

Operations Manual

Bureau of Law Enforcement and Investigative Services

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AP-015: Body Armor

Wearing of Personal Body Armor

All personnel shall wear their personal body armor when on duty in uniform. Each commissioned member of the Sheriff's Office shall be supplied with personal body armor as outlined in the union contract or other agreement as now or hereafter stated.

Non-uniform personnel shall wear their personal body armor in those situations where it is reasonable to believe that a hazard exists that the body armor is designed to provide protection from. These situations include, but are not limited to: warrant services at residences, raids, high-risk operations or arrests, and surveillance of armed subjects.

Supervisors shall ensure that personnel under their direction comply with the procedure.

Inspection and Replacement

Each member of the Sheriff's Office is responsible for keeping his or her vest in a serviceable condition to maximize the life of the vest. When a member believes that the vest requires replacement, he or she shall take the vest to the range master for examination.

Criteria for vest replacement include, but are not limited to:

- Areas of significant wear or fraying
- Bunching on the sides or front panels
- Separation of the ballistic material layers
- Any wear or effect that reduces its ability to perform as expected

A range officer who deems that a vest is in need of replacement shall forward a memo prepared by the requesting party to a lieutenant for a replacement vest to be ordered. Included with this memo should be the personnel number and name of the member the vest was issued to, an order form with all sizes filled out, and any appropriate information as to the vest is no longer serviceable.

The request will be forwarded for a purchase order after approval by a lieutenant.

Upon replacement of personal body armor, the old (replaced) vest shall be turned in to a member of the range staff for disposal.

AP-026: County Credit Card

Normal Purchase Requests

The standard operational procedure for making a purchase request is for the person making the request to fill out a request for purchase form and forward it, through the chain of command, to the undersheriff for review. That operational procedure does not change with the addition of purchase cards.

Purchase Procedure

If the purchase is approved, the undersheriff will indicate, on the purchase request form, whether or not the purchase request is to be made with a purchase card or by the standard purchase order form.

Immediate Purchases

There may be situations where an immediate purchase is required due a particular situation which occurs after normal duty hours or under extenuating circumstances. Purchases of this nature are limited to \$100.00 or less unless higher amounts have been approved by the duty staff officer or the undersheriff. Invoices for purchases made without pre-approval shall be turned in the next duty day to the undersheriff via the chain of command with a memorandum of explanation. The below listed situations do not require the standard Purchase Request form:

Minor Vehicle Repair

The shift supervisor may approve use of the county purchase cards for minor repairs to department vehicles due to situations that do not occur during normal office hours or when the county motor pool is closed. Examples of this type of repair may include any type of repair that needs to be made immediately as it will affect the safety of the vehicle operator or other members of the general public.

Crime Scene Investigation Needs – Major Crimes

There may be situations that arise while processing a major crime scene that require the purchase of a special piece of equipment or equipment that is needed and not available at the time of the investigation. An example of these types of purchases may be power tool that is needed to remove a section of wall or a sheet of plywood to secure a doorway or window prior to leaving a scene or any other extraordinary situation that was not anticipated but needs to be dealt with during times when the office or other county agencies are closed.

Travel Expenses

Purchase cards will be used for per diem expenses when attending schools. The county travel policy shall be followed. A county purchase card cannot be used for the purchase of airline tickets due to contractual agreements with the card company. A separate county travel card is required to purchase airline tickets.

Tuition Expenses

The purchase card may be used to pay tuition and per diem costs for pre-approved training classes.

Fuel Expenses

There may be times when an employee, using a department vehicle, is travelling on official business and the Pacific Pride fuel service is not available in the area the employee is travelling. The purchase card may be used at that time for purchase of vehicle fuel.

Emergency Purchases – SAR Operations

There may be times in extraordinary search or rescue operations where the search and rescue coordinator is not able to return to the Bellingham area due to the excess travel time from the search or rescue coordination site. During extended operations of more than one day, when the deputy is unable to return to his or her residence for meals and no meals are provided by other volunteer agencies, the deputy may use the purchase card for the purchase of meals. The county policy for the purchase of meals when out of the area on official business shall be followed. County purchase cards shall not be used to purchase large quantities of food or restaurant meals for several people without prior approval of the undersheriff or duty staff officer. This kind of purchase also requires approval of the shift supervisor prior to use of the purchase card.

Other Uses

Other uses of the county purchase card not detailed in this procedure are subject to approval by the sheriff, undersheriff or duty staff officer duty after-hours operations.

AP-027: Command Vehicle

Vehicle Use

The command vehicle has been designed to accommodate many types of situations. The following is a list of types of operations where the command vehicle may be deployed; however, deployment is not limited to the situations listed.

Major Crime Investigations

The processing of major crimes such as homicides or major scenes that involve long term and/or complex operations.

Search & Rescue Operations

Search and/or Rescue efforts that require extensive deployment of resources for extended periods of time.

Emergency Management Operations

Natural disasters or environmental events that require multi-agency planning and decision making and/or a remote operational and communications center. Examples: Large hazardous material spills or events, wide spread power outages, severe winter storms that isolate areas of the community, floods and other events that require remote operations.

Large Scale Drug Task Force Operations

Large scale multi-jurisdictional operations where a centralized and mobile command center can be utilized for coordinating operations.

Crime Prevention

The command van may be used for crime prevention situations where a highly visible law enforcement presence in a particular neighborhood or district will assist in controlling or reducing crime in that particular area by deploying the command vehicle as an information center or contact point for citizens.

Public Relations

There may be situations such as parades, career fairs, or recruitment events that emphasize the many career opportunities that the Sheriff's Office offers to potential candidates. The placement of the command vehicle in those types of events will enhance the positive public image of the Sheriff's Office.

Loaned/Shared Resource

There may be situations when other law enforcement or public safety agencies request assistance from the Sheriff's Office. That request for assistance may be in the form of personnel or resources. It is the policy of the Sheriff's Office to respond to any request from another agency and provide any support that is feasible at that time. Requests for use of the command vehicle by another agency will be forwarded direct to the duty staff officer. A deputy or Sheriff's Office representative shall be present anytime that the command vehicle is in use unless other arrangements have been approved by the sheriff or undersheriff. There may be situations when the command vehicle is being used by another

agency during an incident when the other agency agrees to provide security for the vehicle at all times and the sheriff or undersheriff approves not having a Sheriff's Office employee present.

Other Uses

There may be other situations not articulated in this procedure when the command vehicle may be used. Those situations will be subject to the approval of the sheriff or undersheriff.

Operational Oversight during Deployment

It is necessary, due to the complex nature and expense of the command vehicle, to have procedures in place to govern operational command and authority whenever the command vehicle is deployed and to address issues such as security during deployment.

Deployment

Anyone who holds a position that would be required to deploy or maintain the command vehicle will be given training in the safe operation of the vehicle. A list of persons trained and authorized to operate the command vehicle will be maintained by the Lt. of Services and will also be kept in the command vehicle. The shift supervisor or a staff level officer has the authority to order deployment of the command vehicle for crime related incidents, SAR missions or DEM related incidents. Any administrative deployment of the command vehicle such as, career fairs or public relations type events must be approved by the sheriff or undersheriff. The duty staff officer shall be notified whenever the command vehicle is deployed.

Operational Command and Authority during Deployment

The command vehicle will be used similar to any location being used as a command or operational center. Only personnel necessary to perform the function that the vehicle is being used for will be authorized to be in the vehicle during deployment. The designated driver, in most cases, is responsible for the vehicle during deployment. That person is responsible for correct parking, activation of equipment, general operational over site during the deployment and completion of the checklist governing deployment of the vehicle. The highest ranking deputy assigned to the detail shall be responsible for the overall operation and security of the vehicle during deployment if the driver is assigned other duties during the incident or event.

Security during Deployment

The command vehicle shall be locked and alarm activated in any situation when the vehicle is being left unattended except when parked in the designated storage facility, which is alarmed. The command vehicle shall not be left unattended in a remote location without a Sheriff's Office employee in close proximity. An exception would be when the vehicle is being used inside of a controlled area such as a major crime scene where scene security is established as part of the overall operation.

Completion of Checklists

Checklists have been designed to be reviewed and completed each time the command vehicle is used. The pre-drive/parking checklist shall be completed for each time that the vehicle is operated. The post-operation checklist shall be completed each time that the command vehicle has been deployed in

addition to the pre-drive/parking checklist. The checklists shall be completed by the driver of the vehicle at the time it is used, deployed or parked.

DI-002: Beat Areas and Radio Identifiers

Patrol

The following table lists radio identifiers available to deputies assigned to patrol duties, and their accompanying areas of responsibilities (beat areas) depending upon the number of available units:

Designator	Beat Area	
	3 Units	4 or more units
S-1	West	Northwest
S-2	East	Northeast
S-3		Southwest
S-4		Southeast
S-5	Central	Central
S-6		North central
S-7		South central
S-20 – 29	Supervisor	

These additional radio identifiers are also available for the indicated areas:

Designator	Beat Area
S-8, 9	Birch Bay
S-10, 11	At large
S-12	North at large
S-13	South at large
S-14, 15	West at large
S-16, 17	East at large
S-18, 19	East county

Specialty Units

The following are assigned to personnel in specialty positions:

Designator	Assignment
S-40 – 49	Canine
S-50	Traffic sergeant
S-51 – 59	Traffic deputies
S-60, 61	Point Roberts
S-65	Forest Service
S-68	Newhalem
S-70, 71	Criminal Interdiction Team
S-75	Birch Bay
S-76	Sudden Valley

DI-004: Dispatch Recording Requests

Deputies will make all requests for dispatch recordings to a lieutenant after briefing their shift supervisor. The email containing the request should provide the following information:

- The reason for the request
- Event number
- A brief synopsis of the case
- Date and times of the transmissions, including start and stop times if possible
- Any specific statements or phrases that may have been recorded

EV-001: Found Property

See [RCW 63.21](#) – Lost and Found Property

Finder Does Not Wish to Claim

If a person contacts a deputy and indicates that they have found property that is not their own and they do not wish to claim the property, the deputy will do the following:

1. Take custody of the property.
2. Request an Event Number, if one has not already been drawn, and write a report outlining the finding of the property.
3. Enter the property into evidence as "Found Property - Unknown Owner".

Finder Wishes to Claim

If a citizen contacts a deputy and indicates that they found an article of property and the finder wishes to claim the property, if the owner is not located, the deputy will do the following:

1. Advise the finder that there is a state law that governs how to claim found property and that Whatcom County Government has adopted the state law as County Ordinance.
2. Provide the finder with a copy of the state law which outlines their responsibility or;
3. Advise the finder that they may call the Sheriff's Office during normal office hours and request that a copy of the law be mailed to them.
4. Advise the finder that they cannot assume the role of owner of the found property until all the requirements of the statute have been met.

The finder of property, which the finder wishes to claim, can be allowed to retain custody of the property at the discretion of the deputy. Below are the guidelines for allowing the finder to retain custody of the property:

- If the property has extensive value as with jewelry, furs, or cash, the finder will be required to turn the property over to the Sheriff's Office. The Sheriff's Office will maintain custody of the property until all the requirements of the statute have been met.
- The custody of large items such as boats and bicycles can remain with the finder who wishes to claim them after the following steps have been taken:
 - (1) A detailed description of the item has been completed by the deputy and is attached to the Incident Report and a receipt has been signed by the finder and deputy. Description and signature can be on the same form.
 - (2) A photograph has been taken of the item.

