member within the facility is also expected to make a report if they notice retaliation of any kind.

Items that are monitored include any inmate disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff. The facility will continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need.

#### **INVESTIGATIONS**

When the facility conducts its own investigations into allegations of sexual abuse and sexual harassment, it shall do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports. Where sexual abuse is alleged, the facility shall use investigators who have received special training in sexual abuse investigations as referred to in the specialized training section of this SOP.

Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator. When the quality of evidence appears to support criminal prosecution, the investigating agency shall complete the investigation to include written reports for a pending criminal matter. When appropriate the investigating agency shall make arrests, or submit the criminal report to the prosecutor's office for consideration. The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as inmate or staff.

### **Administrative Investigations**

- 1) Shall include an effort to determine whether staff actions or failures to act contributed to the abuse; and
- 2) Shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.

Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution. The agency shall retain all written reports for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.

The departure of the alleged abuser or victim from the employment or control of the agency shall not provide a basis for terminating an investigation. When outside agencies investigate sexual abuse; the facility shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.

### **Reporting to Inmates**

Following an investigation into an inmate's allegation that he or she suffered sexual abuse in a facility, the agency shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, the agency shall subsequently inform the inmate (unless the agency has determined that the allegation is unfounded) whenever:

- 1) The staff member is no longer posted within the inmate's unit;
- 2) The staff member is no longer employed at the facility;
- 3) The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
- 4) The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.

Following an inmate's allegation that he or she has been sexually abused by another inmate, the agency shall subsequently inform the alleged victim whenever:

- 1) The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
- 2) The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

All such notifications or attempted notifications shall be documented. The agency's obligation to report under this standard shall terminate if the inmate is released from the custody.

### **INMATE CONFIDENTIAL SUPPORT SERVICE ACCESS**

The facility shall provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations, and, for persons detained solely for civil immigration purposes, immigrant services agencies.

The facility shall enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible.

The facility shall inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.

### **DISCIPLINARY ACTIONS FOR STAFF**

Staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies. Termination shall be the presumptive disciplinary sanction for staff members (commissioned, professional or contractual) who have engaged in sexual abuse. Disciplinary sanctions for violations of policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories. All

terminations for violation of sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.

### **CORRECTIVE ACTION FOR CONTRACTORS and VOLUNTEERS**

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with inmates and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. Sexual contact between staff and inmates is never consensual (Inmates have no ability of consent in a confinement setting) and is always seen as an abuse of power and thereby makes it an act of coercion. It is a felony for any officer, employee or agent of a state, local or private correctional facility to have sexual contact with an inmate (as those terms are defined in Idaho Code §18-101A) housed in such facility. Any person found guilty of sexual contact with an inmate is punishable by imprisonment in the state prison for a term not to exceed life.

### **DISCIPLINARY ACTIONS FOR INMATES**

Inmates shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse. Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories. Sanctions for violations of sexual misconduct shall not exceed 30 days loss of privileges per violation. The ACSO shall, in accordance with safety, security and well-being, to offer therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse. If appropriate, the facility shall consider whether to require the offending inmate to participate in such interventions as a condition of access to programming or other benefits. The facility may discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact. Sanctions for violations of sexual misconduct with staff shall not exceed 30 days loss of privileges per violation. For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation. Incarcerated individuals are not able to consent to sexual contact of any type, whether with another inmate or with a staff member. It is recognized however, that not all sexual activity between inmates falls into the 'abusive contact' category. For purposes of this act, what would be otherwise known as a 'consensual' will be known as 'mutual'. The facility prohibits all sexual activity between inmates (mutual or abusive) and may discipline inmates for such activity. A key point in determining whether a sexual act is abusive or mutual (in addition to the gathering of evidence), is the determining if coercion was used to elicit the sexual act. Sanctions for violations of mutual or abusive sexual activity shall not exceed 30 days loss of privileges per violation.

---

### **MEDICAL AND MENTAL HEALTH SCREEN**

If the results of the 'sexual risk screening tool' indicates that an inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening. A mental health referral should be started and properly routed. Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law. Medical and mental health staff shall obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18.

---

### **SEXUAL ABUSE INCIDENT REVIEWS**

The facility shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded. Such review shall ordinarily occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials, with input from line supervisors, investigators, and medical or mental health staff.

---

### **DATA COLLECTION**

The agency will make all efforts to collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions. The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice. The agency will maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews. The data review shall include an assessment process to improve

effectiveness in: sexual abuse prevention, detection, responses, SOP's, training updates, and a facility evaluation for safety purposes (115.88 (a-c)).

The assessment group shall meet at a minimum annually and include/but not limited to: a data collection representative, Jail Bureau command staff member, the PREA coordinator, and the PREA manager. Findings will be written up for review, and maintained as per the Agency's data retention policy (115.88 (a-c)).

Actions taken to the review shall be documented, and retained for future auditing purposes (115.88 (a-c)).