EV-002: Special or Large-Scale Felony Drug Investigations

See:

- [RCW 69.50.505](#) – Seizure and Forfeiture
- [RCW 69.50.511](#) - Cleanup of hazardous substances at illegal drug manufacturing facility

Search Warrants

Many complex narcotics investigations involve the application for and execution of search warrants to recover evidence of criminal activity.

Applications

Any and all applications for search warrants in narcotics investigations will be coordinated through the Whatcom County Prosecuting Attorney's Office. The search warrants may be obtained via telephonic means or by personal appearance in the court of jurisdiction. Standardized forms shall be used for the search warrant application, execution and return process.

Service

Service of search warrants shall be within the prescribed time limit for search, seizure and return of service.

Search Process

Search assignments shall be made as soon as the location to be searched has been cleared of any security risk to officers involved. The search process will be carefully organized to facilitate a systematic discovery, preservation by photographic means, documentation and collection of the evidence.

It is common with narcotics investigations that more than one suspect is involved. It is also common to experience multiple suspects with specific dominion and control over different areas and locations. Each physical area to be searched shall be assigned as an area to be searched with documentation to be completed that will list any and all evidence seized from that particular area. The suspect believed to be the person in control or ownership of that area shall also be documented.

Evidence Processing

Evidence handling will be in accordance with normal Sheriff's Office procedures. Special attention needs to be given to sections outlining the handling of money and drugs.

Returns of Service

The original search warrant, affidavit of search and an inventory listing of items seized will be returned to the issuing court on the next duty day after execution of the search warrant.

A photo copy shall be made from the originals of the aforementioned documents prior to return to the court. Any subsequent copies of the aforementioned documents will be made from the copies of the originals.

Destruction Orders

Washington State law provides for the immediate destruction of certain chemicals and components of drug manufacturing laboratories due to the health risk that they pose. The law also specifies that certain procedures be followed in those instances.

Local policy may also make it possible for destruction orders to be obtained in other large scale drug manufacturing operations where the redundant nature of many similar items may permit their destruction. The Washington State Patrol Hazardous Materials Disposal Team, or other designated agency, shall be contacted when a chemical laboratory is to be searched and/or seized.

Application to Courts

Washington State law indicates that an application for a destruction order should be submitted and applied for at the time the corresponding search warrant is requested, if at all possible.

Photography

Photographs shall be taken of items identified on the destruction order to be destroyed prior to removing the items, the same as with any other evidence at a crime scene.

Processing

The law governing destruction orders also indicates that any considerations for latent fingerprint evidence will be dealt with prior to destruction. The overall case must be examined and discussed with the deputy prosecuting attorney to ascertain the importance of any latent fingerprint processing prior to destruction.

Sampling

When destruction orders are issued for chemical laboratories the law specifies that representative sampling of chemicals will be accomplished by appropriately trained and equipped personnel. Those samples obtained will be turned over to the investigating deputies at the scene. The samples shall be labelled the same as with any other item of evidence and entered into evidence for subsequent analysis.

Documentation

A complete and detailed separate inventory shall be completed for the items to be destroyed. The original copy of that list shall be returned to the court issuing the destruction order. A copy of the list shall be attached to the corresponding case report.

Items Subject to Seizure

Certain items of property are subject to seizure as evidence of illegal drug activities. Certain items of property such as monies obtained as proceeds from illegal drug sales and vehicles used as conveyances during illegal drug transactions and other property used to facilitate the manufacture and/or delivery of controlled substances may be seized and civilly forfeited. It shall be the policy of the Whatcom County Sheriff's Office to pursue all such seizures provided by law. The appropriate supervisor will cause a report to be completed which identifies the probable cause for each item seized. The following procedure will be followed in determining items to be seized and in processing items seized.

Patrol Seizures

The Patrol Supervisor will be contacted, in any major felony investigation being handled by Patrol, to determine which items will be seized as evidence and which items may result in any subsequent civil forfeiture proceedings. The Patrol Supervisor may also discuss the situation with the chief deputy or duty staff officer for clarification. The Patrol supervisor will route a copy of the incident and probable cause report to the undersheriff on the first business day following the seizure.

Drug Task Force Seizures

The Drug Task Force supervisor will be contacted in any major felony investigation being handled by the Drug Task Force, to determine which items will be seized as evidence and which items may result in any subsequent civil forfeiture proceedings. The Drug Task Force Supervisor may also discuss the situation with the chief deputy or duty staff officer for clarification. The Drug Task Force supervisor will route a copy of the incident and probable cause report to the undersheriff on the first business day following the seizure.

Vehicle Seizures

The following procedure will be followed when seizing a vehicle in connection with felony drug investigations.

Reports

The probable cause for taking any vehicle into custody in connection with a drug related investigation shall be included in the associated case report.

Checklist

A form titled, Vehicle Seizure Checklist shall be completed and included with the case report in any case where a vehicle is taken into custody in a drug related investigation.

Inventory

The first priority when dealing with vehicles that may be potentially seized is to execute the search warrant - to photograph, inventory and seize items listed on the search warrant. An inventory of the vehicle should next be completed to document the contents of the vehicle the same as with an impounded vehicle. It is recommended that the vehicle and contents be photographed as a part of the search for evidence and after the evidence has been removed.

Personal Property Disposition

In most situations a vehicle is seized during or subsequent to an arrest. The property that remains in the vehicle after evidence has been removed shall be either left with a person designated by the person in charge of the vehicle when the search warrant was executed or at the location of the seizure if at the residence of the person in control of the vehicle. Appropriate receipts shall be completed and signed.

Keys

Normally there are many different keys on a key ring used by a driver of a vehicle. Only the keys required for access and/or operation of the vehicle will be seized with the vehicle. Any other keys will

be handled the same as the personal property mentioned in section 2 above. An identification type tag shall be attached to the vehicle keys listing the event number, date, seizing deputy, and vehicle description. [REDACTED]

Storage

[REDACTED] Vehicles shall be parked with the front facing out and backed into a parking location. This facilitates the starting or moving of the vehicle at a later date.

- [REDACTED]
- Any vehicle seized in felony drug operations shall have the associated Event number and defendant's name written on a tag. The tag shall be placed on the inside of the vehicle in such a fashion so that the tag is plainly visible from outside of the vehicle by looking through the windshield. This will be done at the time that the vehicle is parked and secured at the impound yard.

Vehicle Ownership

A computer registration/ownership inquiry shall be completed via DOL. The printed registration/ownership printout shall be attached to the original report. Any registration or ownership documentation located inside of the vehicle at the time of seizure will be entered into evidence.

Money Seizures

It is imperative that any money seized as evidence in a drug-related investigation must have accompanying probable cause documentation to document the role the money played in the investigation.

Buy Money

Any controlled buy money that was used in the investigation and was recovered must be packaged and labelled separately from other money seized.

Proceeds

Other money seized shall include information as to who the money was seized from and supporting documentation to demonstrate the money was obtained as proceeds from illegal drug activity. Issues that may be addressed can include the sources of income used by a defendant to support him or herself.

Firearm Seizures

Any firearms seized in a drug related investigation must have supporting documentation as to the reason for seizure. Probable cause documentation is a mandatory requirement.

Document Seizures

Documents of dominion and control are of concern in large-scale drug investigations. The documents seized are frequently reviewed by both defense and prosecuting attorneys and the courts. Documents seized as documents of dominion and control will be photocopied and attached to the original report prior to the documents being entered into evidence. An exception to this rule may be made by the supervisor overseeing the operation if time and personnel staffing is at issue. The documents, as soon as practical, may be signed back out of evidence for copying by narcotics investigators.

Other Equipment/Property Seizures

Any other equipment, pagers, telephones, or other personal property seized as evidence of the crime being investigated, shall have the associated probable cause documentation spelling out the role that the property played in the investigation. The probable cause for the seizure of any other property and/or equipment must be documented in the associated report to be able to articulate what role any piece of property or equipment played in the associated investigation.

Other Agency Seizures

Other agency agreements may result in felony drug cases being initially investigated by other federal and local agencies and then turned over to Sheriff's Office for prosecution and disposition, including the evidence.

Reports

No case or evidence will be received by a deputy without the associated other agency report. It is mandatory that the other agency report be complete before the evidence is received by the deputy.

Evidence

Any evidence turned over to the Sheriff's Office for prosecution will be receipted from the other agency to the receiving deputy.

- Sealed containers - If the evidence is turned over to the receiving deputy in a sealed configuration then that seal will not be broken. The deputy will indicate in his or her report that the evidence was sealed and the name of the person originally sealing the evidence. If the other agency has indicated the weight of the drugs the receiving deputy will follow Sheriff's Office Operating Procedures by obtaining the combined gross weight of the substance and the sealed container and will also indicate the weight reflected by the other agency and who the person was that obtained the weight. The other agency containers shall then be placed into separate Sheriff's Office containers and sealed with the receiving deputy's initials being written on the evidence tape including the date.
- Unsealed containers - If the evidence is not in a sealed configuration at the proposed time of receipt by the receiving deputy then the seizing deputy and the other agency officer will weigh and seal the substance together, indicate the weight per Operating Procedure, and initial the seal. The location where the weighing took place and the make, model and serial number of the

scales used shall be included in the receiving deputy's report. The sealed container will then be placed into a separate Sheriff's Office sealed container per Operating Procedure.

- Other property - Any other property or evidence received by members of the Sheriff's Office from another agency will be properly bagged, tagged and labelled per Sheriff's Office Operating Procedure.

Evidence Storage

The handling and storage of large numbers of evidence seized in special drug investigations requires certain storage location instructions.

Drug-Related Equipment

[REDACTED]

Drugs, Money and Firearms & Documents

[REDACTED]

[REDACTED] All firearms will be checked and made safe prior to handling or transporting. No firearm, under any circumstances, will be transported or entered into evidence in a loaded configuration.

Reporting Requirements

Reports involving felony drug violations involving evidence shall be turned in and reviewed by the appropriate supervisor no later than the next business day following the incident. A copy of the report shall be routed to the undersheriff or his designee no later than the next business duty day following the incident.

Event Numbers

One event number will be drawn per incident. An incident is defined as one operation or investigation involving one or the same group of target offenders. Each separate transaction or criminal activity will be documented individually; however, only one event number will be drawn for the investigation.

Evidence Numbers

The same principal applies with evidence; only one evidence number shall be drawn per investigation or operation. Documentation on the evidence container and the associated supplementary reports will set each item apart from another item of evidence. An example of labelling evidence from multiple purchases from the same target offender or offenders might be "Buy #1 from Suspect #1 on 7/1/94" and "Buy #2 from Suspect #1 on 7/1/94." Each time evidence is received during a separate transaction, the evidence will be labelled in such as fashion as to set that item of evidence apart from any other item of evidence.

Probable Cause Statements

A probable cause statement shall be submitted with the incident report any time that an item of evidence is seized that may involve a civil seizure and/or forfeiture. An explanation for the seizure of each item of evidence seized must be included in the probable cause statement.

Civil Seizure and Forfeiture Process

The undersheriff will review each incident where a drug related civil seizure is indicated. The undersheriff will consult with the prosecuting attorney's office to determine the appropriate strategy for proceeding with the seizure.

Notice of Seizure – Preparation

The undersheriff or his designee shall cause a Notice of Seizure to be prepared with the appropriate legal language. The chief deputy, undersheriff or sheriff will sign the Notice of Seizure.

Notice of Seizure - Service & Return

The undersheriff or his designee shall cause the Notice of Seizure to be served on all the individuals with an ownership interest in the seized property within the time limits of RCW 69.50.505.

Notice of Forfeiture

The undersheriff shall sign any Notice of Forfeiture when the action is complete and shall notify the sheriff of all said forfeitures.

Disposition of Property

The undersheriff will be consulted anytime that property which has been civilly forfeited is being prepared for final disposition.

Seizure Forfeiture Files

The undersheriff will create a case file with all the information relating to the seizure/forfeiture. Said file will be in addition to and separate from the criminal case file. The file will contain but is not limited to the following:

- Case Report and inventories.
- Probable Cause statements
- Notice of Seizure
- Original Affidavit of Service
- Registration or copy of title for vehicles seized.
- Seized Vehicle/Equipment checklist.
- All correspondence from property owners or their attorneys.
- Routing slips documenting all transmittals to the prosecuting attorney's office.
- Copies of all proceedings before the Whatcom County Sheriff.

Reporting Requirements

The undersheriff or his designee will file all reports required by RCW 69.50.505 and transmit any monies owing to the State.

Seized Property Checklist

A Seized Property Checklist shall be filled out and turned in to the undersheriff on the next duty day after any incident involving the potential of seizing personal property in drug related investigations.

EV-003: Evidence

Reference Documents

The Washington State Patrol's [Officers Evidence Handbook](#) and [Forensic Services Guide](#) contain valuable information about evidence handling and information that can be gained from the laboratory analysis of seized items. Deputies are encouraged to review these publications.

Evidence Identification

One of the most important functions of an investigating deputy in a criminal investigation is to conduct a thorough and in-depth interview with persons who have reported the incident or who have important information regarding the incident. From that interview the investigator will strive to obtain information that will identify the crime that has occurred, where and how it occurred. Those important factors are necessary to begin a search for evidence. Evidence found will either substantiate or disprove information that has been obtained or will provide more information to solve the crime and identify the perpetrator or perpetrators.

Evidence Preservation

The value of any item of evidence is to link it to a person, place or an event. It is extremely important that any item of evidence be preserved in a fashion that will facilitate establishing the link either by laboratory testing or by other testimony. In addition to those found in the Washington State Patrol publications, the following are general requirements for the preservation of evidence.

Crime Scene Security

The movement of items of potential evidentiary value is a constant concern for investigators. Every effort should be made to preserve evidence in its original location and configuration. The responsibility for preserving evidence at a crime scene is normally that of the first arriving unit. It can also be the responsibility of the person making the first contact with the reporting party by merely advising that person or persons to leave everything exactly the way it was following the incident or upon discovery of the incident. The issue of security at major crime scenes such as a homicide falls within separate operational guidelines however, the primary issue is that the first arriving law enforcement officer has the responsibility for securing any crime scene and assuring that nothing is disturbed until evidence technicians arrive or evidence processing begins.

Photography

No effort should be made to move any article of evidence until it has been photographed in place. Photographs should be taken showing the overall scene, the locations of specific items of evidence with reference points in the photos and close up photos of the item of evidence. A device showing scale should also be placed in photos where the size of the object is an issue. In cases where a large number of evidentiary items are seized it may be necessary to use numbering or lettering that is visible in the photo to show the different items of evidence and their respective locations to each other or a common reference point.

Sketching and Measurements

Sketching, taking measurements, and/or describing where an item of evidence was located is as important as photographing evidence. The combination of photographs and written documentation is the appropriate way to preserve scene evidence until it is collected. The complexity of the process for documenting a location of a piece of evidence is dependent on the crime. The location of a rock found in a yard at the scene of vandalism may not need to be described in as much detail as the location of a knife in a homicide, however, both items should be photographed with reference points and their locations documented. Measurements should be taken to physically locate evidence in such a fashion as to be able to return at a later date and reestablish where a piece of evidence was found or seized from. Whenever possible, a fixed location, that is not likely to be moved in the near future, should be used as a common reference point for taking measurements from. Using two fixed locations and the item of evidence to triangulate the position of the item of evidence is recommended.

Contamination Considerations

There are inherent risks when dealing with evidence due to the physical elements existing and handling by technicians. Every consideration should be made to preserve any item of evidence in its original configuration or the configuration that will best facilitate any subsequent testing or analysis. Handling of evidence should be minimal and only what is required to package and transport the evidence to the secure evidence storage facility. All evidence, with the exception of hairs, fibers and serological evidence possess the potential for containing latent fingerprints and should be handled accordingly.

Environmental Considerations

Outdoor crime scenes create the highest risk for the loss of trace evidence or the degradation of serological evidence. Environmental conditions such as rain, wind and snow can markedly degrade certain items of evidence to the point that they may lose their highest potential value. If an item of evidence has been identified in an outdoor crime scene that has the potential for containing trace evidence of any kind that item of evidence should be protected from the environment by covering the item. Photographs will need to be taken with and without the protective covering. The covering used should not physically touch the item but merely shield it from environmental elements. A paper cup over a spent shell casing that may have latent fingerprint value is an example of proper shielding from rain or snow.

Contamination from Other Sources

One of the primary considerations when examining any item of evidence is the ability to scientifically connect that item to a person, place or thing. Every precaution should be taken to avoid contact between knowns and unknowns to prevent cross contamination. Items of evidence from a victim in an assault case should be maintained and packaged separate from any suspect evidence. Individual items of evidence taken from a victim in a sexual assault case should also be maintained and packaged in separate paper bags, not combined. It may become extremely important in the prosecution of a sexual assault case as to what item of clothing and where on that item of clothing semen stains were found that were later matched to a suspect through DNA testing.

Personal Contamination Considerations

Universal precautions shall be taken by any member of the Whatcom County Sheriff's Office who deals with serological type evidence. Every effort will be made to minimize the risk of exposure to employees from any item of evidence that may contain harmful pathogens.

Evidence Labeling and Tagging

It is necessary, after identifying, photographing and documenting the location of evidence, to visually identify the evidence through marking, tagging and labeling in such a fashion to identify each piece of evidence as it pertains to the case being investigated. The below outlined guidelines set out procedures for the marking of evidence and are established to minimize duplication of documentation whenever possible.

Each item of evidence shall be identifiable by event number, evidence number, item number, date seized, seizing deputy and a brief description. Items of evidence may be identifiable by fixing an evidence tag to the item, placing the item into a paper bag or envelope with appropriate labeling, or writing the required information onto the item with a permanent ink marker.

Evidence Tags

All blanks on the Evidence tag will be filled in with the required information whenever an evidence tag is used to identify a piece of evidence. A brief description of the item will be included on the tag that sets that item apart from any other item in the case being investigated. Model numbers and serial numbers need not be on the tag as long as the complete accurate description of the item is included on an inventory sheet or the Evidence Entry Log. An example of this would be to indicate an event number, evidence number and item number for a handgun and write, "S & W .357 Handgun" on the tag. The associated inventory listing or Evidence Entry Log would include the tag information plus the location found, the model number, serial number and any other important information such as, "Red Stains on Barrel".

Evidence Stencil on Bags or Envelopes

A stamp has been designed for the application of Evidence Tag information on any paper bag or envelope used to collect evidence. If an item is packaged in an envelope or paper bag a separate tag on the item is not required and, in fact, is not recommended due to the possibility that the tag may inadvertently become separated from the bag or envelope during handling, shipment or storage.

Permanent Ink Marking

Certain items taken into custody will not lend themselves to being packaged in bags or envelopes due to their size or configuration. In situations where this occurs and there are no considerations for fingerprints or other processing, the item itself may be marked with permanent ink of contrasting color to the item. The information to be marked on the item shall include the Event Number, Evidence Number, Item Number and Personnel Number of the seizing deputy.

Evidence Containers

Due to handling, storage and shipping limitations, every effort shall be made to place evidence in a container that is similar in size to the object being seized. There are a variety of containers that may be used for collection of evidence. The primary containers are paper bags, envelopes, plastic containers, glass containers, metal containers and large cloth bags. Commercial paper bags with advertising shall not be used for evidence; only plain paper bags with the evidence stencil are permitted.

Paper Bags or Envelopes

In most cases, paper bags or envelopes will be the primary containers for evidence. Paper containers are porous and facilitate air-drying of items as opposed to plastic bags, which trap moisture and degrade trace evidence.

Plastic Containers or Bags

Plastic bags may be used in situations where there is no concern for trace or serological evidence and moisture is not a factor.

Glass Containers

Glass containers may be used for liquid samples such as a sample of a suspected accelerant in an arson event.

Metal Cans

Various sizes of metal cans may be used for the preservation of arson related evidence. Arson Investigators are trained in the proper collection and preservation of arson related evidence and are the primary users of any metal cans for their unique needs.

Large Cloth Bags

Large cloth bags are provided primarily for the seizure of large marijuana plants from a growing operation. The bag should not be filled over half full with plants to facilitate drying.

Evidence Sealing Requirements

Different requirements exist for the sealing of certain kinds and configurations of evidence. The majority of items entered into evidence are a size that allows them to be placed into a similar sized paper bag. Sealing is accomplished by simply folding the top edge of the bag and stapling it sealed. Larger items that will not fit into a paper bag need not be sealed into a separate container unless they have the potential for being transferred to a criminal laboratory for testing or examination. Any evidence that may be transferred to criminal laboratories for testing or analysis shall be sealed in a separate container with evidence tape with the seizing deputy's initials written across or on the evidence tape. Items that have the potential for laboratory examination or testing shall be individually packaged. An example would be when paraphernalia, ID, money and drugs are seized the money shall be in a separate envelope and the drugs shall be in a separate envelope. Certain specific items such as money and/or drugs require extra measures of sealing and security.

Money

The collection, preservation and disposition of monies entered into evidence require that the utmost care be taken to assure accuracy and security. No less than two persons shall count any monies taken into evidence at the time the money is seized or as soon as possible. The monies will be counted first by one deputy and then the second person will verify the amount by counting the money again. Money shall be placed in its own separate envelope and sealed with evidence tape immediately after the money has been counted and the count verified. The initials of both persons who have counted the money shall be placed on the tape. Currency shall be separated by denomination and each denomination of bills either paper clipped or banded together.

Drugs

The collection, preservation and disposition of illegal drugs also require the utmost care be taken to assure accuracy and security. Any illegal drugs entered into evidence will be placed in its own separate container and sealed with evidence tape. The initials of the deputy taking custody of the evidence shall be written on or across the evidence tape. An exception to this procedure pertains to large amounts of marijuana plants, which are collected in large canvas style bags. Sealing requirements for the large bags consist of twisting the top of the bag and securing it with wire, string, or tape and attaching an evidence tag. There is no requirement for evidence tape on the large cloth bags containing marijuana plants.

Jewelry and Other Items of High Value

Expensive jewelry and other small items of high value are also required to be in separate evidence containers and sealed with evidence tape.

Opening a Sealed Container

If it is necessary to open a container that has been sealed with evidence tape for later viewing or testing, the following procedure will be followed:

1. The original evidence tape with seizing deputy's initials shall not be tampered with in any way.
2. A new opening will be made in the sealed container and that opening shall be sealed with evidence tape after the viewing or testing.
3. The person breaking the seal and resealing the container shall place his or her initials across the new seal and the date.
4. A notation will be made in the Evidence Transaction File indicating when, why and who entered the sealed container.