If the agency is selected to receive the yearly Survey on Sexual Violence from the Bureau of Justice Statistics, we will complete and submit the survey. Upon request, the agency will provide all such data from the previous calendar year to the Department of Justice no later than June 30. **Updated 115.88 (a-c)**

#### **DATA STORAGE**

The agency will ensure that data collected is securely retained. The agency will make all aggregated sexual abuse data readily available to the public at least annually through its website for review. All data placed onto the website for review, shall have personal identifiers removed prior to posting (115.89(c)). The data retained regarding sexual abuse will be held for review for a period not to exceed ten years from initial collection (115.89 (a,d)). **Updated 115.89 (a, c, d)**

### **SECTION 503 – JSB HEALTH SERVICES UNIT POLICY & PROCEDURES**

#### **503.1 JSB HEALTH SERVICES UNIT POLICY & PROCEDURES**

Chapter 5, Section 503 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://adawebnet.sharepoint.com/sites/policies-procedures/Shared%20Documents/Forms/AllItems.aspx?id=%2Fsites%2Fpolicies%2Dprocedures%2FShared%20Documents%2FHealth%20Services%20SOP%2Epdf&parent=%2Fsites%2Fpolicies%2Dprocedures%2FShared%20Documents>

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

### **SECTION 504 – JAIL SERVICES BUREAU POLICY**

#### **504.1 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.

#### **504.2 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.).

#### **504.3 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 5, Section 503 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 503, the following section describes duties jail staff and deputies have in regard to supporting the mission of HSU.

#### **504.4 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.

#### **504.5 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).

#### **504.6 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.

#### **504.7 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.

#### **504.8 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.

#### **504.9 USE OF FORCE IN ACJ**

All ACSO deputies are trained to use force in compliance with this chapter and with policy section 104.4. 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 104.4.5. Deputies are authorized to carry OC Spray in accordance with section 104.4.4.5. In addition to this section, 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.

#### **504.10 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.

#### **504.11 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. Jail staff who possess personal items that would be contraband if possessed by an inmate must maintain strict control of the items.

#### **504.12 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.

#### **504.13 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).

#### **504.14 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).

#### **504.15 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.

#### **504.16 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.

#### **504.17 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. Inmates shall not keep the loop at their bunk.

#### **504.18 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).

#### **504.19 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.

#### **504.20 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.

#### **504.21 RAZOR 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).

#### **504.22 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).

#### **504.23 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 Americans 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. All inmates are entitled to due process before losing privileges or undergoing punitive action.

#### **Advice of Charges**

Persons booked into this facility have the right to know the criminal charge(s) against them. If an inmate asks, deputies will advise the inmate of the statute number(s), the name of the charge(s), and the bond amount(s) set, if any.

### **Bail**

Any person booked into this facility on a charge for which bond has already been set may post bail at any time, with the following exception: an inmate who is under the influence of alcohol or drugs should be held until that person no longer poses a risk to themselves or until a responsible adult accepts responsibility for them upon release.

### **Telephone Use**

After the booking process is complete, inmates have a right to use the telephone to make a reasonable number of calls. Inmates who use the telephone to call crime victims or violate the law will be charged or disciplined, as appropriate. For any person who cannot bond out and is housed, the right to use the phone becomes a privilege and is based on the inmate's continued good behavior. With the exception of disciplinary cells, inmates in all living areas are provided with telephones. Different housing areas may have different telephone times. Generally, telephones are turned on following cleaning of the inmates' living areas and are turned off when the deputy announces lights out. Allowing an inmate to use a staff telephone is solely in the discretion of staff when such use furthers ACJ's mission, prevents or eliminates the need to transport the inmate, provides meaningful access to the courts (on a case-by-case basis), or facilitates any other legitimate purpose.

### **Legal System Access**

Except during emergencies, attorneys may visit a client at any time. All communications between attorney and client should be private. ACJ staff will not monitor or listen to any attorney/client conversations; however, security staff may observe such contact. Legal papers may be exchanged between an attorney and client, but attorneys are forbidden to exchange any other items. All inmates have the right to access the courts. One avenue for inmates to exercise this right is by using the jail's Legal Resource Center. Inmates' communications with the courts or judges will not be limited in the number of written documents or court filings.

### **Legal Resource Center**

The Legal Resource Center serves as one avenue for an inmate to exercise the constitutional right of "meaningful access" to the courts and may be made available based on a priority of need. (Idaho Jail Standards 17.11). To gain access to the Legal Resource Center, inmates housed in HSU and CCU must either submit a detailed IRF addressed to the legal resource center technician, or clearly state their needs on the sign-up sheet. Dorm and cell block inmates must sign up on the Legal Resource Center log sheet. Multiple inmates may use the Legal Resource Center at once depending on classification level. The legal resource center technician will schedule inmates to visit the Legal Resource Center by prioritizing the requests. Pro se inmates on criminal cases will be considered first priority, inmates working on habeas corpus cases have second priority, and if there is time available, other inmates researching criminal and civil cases. For the inmate's convenience, requests for legal forms will be attached to IRF responses and routed to the inmate. Envelopes, writing materials, postage, and copies are available for inmate purchase. All inmates must adhere to the rules posted inside the Legal Resource Center. Violations may result in the inmate's loss of future visits. Additionally, inmates may access legal research via an online legal subscription service in their housing units by the use of tablets or other devices.