Drug Weights

The weights of illegal drugs are important for prosecution of the associated case as well as for security and tracking purposes. The most accurate weights for illegal drugs are obtained from criminal laboratories due to the sophisticated devices used in the laboratory setting. The laboratory weights will be indicated in the lab technician's report for prosecution. A triple beam balance scale will be located in the "Night Lock-Up Evidence Room" for use by seizing Deputies and Evidence Technicians. The following guidelines pertain to the weighing of illegal drugs.

Seizing Deputy Responsibilities

Due to the risk of contamination, accidental destruction of evidence and the personal exposure risk, the seizing deputy is not required to separate the suspect substance from its so called, "street" container, which may be a plastic baggie or envelope or bindle, and weigh the substance. The seizing deputy is required to provide the gross weight of the suspect material and the street container. The seizing deputy is also required to document the weight and the fact that the weight is gross weight including the street container and also describe the street container - baggie, bindle, etc. The seizing deputy is then required to place the substance and street container into a separate evidence envelope and follow the sealing requirements. The gross weight of the substance and street container shall be written on the evidence envelope, Evidence Entry Log and in the associated report.

Evidence Custodian Responsibilities

A separate Operating Procedure addresses overall responsibilities for the internal handling of evidence. Some issues are addressed in both documents. The Evidence Custodian or Technician who receives suspected illegal drugs into the permanent evidence storage facility shall weigh and record the gross weight of the evidence container said to contain illegal drugs. The Evidence Custodian or Technician also has the responsibility to enter the gross weight in the Evidence Entry Log, along with their initials, and also enter the gross weight in the Evidence Computer File. The gross weight shall also be obtained and noted any time that the evidence changes custody from the evidence room to another location and/or is returned to the permanent evidence facility. An example would be prior to shipping the drugs to a criminal laboratory or for courtroom proceedings or upon return from the laboratory or court.

Evidence Inventories

In cases that contain or have the potential to contain numerous items of evidence it may be necessary or more efficient to use an Evidence Inventory Form to list all of the items. It may also be necessary, when seizing evidence from more than one location at a crime scene, to use a separate page of an inventory for each location. An example of this would be when a search warrant is served at a residence with multiple occupants who may have specific domain in separate rooms. One page of the inventory may be labeled, "Suspect #1s Bedroom", or "Living Room of Residence".

In major cases it sometimes is necessary to seize numerous items of evidence at separate locations and on different occasions. Major cases, such as homicides, necessitate sending items to criminal laboratories. It is necessary to specify not only which items are to be tested but the location they were seized from as well. For those reasons it is necessary to establish alphanumeric codes to identify items on the inventory forms and how they connect to the case being investigated. The following guideline will be used for identifying items individually and by location or activity:

Alphanumeric Coding - One Scene, One Seizure

Each item of evidence will be given an alphanumeric code. The first item seized will be given the number A-1. The next number will be A-2 and so on.

Alphanumeric Coding - Multiple Scenes, Multiple Seizures

Items seized from a second location or from a second situation from the same event will start with the number B-1; the next will be B-2 and so on. Each time the location of seizure changes or the situation changes a new alpha character will be used.

Coordination of Multiple Seizures

It will be necessary for Deputies conducting multiple seizures on large cases to check with a person designated as the Evidence Coordinator, to obtain the next sequential alphanumeric code to be used. If no one has been designated as an Evidence Coordinator, then the Seizing deputy will indicate the location or situation involving the seizure on the top of the first page of the inventory and begin numbering with the number 1. An Evidence Custodian or the deputy in charge of the investigation will ascertain what the next sequential alphanumeric code should be.

Index

An index is required for more than two seizures for any given event.

Evidence Storage

Any and all property or evidence taken into custody by members of the Sheriff's Office shall be maintained in secure storage. The deputy seizing or taking property into custody shall be responsible for the evidence or property until it has been placed into evidence storage. Any and all property or evidence taken into custody by members of the Sheriff's Office shall be properly tagged and placed in evidence storage at the completion of the duty shift worked when the property was taken into custody. Currently there are three locations where property and/or evidence are stored. There is a temporary holding facility, or night lock-up room, the main property room and a remote location for large items and unique seizures.

Temporary Holding Facility

The temporary holding facility or so called, "night lock-up" is designated for use by seizing Deputies as a location to bag, tag and enter evidence into the Evidence Entry Log. Various evidence-related supplies are kept in this room. The temporary holding facility is secure from unauthorized entry by door lock key control. Evidence placed in the temporary holding facility is transferred into the permanent property room each duty day by persons designated as Evidence Custodians.

Evidence Lockers

There are one-way lockers in the temporary "night lock-up" holding facility to accommodate evidence that has been seized. The lockers are designed in such a fashion so that when an individual locker door is closed it locks and cannot be re-opened except by a person designated as Evidence Custodian.

Large Objects

There will be situations when objects are seized that do not fit into the evidence lockers. It is permissible to leave those items in the temporary holding facility for transfer to the main property room by Evidence Custodians. No item will be left in the temporary holding facility without being properly marked bagged and/or tagged. There are no exceptions to this rule.

Main Property Room

A location has been designed and constructed for permanent, secure long-term storage of evidence and property. The location is known as the Main Property Room.

Access

Access to the Main Property Room is limited to only those persons designated as Evidence Custodians. Access is controlled by a twenty-four hour monitored alarm and key control. Special locks are installed and any key made for the Main Property Room locks must be by prior signed approval of the sheriff.

Evidence Room Entry Log

Any person not designated as Evidence Custodian shall be required to sign in and out of the Main Property Room on the Evidence Room Entry Log. Information on the Evidence Room Entry Log shall include the date, time in, time out, person being escorted, and the Evidence Custodian providing the escort.

Access - Evidence Technicians

Certain persons may be designated as Evidence Technicians who are responsible to assist with the transferring of evidence from the temporary holding facility into the Main Property Room. Those persons may also be responsible for assigning internal storage locations, computer data entry, completing laboratory testing submittal forms and preparing evidence and/or property for shipment. Persons designated as Evidence Technicians shall not be issued keys for the Main Property Room and they shall also be required to sign in and out of the Main Property Room on the Evidence Room Entry Log. Access by Evidence Technicians will only be facilitated by one or both of the Evidence Custodians.

Access by Others

It is recognized that certain persons may have a need to enter the Main Property Room in certain situations. Staff level personnel, Prosecutors, Detectives and Deputies may have the need to be in the Main Property Room in the performance of their normal duties. Any person not designated, as an Evidence Custodian shall not be allowed access to the Main Property Room without being escorted by an Evidence Custodian. Any person not designated, as Evidence Custodian shall sign in and out of the Main Property Room on the Evidence Room Entry Log.

Remote Storage of Evidence

██ Large items of property or evidence or large quantities of like items that consume a large area of storage space, such as bicycles and/or equipment used for growing marijuana, are to be stored there. The portion of the building designated as the Evidence area is controlled by unique Evidence Room key and by a twenty-four hour monitored alarm.

Vehicle Processing Area

██. This area is primarily used when a vehicle needs to be inventoried or searched pursuant to a criminal investigation. It may become necessary to secure a vehicle in the vehicle processing area until a search warrant can be obtained or until staffing is available to conduct certain processing. If a vehicle is placed into the Vehicle

Processing Area and the need exists to secure the vehicle as evidence then the area can be secured by following the below procedure:

1. Secure the slide bolt on the outside personnel door.
2. Close and secure the overhead door.
3. Close and secure the personnel door leading into the rest room hallway with the Evidence Padlock.
4. The above steps will secure the room and only one of the Evidence Custodians will be able to gain entry.

Any large item, such as a bicycle or growing equipment that is left in the Vehicle Processing Area for storage in the remote evidence storage facility shall be properly labeled and/or tagged with the required information. Metal rings have been attached to the walls in the vehicle processing area. Various lengths of plastic coated cables with looped end have also been provided. Several special security evidence padlocks are also provided in the Vehicle Processing Area. Any item of property left in the vehicle processing area, without the area being individually secured and alarmed, will be cable locked to one of the metal rings with an evidence padlock. It is the responsibility of the Evidence Custodian to assure that any item cable locked to the rings in the Vehicle Processing Area is removed from the Vehicle Processing Area and is placed inside of the secured and alarmed storage area [REDACTED] on a weekly basis.

Chain of Custody

It is imperative that a documented chain of custody be maintained whenever a piece of property or evidence changes custody. The seizing deputy becomes the first Sheriff's Office employee in the chain of custody of any piece of evidence or property. If the property is received from another person then a receipt shall be filled out and signed. A receipt is not necessary when a deputy seizes the item from a crime scene. A receipt or signed document is required each time that an item of evidence or property physically changes hands from one person another. The original receipt is attached to the Incident Report that generated the evidence or property, a copy is attached to the corresponding Evidence Entry Log and a copy is given to the person relinquishing custody. An entry in the Transaction file of the computerized evidence libraries is also required.

Special Evidence Considerations

Certain items of evidence require special considerations due to storage and/or handling requirements. It is recognized that certain items such as flammable liquids, chemicals, and explosives create a high risk for handling and storage. Only the amount required for testing and prosecution will be maintained in storage and custody and only in the appropriate containers.

Flammable Liquids

The evidentiary value of most flammable liquids is to match an unknown to a known or to identify a flammable liquid or accelerant in an arson related incident. Refer to the Physical Evidence Handbook for

determining the amount of sample to be seized and appropriate container. Storage of required flammable liquids in the Main Property Room shall be in the approved storage cabinet.

Chemicals

Certain chemicals that are dangerous in nature present a risk of physical harm to anyone handling them. Any suspected illegal chemicals from illegal laboratory operations will be handled by appropriately trained and equipped personnel only. The Washington State Patrol has implemented a Hazardous Materials Disposal Team of personnel who have been trained to handle chemicals that present a risk. Illegal chemical laboratories will not be entered or processed by members of the Sheriff's Office unless they have been trained in the proper handling procedures and are equipped with the proper personal protective clothing and equipment. Properly trained and equipped personnel will process illegal laboratories and will dispose of all hazardous substances with the exception of samples for testing and prosecution of the case.

Explosives

It is recognized that certain criminal activities may involve the illegal possession of use of explosive devices. Fireworks, dynamite and blasting caps require certain precautions for personal safety reasons. It is also necessary to document or retain certain items as evidence to facilitate a criminal prosecution.

Fireworks - No Criminal Charges

Fireworks that come into the hands of a deputy where a criminal prosecution is not being pursued shall render the fireworks safe by the following procedure. An Incident Report shall be completed detailing the circumstances surrounding the seizure and disposal of the fireworks. [REDACTED]

1. Submerge the fireworks in a container of water sufficient in size to easily accommodate the amount of fireworks.
2. Let the fireworks soak in the water for at least twenty-four hours.
3. Remove any fuse visible.
4. Discard the fireworks in the appropriate refuse container.

Fireworks - Criminal Charges Pending

Fireworks seized in connection with a criminal prosecution shall be photographed by the seizing deputy and detailed descriptive information shall be included in the Incident Report. The fireworks will then be disposed of as listed above.

Dynamite and/or Blasting Caps

Handling, seizing or disposing of dynamite or blasting caps or any other suspected explosive device, other than fireworks, shall be done by trained personnel only. The shift supervisor shall be immediately notified when a situation arises that involves dynamite, blasting caps or any suspected explosive device. Dynamite, blasting caps or a suspected explosive device shall not be placed in evidence until the item or an Explosives Expert has rendered device safe.