Inmates are eligible for indigent Legal Resource Center services when, on the day of the request, the Inmate Trust Account and all subaccounts have been at a zero for seven consecutive days. Envelopes used by indigent inmates can be standard letter size or #10 manila envelopes (used for submitting correspondence to the courts). Indigent inmates may only utilize indigent legal mail supplies for current criminal cases, criminal appeals, civil cases related to conditions of confinement, habeas corpus procedures, and child custody / support cases. Indigent inmates may utilize up to \$10 per month in indigent legal mail supplies (including copies, envelopes, writing materials and postage). Exceptions for individual circumstances are permitted and should be approved by the legal resource center technician or a member of the JSB management team. Approval for exceptions will be based on verified legitimate needs for additional supplies to comply with an eligible court process, or for unique individual situations. Reasons for the exception and what was provided should be documented in the inmate's log. All outgoing legal mail for inmates utilizing indigent legal resources should be handled by the Legal Resource Center. Mail should be submitted to the legal resource center technician, who will scan the mail to ensure indigent legal mail supplies are being properly utilized in accordance with policy, place stamps on outgoing mail and forward it accordingly. The legal resource center technician should log all purchases by inmates, indigent supplies provided to an inmate, and other pertinent information regarding the supplying of indigent legal supplies.

### **Notary Services**

The ACJ does not allow notaries from outside the jail to have contact with inmates as ACSO employees are made available to inmates requiring notary services for free for the following items:

- Power of Attorney
- Passports
- Marriage Licenses

- Motor Vehicle Titles and Liens
- Quick Claim Deeds
- Notice of Appeals
- Documents related to an inmate's current criminal case(s)
- Documents related to an inmate's child custody or guardianship
- Documents related to an immediate financial need.

Inmates who require one of the above items to be notarized, shall make a request through Viapath by checking "notary request" or "power of attorney." The request will then be routed to the proper staff for completion. ACSO staff will respond to inmate notary requests within twenty-four (24) to seventy-two (72) hours and will notarize documents according to the parameters outlined by the Secretary of State.

ACSO staff shall not notarize documents that are not listed above without approval of ACSO legal advisors. ACSO staff will not provide legal advice as part of notary services, if an inmate believes a document must be notarized that inmate should be encouraged to speak with an attorney. Inmates must show their ACJ identification band as verification of identification. ACSO staff shall not notarize end of life or estate planning documents. If ACSO staff does not feel that they can act as an unbiased witness if later asked to the identity, the comprehension, the intent, or the signature of the person who comes before them, then the documents will not be notarized and ACSO legal advisors shall be notified.

### **Public Records Requests**

Inmates may make requests for records pursuant to the public records law. The requests may not be made on an IRF. Inmates should make their request by writing a letter to the appropriate agency that is the custodian of the record.

### **Medical and Dental Treatment**

Inmates have a constitutional right to necessary medical and dental care. HSU staff will ensure that inmates are provided Health Services IRFs to request such care. When staff becomes aware of what appears to be an urgent medical or dental need, appropriate HSU staff will be informed.

### **Food, Exercise and Environment**

Inmates have a right to adequate and nutritiously served food. Food should not be withdrawn solely for punishment; however, with administrative approval, nutraloaf may be substituted as a behavior modification strategy. Inmates have a right to frequent exercise. Exercise may be restricted, but not eliminated for inmates on discipline. Inmates have a right to a safe environment. ACJ staff will strive to provide a safe environment for all inmates.

### **Religious Activities**

Inmates are allowed to practice the religion of their choice when doing so will not place an unnecessary burden on the facility or impact the safety and security of the inmates or staff. An inmate seeking a religious text, item, or special accommodation because of a religious belief must submit an IRF. When specifically requesting an accommodation, the inmate shall explain the substance of the belief that gives rise to the request. Religious items and texts may be limited by availability and are provided by community donations. Inmates may participate in religious programs provided by community volunteers with security clearance to come into the ACJ. Program availability is dependent upon volunteer availability.

### **Access to Media/News**

Inmates are allowed access to the news media. (Idaho Jail Standards 12.01). An inmate may correspond with members of the media or converse with anyone from the media by using the inmate video visiting or telephone system. An inmate may also visit with members of the media in public visiting by coordinating the visit with the Sheriff's Public Information Officer. The PIO will work with jail security supervisory staff if a face-to-face visit is warranted. Staff may be present and can record these interviews. An inmate has the right to refuse the visit. Media representatives may only photograph audio record or video record inmates with the inmate's permission. News pooling should be arranged to allow equal access unless the inmate has granted an exclusive interview.

### **Library Books**

The popular library contains a variety of books and magazines available for inmate use. (Idaho Jail Standards 17.10). Volunteers may manage the popular library. A mobile book cart is available to all inmates, except those on disciplinary detention. Bookshelves containing several books are located in each dorm. Popular library material is not available for checkout from the Legal Resource Center. The amount of popular reading material that an inmate may possess may consist of not more than five publications, which may include a combination of magazines, newspapers, and books. Only two of these may be hardbound books. Additionally, inmates have access to tablets and computer devices and video screens in their housing units.

**Americans with Disabilities (A.D.A.) Process**

Persons held in the ACJ may have qualified disabilities defined under the A.D.A. Some disabilities may be readily apparent while others, such as drug addiction, may not be immediately recognizable. The on-shift supervisor can check with JSB administration, the ACSO Legal Advisor, or the A.D.A. Task Force (208-344-5590) to determine if an identified disability is qualified under the A.D.A. Classifications will investigate a request for accommodations to decide what reasonable accommodations might be provided. Classifications will note any approved or denied accommodations in IJ5 notes for that inmate. In some instances the inmate may not want or need a special accommodation. Staff will take time to ask the person what may work best to accommodate the disability or need. If the requested accommodation is reasonable and does not compromise the security and good order of the facility, it should be provided. If the requested accommodation impacts the security and good order of the facility, ACJ staff should seek other remedies or accommodations. Security and HSU staff members will work together to find reasonable accommodations and identify any inmate who appears to be physically disabled, mentally ill, or developmentally disabled who may require an accommodation.

**504.24 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).

**IRF Process**

Inmate Request Forms (IRFs) are generally available to inmates on the kiosks in the jail. Deputies should also maintain blank IRFs in each housing unit making sure they are easily accessible for the inmates in the event the inmate wishes to attach something to the IRF. Upon receiving an IRF, the deputy will attempt to resolve the issue directly with the inmate. IRFs should be resolved at the lowest possible level.

If the deputy is unable to respond to the IRF, the deputy should forward the IRF to the appropriate area. IRFs addressed to other bureaus or agencies will be returned to the inmate with directions to the inmate to use USPS to contact other bureaus or agencies. For IRFs addressed to external agency partners who have liaisons physically located at the Day Reporting/Work Release Centers, housing deputies should route such IRFs to the DRC for distribution via interoffice mail if the IRF cannot be routed electronically.

Inmates requiring a paper copy of their IRF must request it via the current PIR process. The availability of IRFs may be restricted for inmates who persist in pursuing frivolous or inflammatory issues or who submit repeated IRFs for the same issue even though they had previously received an answer/response to their request.

**HSU IRF Process**

Request for Health Services are available to inmates on the housing kiosk or tablet at any time. If needed, there are also blue paper IRF's available to be handed out to inmates who cannot access the kiosks/tablets. The requests are triaged daily by nursing staff and uploaded into the Health Services computer system and retained in each inmate's electronic medical file. Urgent health care needs should be communicated immediately to nursing staff or the housing deputy and any additional concerns should be referred to the on-shift supervisor and HSU staff as soon as possible.

**504.25 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).

**504.26 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).

### **Receiving Funds**

After an inmate has been placed into a housing unit, the property deputy will place the inmate's U.S. currency into the Inmate Trust Account. Coins generally are not removed from an inmate's property. The property deputy will put the money into the kiosk and receive a receipt. If the kiosk is unavailable then the funds are entered into The Inmate Account System and a receipt is printed. The money and receipt is then dropped into the lock box designated for that purpose. If a receipt has to be issued manually, the following must be on it: the date of the transaction, from where the money was received, the amount received, and the inmate's name and LE number. The property deputy must sign the receipt and provide his/her Ada #. A copy of the receipt must be placed into the inmate's small property. Wet or biologically contaminated currency will not be placed on an Inmate's Trust Account.

The public has the following options for making deposits on behalf of an inmate: a kiosk in the lobby, online, or via telephone. This system is managed by a vendor under contract with ACSO. Where applicable, the vendor provides reports to Sheriff's Finance to balance the inmate trust account. Inmates or their families may purchase phone time using a process defined by the current phone vendor. If an inmate chooses to use their inmate trust account to purchase phone time those transactions are generally automated and are electronically handled.

### **Mail**

Inmates are instructed via the inmate handbook the proper methods for making deposits to their inmate trust account. Inmates shall be informed that funds should not be sent via the mail. When funds are received through the mail, ACJ staff will scan the contents of the letter for reference to the amount of money enclosed. Any difference in the amount of funds received and the amount listed in the letter should be reported immediately to the on-shift supervisor. Government checks will be delivered to the inmate for endorsement prior to being placed into the Inmate's Trust Account or can be mailed out at their request. Any third party checks, personal checks, or payroll checks shall not be put into the inmate's trust account and shall be placed into the inmate's small property or can be mailed out at the inmate's request. Any cash or coins shall be placed into the inmate's small property until they are released. Any time an inmate wishes to mail out a check or money order, the inmate must provide the stamped envelope. If the transaction involves a cashier's check, bank check, money order or traveler's check, list the type of check and the check number in IJ5.

### **Inmate Records**

Cash will only be accepted at the information window when the lobby kiosk is out of order. Funds will be entered into the Inmate Account System and a receipt should be generated or written. A copy of the receipt should be attached to the funds and a second copy should be sent to the inmate. The receipt should contain the name of the person who provided the funds.

### **Returning Funds**

Inmates receive their commissary funds through either a debit card or check. When an inmate is transferred to another facility, they will be issued a check. If the interface for debit cards is down, the inmate will receive a check. Checks should be issued through the computer check writing system and stamped with the signature stamp. ACJ staff will issue a typewritten check if the computer check writing system is inoperative. The Ada # of the staff member authorizing the check should be recorded on the file copy. Debit cards are issued by Records staff using their current procedures. Debit cards are forwarded to booking in a sealed envelope with a label indicating the inmate and information about the debit card. Booking staff is not to open the sealed envelopes. A toll free number is provided with the debit card for inmates to call for problems with the debit cards. Any remaining balance on an inmate phone account can be refunded to the inmate by contacting the inmate phone system provider by mail or phone.

### **Bond or Attorney Fees**

An Inmate Trust Account can be used to post bond or pay for attorney fees. An inmate must make a request for such services via a Commissary Funds Release form. If paying attorney fees, the inmate must supply a stamped envelope addressed to the attorney. As long as funds are sufficient, Inmate Records will issue the check and send it to the attorney.

### **Account Reconciliation**

The finance officer will remove all funds received and prepare funds for bank deposit. The finance officer will review all records and compile and balance the inmate account. Discrepancies found by the finance officer should be reported to the finance manager.