Firearms

No firearm will be entered into evidence in a loaded configuration. All firearms seized will be immediately unloaded and made safe by the deputy seizing the weapon or a qualified technician. Photographs and a detailed drawing will be completed in any situation where the position or location of ammunition in a firearm is required during case investigation. The drawings of and markings on the firearm should be accomplished in such a fashion as to be able to physically reload the weapon in its original configuration if required by court or the criminal investigation. If, due to corrosion or some other physical restriction, a firearm cannot be unloaded then the shift supervisor will be notified. Consulting with trained firearms technicians may be necessary to render the firearm safe. If it is absolutely impossible to unload a firearm prior to entering the firearm into evidence then the following procedure shall be followed.

1. A tag will be attached to the firearm, other than the evidence tag, indicating in large bold lettering that the firearm is loaded.
2. A memorandum shall be written describing the situation. One copy shall be placed on the Lt. of Services desk or under his or her office door, and one copy shall be placed on the Records Manager's desk, and one copy shall be placed in the Evidence Entry Log Book.
3. A message describing the situation shall also be placed on the Lt. of Services Voice Mail and the Records Manger's Voice Mail.
4. A telephone call may also be placed to the Lt. of Services or the Records Manager after hours.

Items That May Contain Blood-borne Pathogens

It is necessary in criminal investigations to handle, package and preserve certain articles that may contain body fluids that have a risk of containing bloodborne pathogens. Deputies and/or employees of the Sheriff's Office who are required to handle such items shall take universal precautions outlined in the Bloodborne Pathogen Policy. Any item entered into evidence that contains the risk of exposure to bloodborne pathogens shall be marked by placing a bio-hazard sticker on the container that the item is packaged in.

Documents

Documents are frequently entered into evidence that necessitate review by follow-up investigators or prosecutors or other persons who are entitled to review the content of the document. Latent fingerprint impressions may also be a concern in certain situations involving documents. The following procedure is established to facilitate a timely review of information from documents.

Any document entered into evidence shall first be photocopied. The photocopy of the document shall be attached to the associated Incident Report and the original document seized shall be entered into evidence.

Latent Fingerprint Evidence

Any latent fingerprint lifts made during investigation of an event will be placed on the approved latent cards. The lift cards will be placed into a manila envelope and labeled as *latents*, and the event number

and lifting deputy's personnel number shall also be on the envelope. The envelope will then be placed in the appropriate "In" basket in the Shift Supervisor's Office. Latents on lift cards are maintained in the latent file located in the Records Division.

Property of Deceased Persons

Deputies assigned to a death investigation, natural causes or suicides, are responsible to check the body for items of value and take any items into custody and enter those items into evidence for safekeeping and return to next of kin. The property may be turned over to next of kin if they are present at the scene, with proper documentation.

The only exception to this procedure is in the case of a homicide when the body and any personal property are left intact to be inventoried and removed during autopsy proceedings.

Sharps

Sharp objects such as knives and needles pose a serious risk of injury or exposure to harmful diseases. Special precautions shall be taken when handling any sharp object capable of causing injury. Personnel are required to take universal precautions when handling any evidence suspected of containing bloodborne pathogens.

Needles and Syringes

Crime laboratories will not accept syringes with needles attached due to the extreme risks involved in handling needles. Needles shall not be entered into evidence in the Whatcom County Sheriff's Office (see exception). Sharps containers are to be placed into each vehicle assigned to a commission deputy sheriff. Discarded needles reported to the Sheriff's Office shall be immediately placed into a sharp's container. Personnel are required to use a mechanical device such as plastic tongs or tweezers to pick-up any needles and place them into a sharp container. Sharps containers may be emptied at the hospital emergency room in appropriately marked larger containers and with the permission of hospital staff. Criminal charges will normally not be pursued in situations where the only evidence is a used syringe. There normally is not enough residue in a used syringe for chemical testing. Any used syringe seized in a criminal matter shall first be photographed and documented and then disposed of in a sharp's container.

It may be necessary to seize a loaded syringe as evidence in serious cases such as homicides or cases where a body has been found and a loaded syringe remains embedded in the body. A supervisor shall make the decision as to whether or not the syringe shall be seized. If the decision is made to seize the syringe then it shall first be photographed in place. It is strongly recommended that a medically trained person remove the syringe and place it in a specially designed safety container for needles. The syringe shall be taped to the body, in place, if no medically trained person is available, for later removal by the medical examiner or other trained medical person.

Other Sharp Objects

Other sharp objects such as knives that are seized for evidence shall be placed in specially designed containers prior to entry into evidence. Specially designed small boxes are available from Evidence Custodians for proper packaging of sharp objects capable of causing injury from handling.

EV-004: Photographic Evidence

Digital Photography

Cameras

Digital photographs for use in official investigations should normally be taken with department-issued cameras. Law Enforcement Deputies assigned digital cameras shall ensure that they are ready for use at all times.

Camera settings

Digital photographs taken by Patrol will normally be taken with the camera set on maximum resolution and minimum file compression. All other camera settings are at the discretion of the photographer. Crime Scene Investigators should ensure images are taken with appropriate image quality settings.

Image preservation

Digital photographs taken for evidentiary purposes during an official investigation, except those used to document a civil infraction, shall not be deleted from a camera's storage media while in the field. All photographs taken during a criminal investigation shall be submitted in accordance with established procedures, regardless of their perceived quality or applicability to a particular case. If an accidental deletion occurs, the photographer will document this in a narrative report.

Image Alteration

Evidentiary digital photographs shall not, under any circumstances, be altered or enhanced in any manner before they are transferred from the camera to the Sheriff's Office's records management system. Once images have been transferred, working copies may be made from the file that was initially submitted.

Image transfer

Digital photographs shall not be transferred by any method, including e-mail, Internet and fax, to an entity outside the Whatcom County Sheriff's Office Enforcement and Investigations, and Administration Bureaus, or the Whatcom County Prosecutor's Office, without supervisory approval.

In-camera storage

Personnel may keep image files from more than one investigation on their cameras (before transferring the images as described above) as storage space in the camera allows. It is incumbent upon the photographer to keep track of what each photograph depicts and during which investigation it was taken. Law Enforcement Deputies should transfer digital images from their cameras to the Sheriff's Office's records management system by the end of each shift, if practical.

35mm Photography

Cameras

35mm photographs for use in official investigations should normally be taken with department-issued cameras. Law Enforcement Deputies assigned 35mm cameras shall ensure that they are ready for use at all times.

Film

35mm photographs should normally be taken with department-issued film.

Camera settings

All camera settings are at the discretion of the photographer.

Film storage

All rolls of film exposed during an investigation shall be booked into the evidence system.

Third-Party Photographs

Film-Format or Printed Photographs

Any film, and developed or printed photographs received from a source outside the Sheriff's Office shall be booked into the evidence system.

Digital Images

Deputies should attempt to obtain the media on which digital images taken by parties outside the Sheriff's Office are stored, and book the media into the evidence system. If it is necessary to return the media to their owner in a timely manner, the images can be copied from the media and submitted per normal procedures. In either case, the following steps should also be taken:

- The medium on which the digital image is stored shall be checked for viruses and other hazards before the files are opened.
- Deputies should obtain, whenever possible, the make, model and serial number of the camera that originally took the pictures, as well as full information about the photographer.
- Deputies should describe the chain of custody of such images in a narrative report. Attempts should be made to determine who had custody of the images from the time at which they were taken until the deputy took possession of them.

H-001: Court Orders - Confirming

Key Concepts

- The Sheriff's Office provides investigations and enforcement personnel the capability to electronically query and verify protective orders. Deputies are responsible for confirming the existence of domestic orders issued by a Whatcom County court and maintained by the Whatcom County Sheriff's Office. These include No-Contact Orders, Orders for Protection, Restraining Orders, and Anti-Harassment Orders.
- Deputies should ensure that a printed copy of an order is included with the probable cause statement at the time of booking, and a copy should be included in the deputy's report.
- Domestic orders and the personal identification information of the parties contained therein are subject to privacy/public disclosure laws. Deputies should take care to prevent uninvolved parties from viewing domestic orders, the associated Law Enforcement Information Sheet, and shall take care to not display orders or other sensitive information to unauthorized persons via computer screens and mobile devices.

Whatcom County Orders

Order Existence and Service Information

When investigating what appears to be a violation of a court order, deputies should first check the Washington Crime Information Center (WACIC) and National Crime Information Center (NCIC) databases via the Washington State Access system to ensure the order is present in one of those databases. If the order is present, deputies must check the verification return to ensure that the order has been served. Deputies who are unable to use Access should ask What-Comm to check for them.

If an order has not been served and a copy of the order is available, deputies should consider serving the order on the respondent at that time.

Order Provisions

Deputies must then view a copy of the order using the County's online records system via the World Wide Web (see [below](#)). If deputies are unable to access this system, they should call the Records Division (daytime) or Jail (after hours/weekends) to determine the expiration date and contents of the order. Please note that What-Comm personnel do not have access to this system.

Deputies must carefully read the order to ensure the following:

- That the order has not expired.
- That the respondent has actually violated a provision of the order that subjects him or her to arrest. Some orders prohibit respondents from doing things but have no criminal clause. Petitioners in these cases must seek civil remedies such as a contempt of court finding by a judge.

If the County website goes down, software that allows deputies to access the County's online records system directly, rather than via the World Wide Web, has been installed on report room computers (Station and Cascade) and at the Jail.

Order Confirmation

An order is deemed confirmed when a deputy has:

- 1) Verified the order exists in WACIC or NCIC databases.
- 2) Verified via the verification return that the order has been served.
- 3) Reviewed the order on the County records system (or reviewed the order's contents with Records or Jail personnel, if the deputy is unable to access the order directly).
- 4) Verified that the order is active (i.e. not expired).

Arrest

An arrest may be made if a deputy has probable cause to believe that the respondent was served a confirmed order or has knowledge of its terms, and has violated a provision of that order that carries with it criminal penalties

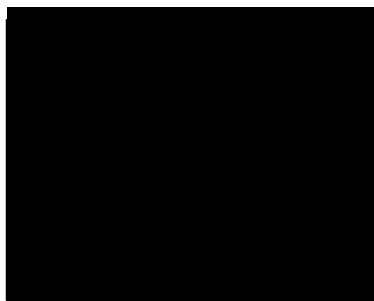
Orders from Other Jurisdictions

The procedure for confirming and making arrests based on domestic orders out of other jurisdictions is similar to that for Whatcom County orders, except for the following:

- Deputies should verify the existence of the order and whether or not it has been served by querying the Access system.
- Deputies should ask What-Comm to contact the originator of the order and obtain a copy.
- Deputies should review with What-Comm personnel the order's expiration date and provisions in order to determine if the respondent has violated the order.

Online Court Order Viewing Instructions

Double-click on the image below to view all of the instructions:



H-002: Domestic Violence No-Contact Order Checks

Key Issue

To enhance the safety of victims of domestic violence and to hold those who disregard court orders accountable, the Prosecutor's Office may request that Deputies check on a victim once a suspect is released from jail with a No-Contact Order.

Procedure

1. Prosecutors Office sends a lieutenant a request for Deputies to check on a victim.
2. Patrol Lieutenant forwards the request to a Patrol Sergeant, who assigns it to a specific deputy.
3. Deputy obtains a copy of the No-Contact Order.
4. Deputy checks on the victim in person within 72 hours. If the deputy is unable to make contact, further checks will be made until the victim is contacted in person.
5. If the deputy finds the suspect violating the order, the deputy confirms the order and arrests the suspect as normal. The deputy then flags the Probable Cause Statement for the Prosecutor's Office by describing the fact that the suspect was found violating the order after the Prosecutor's Office had requested the check.

Example: "Suspect found violating the order after deputy checked on victim at the request of the Prosecutor's Office."

6. If the deputy does not find that the suspect is violating the order, the deputy documents the welfare check in a Face Sheet report indicating that the check(s) was performed at the request of the Prosecutor's Office.

Example: "A deputy checked on a victim of domestic violence at the request of the Prosecutor's Office."

H-004: Investigative Referrals

An investigative referral is simply a report from another agency, regardless of the means it is delivered.

In each case, Deputies must decide what course of action to take independent of past actions by, or recommendations from, referring agency employees, based upon all information available to the deputy at the time.

Deputies should endeavor to coordinate their efforts with referring agency caseworkers, if assigned.

Inclusion of any paperwork provided by referring agencies in a WCSO case report depends upon whether or not allegations in the initial referral are founded. Generally, if the allegations appear unfounded, referral paperwork should be included. If the allegations result in an investigation by a deputy, referral information should generally NOT be included in the case report.

JA-001: Abbreviated Bookings

When a deputy transporting a prisoner to the jail receives an emergency call which necessitates an immediate turnaround from the jail:

1. The arresting deputy shall call dispatch and have them notify the jail of the need for an abbreviated booking procedure.
2. When arriving at the jail, the arresting deputy is required to conduct another pat search of the prisoner in the intake area.
3. The booking deputy will ask the arresting deputy if the prisoner has any special problems of which jail personnel should be aware (i.e., mental problems, suicidal tendencies, medical problems).
4. The arresting deputy will then place the prisoner in an intake vestibule. The booking officer will excuse the arresting deputy as quickly as possible, reminding the arresting deputy that he or she is required to return to the jail to complete the pre-booking process as soon as possible.

During the absence of the arresting deputy, the booking officer will complete as much of the pre-booking process as possible.

P-002: Alcohol Enforcement – Minors

Misdemeanor citations will be issued to persons under twenty one years of age when probable cause exists to believe they are in possession and/or have consumed alcoholic beverages.

Misdemeanor citations with the appropriate charge will be issued to anyone furnishing premises for a party or gathering where alcoholic beverages are being served to or consumed by persons under the age of twenty one years, other than parents serving to their children.

Misdemeanor citations will be issued to anyone who is found to be purchasing or providing a minor with alcoholic beverages.

Deputies will notify the Washington State Liquor Control Board of any business establishment that is found serving or selling alcoholic beverages to persons who are under twenty one years of age.

When a citation is issued for any alcohol related offense and when the person involved is under eighteen years of age, the deputy is responsible for notifying the parents of the person contacted. The intent is to ensure that the parents are notified as soon as possible. For those under eighteen but who are students enrolled at Western Washington University or local colleges, parental notification may not be possible nor is it intended to be required by this section.

While investigating violations, deputies may take alcohol as evidence or to have it destroyed in the field. Nothing in this procedure is meant to contravene the evidence procedure. As a general rule, all beer taps and kegs are to be seized as evidence. All other types of alcohol evidence may be properly disposed of in the field after being documented.

P-007: Code Responses

See [RCW 46.61.035](#) – Authorized emergency vehicles.

Response Levels

Deputies will drive to calls, request backup, respond to status checks and drive to requests for backup using these radio codes:

Code	Call Response Examples	Backup Request/Response	Driving
CODE 1	Normal response to calls for service.	I will handle the call, but stay in the area and be visible.	No lights or siren. Driving is in compliance with all traffic laws.
CODE 2	Misdemeanor in-progress. Automatic alarm.	I need cover without delay. You need to get out of your car and assist me.	Lights and siren when necessary. Maximum speed approximately 10-15 over limit. Complete stop at all regulated stops and intersections.
CODE 3	Officer needs help. Felony in-progress. Injury traffic accidents. Serious medical emergencies.	I need emergency help immediately. Any available units respond.	Emergency lights and siren. Response is as quickly as is safely possible while remaining within the statutory requirements for emergency vehicle operation and not driving too fast for conditions or recklessly endangering life or property.
CODE 4		No assistance needed. Cover units can disregard.	

Guidelines

Deputies are generally expected to set their level of response based not only on the crime to which they are responding but on other circumstances as well. For example, if a deputy is responding to a call that clearly calls for a CODE 3 response but this deputy is one of three or four responding and is a considerable distance from the occurrence, it is expected that this deputy will adjust his or her response to CODE 2 since there is a high likelihood that the CODE 3 response will make no difference to the outcome of the call.

It is difficult to foresee each and every situation and make a specific rule of response for each. For that reason, it is up to the deputy to set the response level and readjust it as conditions change. Supervisors may change the response level of a call at any time based on their knowledge of the totality of the circumstances.

P-008: Civil Standbys

Deputies are sometimes requested by one party in a property or marital dispute to stand by while they pick up property or children. Often, parties may have some type of document or court order which appears to grant them possession.

Deputies will use the following guidelines when responding to these requests:

- Deputies not stand by unless the requesting party has obtained a court order which specifically commands the Sheriff's Office to assist the party. Deputies should advise complainants that do not have such an order that the Sheriff's Office will be happy to assist, but that they must first secure a court order commanding the Sheriff's Office to intervene or assist and that the order must be specific as to the tasks to be accomplished.
- Deputies conduct standbys only for short periods of time, generally fifteen to twenty minutes, to recover possessions for one party to be away from the other for a few nights. The Sheriff's Office will not normally become involved in large-scale moving operations or searches.
- When deputies are assisting in a civil standby that fits the criteria of this procedure, they should interview the petitioner to determine if the respondent is expecting the order service. If not, the deputy should consider calling ahead or making prior arrangements with the respondent. In addition, deputies should check for the existence of other orders and must be aware that they may be entering a situation where there may be multiple orders. In the case of multiple orders, deputies should consult with the shift supervisor. Deputies are under no obligation to enter into situations in which good judgement and common sense indicate that further investigation is warranted first.
- In cases involving the recovery of property, deputies will accompany the petitioner to the premises and ensure that only the items stated in the order are taken and will document what was taken in a written report. Unless there is clear direction and authority from a proper court, deputies will not help or allow a petitioner to forcefully break and enter a premise.
- Nothing in this procedure precludes the duty of a deputy to investigate a violation of criminal laws.
- Deputies will write a report documenting the civil standby including what was taken and attach a copy of the order to the report.
- Once an order has been served, deputies will not return later with the same order. Petitioners asking for a second standby should be directed to obtain another court order. This precludes the order itself becoming an instrument of harassment for the respondent.

P-009: Court Overtime

Notices of Infraction

Court notices for notices of infractions will be placed in individual deputy mailboxes. Deputies are not required to appear for these hearings and the Sheriff's Office will not pay overtime for deputies to appear at these types of hearings. The hearing notices are for deputies' information, and deputies are free to appear during their regularly scheduled duty hours only.

If deputies receive a hearing notice that they feel involves unusual circumstances, or if the Sheriff's Office or the public interest would be better served if they appear, deputies may request assignment to appear via their supervisor. The request should be in writing and submitted in a timely manner to allow for review by the chain of command.

Criminal Hearings/Trials

Subpoenas to appear for criminal hearings will be distributed by the Civil Division. Deputies are required to notify their supervisors of impending appearances as well as to check in with appropriate command staff member during court hours.

- Deputies holding over from a current shift should have the shift supervisor sign the overtime request.
- Deputies coming in off duty should have the shift supervisor or a command staff member sign the overtime request.

Supervisors are responsible for ensuring deputies are not reporting for court when not actually necessary. Any request by a deputy prosecutor for a deputy to be present to assist other than for subpoenaed testimony needs to be approved in advance by a staff officer.

Each deputy is required to check the recording for misdemeanor trials before appearing. For felony cases, each deputy is required to check with the prosecuting attorney handling the case on the last working day before the trial to ensure the case is going to be held on the specified day. The deputy will also obtain a time to appear from the prosecuting attorney, as most trials begin with a jury selection that does not require the presence of the deputy.

Nothing in this policy is intended to mandate that deputies deviate from applicable collective bargaining agreement language.

P-010: Medical Examiner Notification – Death Investigations

Reportable Deaths - Contacting the Medical Examiner

Deputies called to investigate deaths that occur under any of the following circumstances in this section shall contact the medical examiner prior to releasing the body.

Persons who die suddenly when in apparent good health and without medical attendance within thirty-six (36) hours preceding death

This category should be reserved for the following situations:

- Sudden death of an individual with no known natural cause for the death;
- Death during an acute or unexplained rapidly fatal illness for which a reasonable cause has not been established;
- Deaths of individuals who were not under the care of a physician;
- Deaths of persons in nursing homes or other institutions where medical treatment is not provided by a licensed physician.

Circumstances indicating death caused entirely OR IN PART by unnatural or unlawful means

This category includes but is not limited to:

- Drowning, suffocation, smothering, burns, electrocution, lightning, radiation, chemical or thermal injury, starvation, environmental exposure, neglect;
- Unexpected deaths during, associated with, or as a result of, diagnostic or therapeutic procedures;
- All deaths in the operating room, whether due to surgical or anesthetic procedures;
- Narcotics or other addictions, other drugs including alcohol or toxic agents, or toxic exposure;
- Death thought to be associated with, or resulting from, the decedent's occupation. This includes chronic occupational disease such as asbestosis and black lung;
- Death of the mother caused by known or suspected abortion;
- Deaths occurring from apparent natural causes during the course of a criminal act, e.g., victim collapses during a robbery;
- Deaths that occur within one year following an accident even if the accident is not thought to have contributed to the cause of death;
- Death following an injury-producing accident, if recovery was considered incomplete or if the accident is thought to have contributed to the cause of death (regardless of the interval between accident and death).

Suspicious circumstances

This category includes, but is not limited to, deaths under the following circumstances:

- Deaths resulting from apparent homicide or suicide;
- Hanging, gunshot wounds, stabs, cuts, strangulation, etc.;
- Alleged rape, carnal knowledge or sodomy;
- Death during the course of, or precipitated by, a criminal act;
- Deaths that occur while in a jail, prison, custody of law enforcement or other nonmedical public institution.

Unknown or obscure causes

This category includes:

- Bodies that are found dead (see first criteria).
- Deaths during or following an unexplained coma.

Deaths caused by any violence whatsoever, whether the primary cause or any contributory factor in the death

This category includes but is not limited to:

- Injury of any type including falls.
- Any deaths due to, or contributed to, by any type of physical trauma.

Contagious disease

This category includes only those deaths where the diagnosis is undetermined, and a contagious disease which may be a public health hazard is a suspected cause of death.

Bodies that are not claimed

This category is limited to cases where no next-of-kin or other legally responsible representative can be identified for disposition of the body.

Premature and stillborn infants

This category includes only those stillborn or premature infants whose birth was precipitated by maternal injury, criminal or medical negligence, or abortion under unlawful circumstances.

No Jurisdiction Assumed (NJA) Deaths

Reporting a death to the medical examiner is not synonymous with the medical examiner assuming jurisdiction or responding to a scene of death. Reporting assures that only deaths appropriate to the jurisdiction of the medical examiner will be investigated by the medical examiner. Reporting also ensures that personnel familiar with criteria for jurisdiction will review the case information.