### **Payment for Health Services**



I.C. § 20-619 authorizes county Sheriffs to charge a fee for medical services to any non-indigent inmate when he/she is seen by medical staff and to charge non-indigent inmates actual costs for pharmaceuticals prescribed or authorized by medical staff. If an inmate is indigent, medical care will be provided at no cost to the inmate. The fees for medical services should be deducted from the Inmate's Trust Account. A fee will be charged for each medical service as indicated by the current fee schedule. ACJ staff members will direct all inmate questions about fees and co-pays to HSU staff via a Medical IRF.

#### **504.27 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.

#### **504.28 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.

#### **Privileges**

Different housing units and classification levels will have varying access to certain privileges. Inmates who are being disciplined for rule infractions will have some or all privileges temporarily restricted. Inmates in restrictive housing may have access to programs and services unless such participation threatens the safety and security of the facility or the community. Restrictions to programs or privileges will be logged in the jail management system.

- After an inmate has been placed into housing, telephone use is a privilege. Ada County should not be liable for inmate placed long distance telephone calls.
- All video visiting is a privilege.
- All ACJ programs, including religious services, are limited to space and volunteer availability.
- Commissary is a privilege. This facility will provide commissary privileges on a weekly basis to inmates who are eligible for it.

#### **504.29 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, hot sheet, 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.

#### **504.30 VISITATION / ACCESS TO JAIL BY NON-ACSO EMPLOYEES**

The Sheriff via ACJ staff will determine who will be given access to the jail as a visitor. The Sheriff, or his designee, may deny any visitor from entering the jail (or may demand any visitor immediately exit the jail) if there is a violation of this policy or if the visitor presents or creates any sort of security risk to the ACJ. For the purposes of this section a "visitor" is defined as any non-ACSO employee who is visiting an inmate or otherwise is entering the jail for any personal, professional, or law enforcement reason or is a county employee who has a work related need to enter the jail. A visitor must first display a visitor's pass or law enforcement/court/state issued photo ID to enter the jail. All visitors must be approved 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.

Additionally, the use or possession of any phone, camera, video camera, or other device capable of making any digital record of the inside of the jail facility by any person without the express approval of the Sheriff or his designee is prohibited. Pursuant to this policy, ACSO commissioned deputies and approved professional staff may be allowed to use their cell phones inside the jail for work purposes and for limited personal use while on duty. The Sheriff may allow attorneys, clergy, or other specific professional visitors as listed in the policy to use their cell phones or recording devices to assist them in the completion of their task while in the jail if the use of such device occurs only when the person is alone with their specific client(s) and is in an area where conducting a recording would not threaten jail security. Anyone failing to comply with this policy shall not be allowed to enter or remain in the jail.

No visitor is allowed to photograph or film inside the jail using any personal device without express permission of the Sheriff or his designee. Strict compliance with this is necessary to ensure the jail's configuration, design, and layout remain protected at all times in order to prevent escape attempts and/or any other criminal act that could put inmates or ACSO staff in danger.

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.

#### **504.31 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.

##### **Class I Security Clearance**

Class I security clearance volunteers perform departmental duties by facilitating staff functions. A Class I volunteer is subject to the same background check and security clearance as all ACSO personnel as required by HR. The manager or designee of the section seeking the services of a volunteer is responsible to collect and forward sufficient information to the Sheriff's HR section. HR will perform the required background checks and testing. After clearance, and upon completion of a Volunteer Application/Waiver, the Class I volunteer should be issued an ACSO ID.

##### **Class II Security Clearance**

Class II security clearance volunteers provide exclusive organizational program services to inmates in the jail. Class II volunteers are prohibited from providing anything but professional services to an inmate. Further, Class II volunteers are expressly prohibited from accepting service from any inmate and should not provide any item to any inmate. If any Class II volunteer is observed violating such restrictions the volunteer will be suspended and access to the ACJ will be revoked. Class II volunteers should be processed by the ACJ Volunteer Coordinator who shall cause the appropriate security clearance check to occur. Class II volunteers require an application and waiver, a local and NCIC wants check, and must possess a valid form of recognized ID, such as a driver's license or state issued ID.

Class II volunteers are required to sign in at the IR window and produce a valid picture ID each time they come to the ACJ. IR technician will confirm that each Class II volunteer requesting entry is listed in the appropriate IJ5 module and the program that individual is here for has not been cancelled. Upon meeting all the above criteria, IR technician should retain the surrendered ID and provide each Class II volunteer with the appropriate colored badge for proper identification.

Lobby security deputy should contact the security team support to escort Class II volunteers to their designated location within the ACJ.

Upon exiting the facility Class II volunteers are required to sign out and trade the volunteer badge for the surrendered ID. Failure to follow sign in / out procedures may result in temporary or permanent restrictions on jail access. Class II volunteers will restrict activities to performing only those services approved by the ACJ and the organization represented. Class II volunteers may only bring program and course materials into the ACJ. Cameras, tape recorders, and other electronic or mechanical devices are prohibited.

Class II volunteers must adhere to all rules and regulations contained in the Volunteer Agreement/Waiver. Class II volunteers may not become involved in disputes or altercations between security staff and inmates. Class II volunteers will not provide any information about any inmate, group of inmates, or ACJ business to anyone outside the facility unless required by law. Class II volunteers should comply with the directions, orders or instructions given by any deputy.