Cases that are reported to the medical examiner over which the examiner does not take jurisdiction follow a *no jurisdiction assumed* (NJA) procedure. These cases most frequently are those in which the decedent was without medical care for thirty-six (36) hours preceding death and death is thought to be from natural causes.

The Medical Examiner's Office applies a rather narrow interpretation of the legislative language "persons who come to their death suddenly when in apparent good health without medical attendance within the thirty-six (36) hours preceding death" ([RCW 68.50.010](#)). If both conditions (lack of medical care and apparent good health apply), the Medical Examiner's Office will take jurisdiction. If one or both conditions do not apply, the case may be placed in the NJA category. For all known NJA cases, a prerequisite is an attending outside physician who has knowledge and awareness of a patient's natural disease condition and is able to reasonably certify death.

A record of deaths reported is kept on file in the medical examiner's Office. Each NJA case is given a number. The person who reports the case will be asked to record the NJA number on the death certificate or give it to the funeral home making burial arrangements. The death certificate will not clear Vital Statistics without the NJA number.

Information for the Medical Examiner

When contacting the medical examiner directly or through dispatch for notification of a death, deputies will provide the following information when available:

- Victim information:
 - (a) Full name and date of birth
 - (b) History of medical problems
 - (c) Physician's name
 - (d) Medications
- Time of death or time discovered dead
- A brief synopsis of what occurred, if known, including names and relationships of those present when the victim died
- Description of scene, including illicit drugs found
- Information obtained from first responders/paramedics
- Sheriff's Office case number

Body Removal

In cases where the body is to be turned over to the medical examiner, all invasive medical devices (e.g., tubes, airways, IVs) should be taped in place. Transportation for bodies under jurisdiction of the medical examiner will be arranged by the medical examiner.

The medical examiner will provide dispatch with an on-call list for body removal in unattended deaths in which the medical examiner is not involved. If the death appears natural and likely not under the medical examiner's jurisdiction, deputies may allow the body to be removed by a funeral home chosen by the family or the funeral home on call, with instruction to hold the remains until the morning of the next working day.

P-011: Defense Attorney Contact

When a defense attorney contacts a deputy and wishes to discuss a case, the deputy will refer the defense attorney to the prosecuting attorney responsible for that case. It will be up to the prosecuting attorney to arrange a time for a mutually convenient interview. The interview will take place in the prosecuting attorney's office with all three parties present.

This procedure will be followed for all requests for information regardless of how informed or casual the request may appear. Interviews with defense attorneys will not be conducted at the Sheriff's Office unless requested the prosecuting attorney.

This directive also applies to attorneys from the Public Defender's Office. Any deviation from this policy must be authorized by a sergeant or staff officer.

P-012: Duty Staff Officers (DSOs)

Staffing

The following will serve as duty staff officers on a rotational basis:

- Sheriff
- Undersheriff
- Chief Criminal deputy
- Chief Civil deputy
- Chief Inspector
- Law Enforcement Lieutenants

DSOs will keep dispatch advised of their availability during the periods they are on duty.

Duties

- Make any further necessary notification of the sheriff or other command staff personnel
- Make family notifications of fatalities to Sheriff's Office personnel
- Authorize callouts of additional personnel
- Confirm authorization for immediate relief from duty of any personnel
- Authorize contents of major press releases
- Respond to assist supervisors when appropriate

Notification

When a notification is necessary, the supervisor will contact, or direct dispatch to contact, the DSO. In the event that the DSO cannot be contacted, the supervisor will contact another command staff member. If no command staff member can be reached, the supervisor will have dispatch log the times and methods of each attempt.

Supervisors must contact the DSO in any of the following circumstances, but remain free to do so any time they require assistance:

- Death of, or serious injury to, a Sheriff's Office employee
- Any discharge of a firearm by a Sheriff's Office employee on duty, other than while in training or during the destruction of an injured animal
- Serious injury to any person caused by a Sheriff's Office employee
- Barricaded suspect
- Homicide or suspicious death

- Suicide or suicide attempt in a corrections facility
- Kidnapping, or missing child in which foul play is suspected
- Major activity of another agency within Sheriff's Office jurisdiction
- Mass demonstrations including blockades, riots and labor strikes with public pickets
- Need for immediate disciplinary action of Sheriff's Office employee (e.g. suspension, relief from duty)
- Arrest of any Sheriff's Office employee
- Major incident press releases
- Mass custodial arrest (fifteen or more persons) from single incident
- Escape from a corrections facility, detention, or transport detail
- Mutual aid request received requiring major call-out or holdover of WCSO personnel
- Mutual aid request by WCSO for another agency's specialized team
- Theft or total destruction of a Sheriff's Office vehicle
- Bomb threat to any county building or facility
- Sheriff's Office vehicle accident involving injury to any party

P-013: Court Protective Order Enforcement

Court Order Service Procedures

Protection Orders/Temporary Protection Orders

1. Review the order and supporting information.
 - a. Review law enforcement information section for officer safety information.
 - b. Review physical description and possible locations of the respondent.
 - c. Check respondent for warrants.
 - d. Advise supervisor of any particular hazards or officer safety concerns.
2. Serve order personally on the respondent.
3. Give the respondent copies of all forms except:
 - a. Law Enforcement Information Sheet
 - b. Return of Service
4. Verbally read to the respondent:
 - a. The acts the order prohibits
 - b. The hearing date (if applicable)
 - c. The criminal clause subjecting them to arrest for violations.
5. Conduct any court-ordered standby in accordance with other Sheriff's Office directives.
6. Complete a return of service.

Restraining Orders

Restraining orders may be served on the respondent or the respondent's attorney. The procedure for service is similar to that for protection orders.

No Contact Orders

These orders are served by the court or corrections personnel prior to the release of the defendant/respondent from the jail.

Mandatory Arrests

[RCW 10.31.100\(2\)](#) outlines when deputies shall arrest and take into custody persons suspected of violating protective court orders.

Before making such arrests, deputies must verify that the suspect had been served with the order. It is important to document evidence of a suspect's knowledge of the order whenever possible.

Petitioners Not Subject To Arrest

Deputies will not arrest petitioners for complicity or rendering criminal assistance, even in cases in which the petitioner appears to have been willingly complicit in a violation.

Ex Parte/Unserved Orders

See [RCW 26.50.115](#)

If deputies are unable to verify that a respondent has been served with an order, they shall:

1. Advise the respondent of the existence and contents of the order to the extent possible.
2. Serve the respondent with any available copy of the order.

If the respondent then fails to comply with the provisions of the order punishable by arrest, deputies shall arrest the respondent.

Conflicting Court Orders

In addition to the guidance below, deputies should keep in mind that no-contact orders are issued to criminal *defendants* as pre-trial conditions or post-conviction sentence conditions. Protection and restraining orders are civil in nature, although they may have clauses that are enforceable by arrest.

Provisions of both others that do not conflict with each other should be enforced.

Superior Court Civil Order vs. District Court Civil Order

Deputies should enforce the superior court order.

Superior Court Civil Orders vs. Superior Court Civil Orders *or*

District Court Civil Orders vs. District Court Civil Orders

Deputies should follow the most recently signed order.

No Contact Orders vs. Civil Orders

Deputies should exercise discretion with the goal of keeping the peace. Because a no contact order arises from a criminal proceeding, it may be enforced notwithstanding any conflicting civil order, unless that civil order specifically refers to the prior no contact order and specifically rescinds it.

P-023: County Noise Ordinances

See [WCC 9.40](#) (Disorderly House) and [9.44](#) (Breach of Peace)

Deputies should follow this procedure when responding to noise complaints.

1. Contact the complainant. Record all pertinent facts as to volume, intensity, nature of noise, proximity to residential facilities, time of day or night, duration of noise, etc. Identify victims and suspects. Take statements when it appears the complaint will go to the prosecutor for review.
2. Advise complainant that the suspect will be contacted and:
 - a. Advised of the complaint.
 - b. Educated about county and noise ordinances.
 - c. Asked to discontinue the noiseAdvise complainant to re-contact the Sheriff's Office if noise continues.
3. Contact the suspect. Advise as above. Inform suspect that a report will be filed with the Prosecutor's Office if the noise continues.

If the noise continues and the complainant re-contacts the Sheriff's Office, forward a report to the Prosecutor's Office for disposition, unless immediate enforcement action is warranted (e.g., noise is late at night, continues after a warning).

Deputies should be mindful of [WCC 14.02.030](#), a section of Right to Farm ordinance which generally states that farming activity cannot be considered violations of [WCC 9.40](#) or [9.44](#).

P-033: Patrol Ride-Alongs

Guidelines for All Ride-Alongs

- Shift supervisors have the authority to assign, reassign or terminate any ride-along.
- Deputies must obtain permission from the shift supervisor prior to accepting any rider.
- Deputies shall notify dispatch any time anyone other than themselves is in a county patrol vehicle.

Civilians

Guidelines

- Shift supervisors should be given at least twenty-four hours' advance notice of civilian ride-alongs.
- Civilian ride-along applicants must be cleared by a records check prior to their ride.
- Civilian ride-along applicants must sign a waiver prior to their ride.
- Civilian riders must normally be sixteen years of age or older. Persons under sixteen require command staff approval and a parent co-signature on the waiver form.
- Civilian riders may ride a maximum of once every six months.
- Civilian riders will not normally attend shift briefings.

Procedure

1. Deputies should refer persons wishing to ride-along to the Sheriff's Office receptionist to obtain an application form.
2. The administrative sergeant:
 - a. Ensures appropriate records checks on the applicant are conducted.
 - b. Makes necessary arrangements to schedule the ride-along.
 - c. Notifies the applicable shift supervisor, who has final authority on the deputy to whom a rider will be assigned and whether or not the ride will take place on a given shift.
3. Deputies must ensure a civilian rider has signed a waiver prior to a ride-along.

Family Members

The same guidelines for civilian riders apply to deputies' family members, except that no records check is required. Deputies are responsible for ensuring that family members' backgrounds make them appropriate candidates for ride-alongs.

Family members for purposes of this section include spouses, children, siblings and parents (including in-laws) of employees.

Reserves, Dispatchers and Other Law Enforcement Personnel

Unless on official business at the direction of their agency, members of other agencies will sign a Sheriff's Office waiver prior to a ride.

P-038: Road Use Investigations

Mandatory Callouts

Deputies shall call for a road use investigator in the following circumstances (callouts are authorized):

- Any fatal accident on county roadways or right-of-way.
- Any serious injury accident on county roadways or right-of-way.
- Any reportable accident involving a county vehicle.
- Anytime there may be any possibility of substantial county liability and the problem cannot reasonably be referred by report.

The assigned road use investigator is responsible for contacting appropriate personnel in the Prosecutor's Office's Civil Division in the above circumstances.

Discretionary Callouts

Deputies may call out a road use investigator when there is an actual emergency that cannot be referred by report or handled by patrol units in situations such as the following:

- Questions regarding trucks, permits, overweight/oversize.
- Any farm vehicle problems.
- Possible hazards on county roadway or right-of-way.
- Problems dealing with road signing.
- Problems dealing with inclement weather.