#### **504.32 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.

Tour requests are sent to the jail administrative assistant who will schedule tours and ensure all tour attendees have turned in the correct paperwork to enter the jail for a tour prior to embarking on any tour. Tour applicants are subject to a criminal history check. The criminal history check may include a local records check and an automated check prior to their approval as a tour guest with a law enforcement deputy (provided that the tour guest is not a member of the ACSO). An on-shift supervisor can deny any visit or visitor at any time for any reason.

Additionally, various factors may be considered in disqualifying an applicant, including but not limited to: being under 18 years of age; having a pending criminal action, any prior criminal history, or currently involved in a civil lawsuit against the ACSO.

Anyone between the ages of 16 to 18, who has written permission from a parent, may tour with the approval of the bureau captain or lieutenants. High School Tour groups do not require individualized written permission from a custodial parent. Spouses of ACSO employees and other adult family members of ACSO employees including parents, brothers, sisters, sons, and daughters, may tour no more than twice a year. Any other individuals may tour at the discretion of the bureau captain or lieutenant. Personal items such as briefcases, purses, or packages are not permitted in the ACJ. All tour participants will be advised to leave personal items at home or in a locked vehicle.

#### **Suitable Attire**

Any person approved to tour the ACJ is required to be suitably attired. Sandals, t-shirts that are deemed inappropriate, tank tops, shorts, and ripped or torn blue jeans are any clothing with offensive material is not permitted. The on-shift supervisor, or their designee, may refuse a tour to anyone not properly dressed.

#### **Peace Officer Tours**

Off-duty members of the ACSO and any other law enforcement agency will not be permitted a tour with on-shift deputies without the expressed consent of the on-shift supervisor. In the event that such a ACJ tour is permitted, the off-duty employee should not be considered on-shift and should not represent themselves as peace officers or participate in any law enforcement activity except as emergency circumstances may require.

#### **Deputy Responsibilities**

The assigned deputy or ACSO Training and Human Resource designee (for prospective employee tours) should advise the on-shift supervisor and Central Control that a tour is beginning. The deputy conducting the tour is responsible to verify the identity of all tour participants. Deputies or designees should consider the safety of tour guest(s) at all times. Deputies should use sound discretion when encountering a potentially dangerous situation, and if feasible, escort the guest(s) to the quickest way out of the facility.

#### **504.33 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.

#### **504.34 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.

#### **504.35 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.

#### **504.36 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.

## **SECTION 505 – ACJ INMATE HANDBOOK**

### **505.1 ACJ INMATE HANDBOOK**

*Chapter 5, Section 505 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://adawebnet.sharepoint.com/sites/policies-procedures/Shared%20Documents/Forms/AllItems.aspx?id=%2Fsites%2Fpolicies%2Dprocedures%2FShared%20Documents%2FEnglish%20%2DInmate%20Handbook%20%2DAda%20County%20Jail%2Epdf&parent=%2Fsites%2Fpolicies%2Dprocedures%2FShared%20Documents>

## **CHAPTER 6 – POLICE SERVICES BUREAU**

### **SECTION 601 – POLICE SERVICES BUREAU POLICY**

#### **601.1 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.

#### **601.2 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.

#### **601.3 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 an 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** - SROs 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

#### **601.4 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.

#### **601.5 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 persons 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.

#### **601.6 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.

### **601.7 SEARCH AND SEIZURE**

The ACSO respects the fundamental privacy rights of individuals. Deputies will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures will comply with federal and state law governing the seizure of persons and property. To ensure the constitutional rights of citizens are being upheld, deputies will be trained on how to apply the Fourth Amendment's Warrant Requirement and its exceptions to search and seizure situations. Deputies will be specifically instructed on the application of current federal and state law, local community standards, and prosecutorial considerations regarding searches and seizures. Deputies will be regularly trained on what federal or state law requires for a search or seizure of a person, their property, or their vehicle to be valid. Such training shall also include instruction on when a deputy may use the lawful exceptions that permit a warrantless search, specifically obtaining valid consent, searches conducted incident to lawful arrest, searches involving exigent circumstances, searches of property and vehicles, and searches conducted pursuant to a legitimate community caretaking interest. Such training will also include when a deputy may lawfully seize and search someone based on reasonable articulable suspicion and any other limitation or exception affecting the search and seizure of any person. Additionally, deputies will be trained on legitimate law enforcement activities that do not require a warrant, such as seizure and examination of abandoned property, and observations of activities and property located on open public areas. Since the law regarding search and seizure is constantly changing and subject to interpretation by the courts, every ACSO deputy is expected to act 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.

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. If another deputy or supervisor is unavailable to witness the search, the deputy shall state that fact, the reason why, and the solution to completing the search in a report.
- 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.

Before transporting any suspect in a patrol vehicle, a deputy should first search the suspect incident to arrest in order to ensure they do not possess any weapons or contraband that could be introduced into the jail or be used to harm the deputy or anyone else during transport.

#### **601.8 DETECTION/APPREHENSION SERVICE DOG PROGRAM**

The Detection/Apprehension Service Dog Program was established to augment Sheriff's services to the community. Highly skilled and trained teams of handlers and K9s are used to supplement Sheriff's service operations to locate individuals and contraband and apprehend criminal offenders. ACSO handlers and K9s meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives. Handler and K9 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 K9s. Requests for a K9 team from outside of the Patrol Division should go through the unit coordinator or the shift supervisor.

#### **601.9 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. At the conclusion of any death investigation, the ACSO shall follow all applicable state and federal reporting requirements, not otherwise handled by a medical facility or coroner's office, to include any death which happens while a suspect is being contacted, detained, is under arrest, or is otherwise in police custody.

#### **901.10 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.

#### **601.11 ADA COUNTY SPECIALTY UNITS**

ACSO employees make up several specialty units in order 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, the ACSO Crisis Intervention Team, and the ACSO Polygraph Unit.



**601.12 MULTI-JURISDICTIONAL TASK FORCES**

The Sheriff's Office participates in a variety of state and federal task forces to combine resources and increase the level of service to citizens. ACSO Employees may be assigned to a local, state, and/or federal multi-jurisdictional task force so as to accomplish ACSO's overall mission to the citizens of Ada County. The ACSO and participating agencies have written Memorandums of Understanding governing activities in each task force, and the Sheriff or his designee regularly meets with task force partners to evaluate our participation and any needs that arise. 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). Any ACSO deputy needing assistance from any federal agency task force listed above should, with the approval of their supervisor, contact a deputy assigned to the respective task force.

**601.13 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.

**601.14 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.

**601.15 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 such as deploying special tactics and/or awaiting 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.

#### **601.16 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.

#### **601.17 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.

#### **601.18 EYEWITNESS IDENTIFICATION**

Investigators shall adhere to certain guidelines for photographic line-ups, live line-ups, and show-ups to facilitate accurate eyewitness identifications and increase the ability of law enforcement to effectively identify innocent parties, accurately identify suspects, and assist with effective prosecution.

#### **601.19 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 for example a quid pro quo in the form of a reduced criminal penalty or for 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.

#### **601.20 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.

#### **601.21 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.

**601.22 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.

**601.23 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).

**601.24 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.

**601.25 ACSO RIDE-ALONGS**

The ACSO does not have a ride-along program generally for civilians. A ride-along may be offered to interested applicants for employment with ACSO when appropriate and employees may be allowed with the prior approval of their supervisor to have an ACSO or county employee, a family member, or a personal close friend ride-along for any portion of a shift. When it is determined that a ride-along may occur, the PSB Administrative Assistant is responsible for maintaining and scheduling a ride-along. Prior to the ride, participants will provide a valid ID and complete a ride-along waiver form. Any person engaging in a ride-along (who is not an ACSO employee) may be subject to a criminal history check prior to their approval. No more than one ride-along will be allowed in a deputy's vehicle at a given time, without approval from the shift supervisor. Riders shall be suitably dressed in collared shirt, blouse or jacket, slacks, and shoes. Sandals, t-shirts, tank tops, shorts, ripped or torn blue jeans, hats, and/or caps are not permitted. The shift supervisor or field supervisor may refuse a ride along to anyone not properly dressed.

Off-duty employees of the ACSO or any other law enforcement agency will not be permitted to ride along with on duty deputies without the expressed consent of the shift supervisor. If such a ride-along is permitted, the off-duty employee shall not be considered on duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require. Spouses and other adult family members or personal friends may ride no more than two times per year and the Patrol Captain make an exception to this upon special request. Any person under the age of 18 may ride along if approved by the Patrol Captain and written permission is given from a custodial parent.

### **Deputy's Responsibility**

The deputy shall advise dispatch that a ride-along is present in the vehicle before going into service. Deputies shall consider the safety of the ride-along always. Deputies should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lit and safe place. Dispatch will be advised of the situation and have another sheriff's unit respond to pick up the participant at that location. The ride-along may be continued or terminated at that time. The deputy shall maintain control over the rider at all times and instruct him/her in the conditions that necessarily limit their participation.

Instructions should include:

- The rider shall follow all directions of the deputy and shall not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any sheriff's equipment.
- The deputy or rider may terminate the ride at any time and the deputy may return the rider to their home or to the station if the ride-along interferes with the performance of the deputy's duties.
- Riders may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.
- Deputies will not allow any riders to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen.
- Under no circumstance shall a civilian ride along be permitted to enter a private residence with a deputy without the expressed consent of the resident or other authorized person.

### **Weapons Prohibited**

No weapons or firearms may be carried by any person riding with patrol under this policy, except for peace officers certified by the State of Idaho. A peace officer may carry a firearm during a scheduled ride-along with Sheriff's Office patrol deputies under the following conditions:

- The peace officer must provide a copy of their agency identification prior to the ride-along.
- During the ride-along, the peace officer shall carry the badge and identification issued by the employing agency.
- The firearm shall be carried out of sight and in such a manner as to prevent accidental cocking, discharge, or loss of physical control.
- Peace officers participating in a ride-along program of the ACSO should take enforcement action only during an incident that poses a threat of serious bodily harm or death to some individual.

Precautions will be taken by the on-duty patrol shift supervisor and the designated patrol deputy to ensure that this policy is adhered to.

### **601.26 AUTOMATED LICENSE PLATE READERS**

Automated License Plate Reader (ALPR) technology, also known as License Plate Recognition, provides automated detection of license plates. ALPRs are used by the ACSO to capture data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates, and missing persons. ALPRs may also be used to gather information related to active warrants, suspect interdiction, to locate suspects of criminal activity and/or stolen property recovery. ALPRs are not to be used for the purpose of traffic enforcement (for example: speeding infractions, expired licenses, invalid registrations, etc.). The ALPR system shall only be used to detect license plate images, vehicle images, plate texts, and record date, time and location of such evidence. The ALPR system SHALL NOT be used to detect facial images, people, gender, or race. While such information may be captured inadvertently based on camera angle, there is no detection/search function for these fields. The ALPR and its data shall not be used for harassment, intimidation, or for any other personal use. At least annually, and prior to all contract renewals for ALPR technology, the Sheriff will provide the Board of Ada County Commissioners with audit information regarding the use of ALPR technology and review of any changes to this policy.

### **Definitions**

1. ALPR. Equipment consisting of cameras and computer software used to automatically recognize and interpret characters on vehicle license plates and capture digital images.

2. Alarm. An indication by visual and/or auditory notice of a potential match between data stored and a license plate scanned by the system. A hit/alarm is not conclusive confirmation of a match and further investigation is always required before taking enforcement action.
3. Digital Evidence Management Software. A Criminal Justice Information System (CJIS) compliant system for user maintenance, date queries, import and export of data, and notification functions of the central repository of data collected by the ALPR system. This application can be accessed and reviewed for investigative and administrative purposes by authorized users.

### **Accountability and Safeguards**

ALPR data will be closely safeguarded using both procedural and technological means. In addition, the ACSO will observe the following safeguards regarding access to and use of stored data:

1. All ALPR data downloaded/uploaded to the mobile workstation and server or Evidence.com shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.
2. Persons approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relates to a specific official agency investigation.
3. ALPR data may be released to other authorized and verified law enforcement officials and agencies for legitimate law enforcement purposes.
4. Any non-law enforcement requests for access to stored ALPR data shall be referred to the Public Information Response Team and processed in accordance with applicable law and with review by the Sheriff's Legal Advisor.

### **ALPR Operation**

An ALPR shall only be used for official and legitimate law enforcement business. ACSO personnel will not use, or allow others to use, the ALPR equipment or data for any unauthorized purpose. No ALPR operator may access Idaho Law Enforcement Telecommunications System (ILETS) data unless otherwise authorized to do so. Upon receiving an alarm as defined above, and prior to initiating a traffic stop, an ALPR operator shall utilize all information available to determine the accuracy of the alarm. A receipt of an alarm is not sufficient probable cause to initiate a stop of a suspect without further verification.

### **Access and Administration of ALPR Data**

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access shall be managed by the ACSO's Axon Administrator(s) and/or the Criminal Investigations Division Lieutenant, who can assign personnel under his/her command to administer the day-to-day operations of the ALPR system as needed. ACSO personnel will only be granted access to the ALPR system and data who have a need to access such information in a law enforcement capacity. No ACSO employee shall operate ALPR equipment, or access ALPR data, without first completing agency-approved training.

### **ALPR Data Collection and Retention**

All ALPR data is used for law enforcement purposes only. ALPR information gathered and retained by this agency may be used and shared with prosecutors or other law enforcement agencies as permitted by law. All ALPR data will be stored for 60 days. Thereafter ALPR data will be purged unless it has become, or it is reasonable to believe it will become evidence in a criminal or civil action or is subject to a lawful action to produce records. All ALPR data is agency-owned and will never be sold or given to any third party. All data and images gathered by an ALPR are for the official use of the ACSO. Because such data may contain confidential ILETS information, the system/software will not be open to public view or review unless otherwise ordered by a court or as required by Idaho Code. No employee shall delete ALPR data from the system at any time without the express written permission of the Sheriff.

### **601.27 FACIAL RECOGNITION TECHNOLOGY (FRT)**

Facial Recognition Technology (FRT) compares images of an individual's facial features for verification or identification purposes. The ACSO may use FRT to help identify individuals suspected of committing a crime, victims of a crime, or other individuals needing to be identified for law enforcement purposes. When a FRT system query finds a match or result, the result will produce a record that will be reviewed or audited by an ACSO employee before any other action is taken. An FRT operator shall utilize all information available to determine the accuracy of a query result prior to acting on the result. To ensure non-discrimination, FRT must meet a minimum accuracy standard for face matches in various demographic groups. The system's algorithm will undergo frequent assessments to confirm continued accuracy.

### **Access and Operation**

ACSO personnel will only be granted access to the FRT system and data if they have a need to access such information in a law enforcement capacity and have completed agency-approved training. FRT shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date, and time. ACSO personnel will not use, or allow others to use any FRT equipment, software, or data for any unauthorized purpose. All installation and maintenance of FRT equipment, including data retention and access, shall be managed by the ACSO's CID Lieutenant, who will assign personnel under his/her

command to administer the day-to-day operations of the FRT system as needed. FRT shall be used only for official law enforcement business. FRT and its data shall not be used for harassment, intimidation, or for any other personal use.

**Data Collection and Retention**

All FRT data is used for law enforcement purposes only. FRT information gathered and retained by the ACSO may be shared with prosecutors or other law enforcement agencies as permitted by law. All FRT data will be stored for no more than two years. Thereafter, FRT data will be purged unless it has become, or it is reasonable to believe it will become evidence in a criminal or civil action or is subject to a lawful action to produce records. All FRT data is agency-owned and will never be sold or given to any third party. Because such data may contain confidential ILETS information, the system will not be open to public view or review unless otherwise ordered by a court or as required by Idaho Code. Any non-law enforcement requests for access to stored FRT data shall be referred to the Sheriff's Legal Advisor. No employee shall delete FRT data from the system without the express written permission of the Sheriff or by directions issued under an ordinance by the Board of County Commissioners pursuant to State law.