P-039: Search and Rescue Activation

See [RCW 38.52.400](#)

Requests for SAR Responses

All requests for a search and rescue response, including the activation of any Whatcom County SAR unit, will sent to the patrol supervisor. The supervisor will assess the situation and assigned additional resources as needed. Additional resources may include but are not limited to:

- Assigning existing on-duty personnel to take initial actions.
- Assigning or calling out one or more search and rescue coordinators.

SAR Coordinator Callout Guidelines

SAR coordinators should be assigned an equal number of calls whenever possible to give both coordinators experience and distribute overtime as equally as possible. As both coordinators are normally on call, they must communicate with each other and the SAR supervisor when one of them is temporarily out of the area and unable to respond.

The following are general guidelines for assignment of SAR incidents:

- Coordinator on shift when incident reported - Assign to handle
- Both coordinators on shift when incident reported - Assign coordinator who did not handle previous mission
- Coordinator on days off - Assign other coordinator
- Both coordinators on days off - Assign coordinator who did not handle previous mission
- Coordinator on vacation - Assign other coordinator

P-041: Search Warrants

Obtaining Search Warrants

The following procedure covers obtaining a search warrant via telephone, the norm for outside business hours. Procedures for obtaining search warrants in person are similar, except that deputies usually testify in person in front of a judge.

1. The deputy briefs the shift supervisor on the incident and need for a search warrant.
2. With the supervisor's approval, the deputy calls the on-duty prosecutor and briefs him or her on the case.
3. With the prosecutor's guidance, the deputy fills out the search warrant form with detailed information about the location to be searched and the items for which deputies are asking permission to search.
4. The prosecutor sets up a three-way telephone call with a judge which the prosecutor records. The judge puts the deputy under oath. The deputy answers the prosecutor's questions and in so doing, testifies as to the existence of probable cause to search the location in question.
5. If the judge finds that probable cause exists, the judge directs the deputy exactly what to write on the search warrant form, normally to include the judge's name as evidence of the authorization.

Serving Search Warrants

6. Deputies show the original search warrant to the individual from whom the property is seized (if present) and leave a copy of the search warrant, certificate of search and evidence seizure list with the individual (or at the location).

Submitting Search Warrant Documents

7. Deputies file the original search warrant, certificate of search and evidence seizure list with the applicable court as soon as possible after the search has been completed.
8. Deputies attach copies to their report.

P-067: Informant Management

Definitions

Confidential Informant

A confidential informant is a person who provides information and/or services to the Sheriff's Office, with or without an expectation of compensation in the form of money or other considerations, made under the direction of the Sheriff's Office, the Whatcom County Prosecutor's Office, or any other branch of the criminal justice system.

Defendant Informant

As above, but subject to arrest and prosecution for a criminal offense; or a defendant in a pending criminal case who expects compensation for assistance in either the form of judicial or prosecutorial consideration; or compensation of another form.

Restricted-Use Informant

A person who meets any of the following criteria:

- On probation or parole (federal or state), with written consent of the supervising agency.
- Formerly addicted to any drugs or currently participating in a drug treatment program, with the approval of the investigative unit supervisor.
- With two or more felony convictions, with the approval of the investigative unit supervisor.
- Convicted of a drug felony, with the approval of the investigative unit supervisor.

Source of Information

A person or organization, not under the direction of a specific agent, who provides information without becoming a party to the investigation itself (a business firm furnishing information from its records; an employee of an organization who, through routine activities, obtains information of value to the Sheriff's Office; or a concerned citizen who witnesses an event of interest to the Sheriff's Office). The title "informant" does not apply to a "source of information" unless the source seeks financial compensation or becomes a continuing active part of the investigative process.

Criteria

There are four criteria that must be met to establish a person as a Sheriff's Office informant:

1. The person is in a position to measurably assist the Sheriff's Office in a present or future investigation.
2. The person shall not compromise Sheriff's Office interests and activities.
3. The person shall accept the measure of direction necessary for effective utilization of their services.

4. Approval of investigative unit supervisor. To obtain investigative unit supervisor approval, the requesting investigator will submit an informant background form, which shall contain all specified information including:
 - a. Informant's identification number
 - b. Social security number
 - c. Home and business telephone numbers

A criminal history and a current photograph of the informant shall accompany the informant history form. In the absence of a criminal history, a set of fingerprint cards will be necessary. The informant's true identify must be known prior to utilizing his or her services.

In the remarks section of the form, it must be noted if the informant has a pending case. If so, the Prosecutor's Office will be notified and the prosecutor authorizing the use of the informant will be named in this section.

Defendant Informants

The following guidelines are intended to ensure that defendant informants provide information or render services in a manner that recognizes their status as individuals subject to legal sanctions for criminal violations. The use of defendant informants shall be governed by the following:

- The approval of the appropriate prosecutor (federal, state, or local) shall be obtained prior to seeking the cooperation of a defendant.
- A defendant may be advised that cooperation will be brought to the attention of the appropriate prosecutor. No further representation or assurances shall be given without approval of the investigative unit prosecutor. The appropriate prosecutor shall have sole authority to decide whether or not to prosecute a case against a defendant informant.
- The appropriate prosecutor shall be advised of the nature and scope of the defendant informant's cooperation throughout the period of the investigation. The prosecutor shall set the procedures and frequency of this reporting.
- Prior to formally seeking the dismissal of any criminal charge against a defendant informant, the investigative unit supervisor must obtain the approval of the investigative unit prosecutor.
- Use of defendant informants shall be reviewed in the manner prescribed for other informants. Their use may be continued only if they are found to meet the standards set forth therein.
- A formal agreement shall be signed between the defendant informant and the appropriate prosecutor.

Use of Informants

- Informants are assets of the Sheriff's Office, not specific deputies or agents.

- Detective-informant contacts shall be of a strictly professional nature. Extrinsic social or business contacts are strictly prohibited. Pagers will be utilized when after-hours phone contact is necessary.
- Contacts with informants shall minimize their access to knowledge of Sheriff's Office facilities, operations, activities and personnel.
- Whenever practical, two Sheriff's Office members shall be present at all contacts with the informant. Except in the cases of phone calls, supervisory permission is required in advance of any in person one on one meetings or contacts between an informant and investigative personnel.
- All significant contacts with the informant and all information obtained at these contacts shall be documented in debriefing reports.
- Agents shall obtain an informant's signature on a special admonishment advising the informant of his or her responsibilities while working with the Sheriff's Office. This will protect agents in many situations wherein the informant's conduct becomes unfavorable.

Informants (and sources of information) shall be advised at the outset that:

- (a) They shall not violate any criminal law to gather information or provide services for the Sheriff's Office.
 - (b) They shall not possess, sell, or deliver any controlled substances, except as specifically directed to do so by a Sheriff's Office detective.
 - (c) They are not a police officer and they do not have any power of arrest or other legal authority.
 - (d) The Sheriff's Office will use all lawful means to protect their identity, but this cannot be guaranteed.
- The prosecutor shall be advised of any assurances and/or compensation provided an informant or defendant informant in advance of any judicial proceeding.
 - When informants participate in undercover purchases involving official funds, controlled drugs, or items of potential evidentiary value, the buy will require a minimum of two detectives for surveillance purposes. Each buy will be controlled in the following manner:
 - (a) The informant will be thoroughly searched preceding the buy. If the informant's vehicle or residence is utilized in the investigation, a thorough search will also be conducted of those areas to which the informant had access.
 - (b) The informant will be given investigative unit funds, which have been recorded by serial number, for the purchase of any contraband. The informant shall not purchase any contraband with personal funds. To avoid any error, all personal funds should be taken from the informant prior to any contact with the suspect. The personal funds shall be returned to the informant immediately upon completion of the transaction.

- (c) Whenever possible, constant surveillance will be conducted on the informant after the initial search and until he or she meets with surveilling agents.
 - (d) The informant shall then be thoroughly searched as in step “a” of this section. All evidence and investigative unit funds will be retrieved from the informant. Whenever possible, the entire process (steps a-e) should be accomplished by the same agent, with the same witness thereto.
 - (e) The informant shall be thoroughly debriefed and an investigative report written as soon as possible. If a written report is not practical at the time, detailed notes should be taken for later transcription. Case notes shall include a complete description of the suspect, a detailed account of all circumstances and conversations occurring during the transaction, and any other facts which may be of importance.
- Information obtained from informants will be evaluated and tested (where possible) before police action is initiated.
 - Personal contact with informants of the opposite sex shall always be accomplished with two officers present.
 - Informants shall not be given any agent’s home address or home telephone number. A business telephone number or pager number will be given to all informants where the agent can be reached.
 - Although it is sometimes necessary to exchange consideration in pending cases for defendant informant services, this practice will require careful scrutiny. The approval of the investigative unit prosecutor shall be obtained prior to seeking cooperation of a defendant.

Searching Informants

All searches shall be conducted by a deputy or other law enforcement officer of the same sex as the informant.

Informant Payment

No money shall be paid to any informant unless the following conditions are satisfied:

- A Receipt for Services Rendered is signed in the informant’s true name, witnessed by two Sheriff’s Office members, and filed in the appropriate file.
- Prior approval has been obtained from the investigative unit supervisor. Monies shall not be paid to any informant prior to the completion of his or her services unless other arrangements are made at the start of the investigation. It shall be the general rule that all payments shall be made in full at that time. Agents/investigators are discouraged from promising an informant a fixed sum of money. Payments will first be discussed with the investigative unit supervisor. Informants will be paid in amounts appropriate to the following criteria:
 - (a) Nature and complexity of the investigation.

- (b) Impact of this investigation / arrest on the community.
- (c) Past reliability and work record of the informant.
- (d) Informant's willingness to testify in court.

Informant Control

Each informant will be given an identification number. The investigative unit supervisor shall maintain a log of informant identification numbers in sequential order.

Informant Files

A separate file jacket shall be established for each informant. These files shall be stored in a secure location, segregated from any other files, and under control of the investigative unit supervisor.

In instances of extreme sensitivity, files of informants for whom a waiver of established procedures was granted may be stored separately from other informant files. Access shall be limited to the investigative unit supervisor and personnel designated to control the informant's utilization. Upon deactivating such informants, the investigative unit supervisor shall determine whether the file should be integrated into regular informant files.

Problem Informant File

A problem informant file will be maintained by the Sheriff's Office under control of the investigative unit supervisor. This file will contain the name, identification number and investigator involved. The problem informant file will contain a brief summary of why the particular individual is classified as a problem informant.

Entry into this file will not necessarily exclude the use of the informant, but additional screening will be required.

Reasons for entries in the problem informant file may include things like giving false information, unreliability in handling money and/or evidence and continuing criminal activity while serving as an informant.

Deactivation of Informants

Deactivation shall occur when:

- The informant no longer has the potential to furnish information or services, which could lead to a significant prosecution or interception of drugs.
- The informant is no longer willing to cooperate.
- The informant's cooperation has been determined to be unsatisfactory.

Informants shall be deactivated by the decision or with the approval of the level of supervision that approved the establishment. A deactivation report shall be included in the informant file indicating the circumstances surrounding the deactivation.

SO-004: Mandatory Booking – DWLS 1st and 2nd

See also DUI/Physical Control – Arrests and Bookings

Deputies arresting a driver for driving while license suspended (DWLS) or revoked (DWLR) in the first or second degrees shall ensure that the driver is booking into the county jail or juvenile detention.

Deviations or exceptions to this policy are allowed in unusual circumstances (e.g., defendant has a serious medical condition) and must be authorized by a supervisor.

Corrections personnel will accept for booking persons arrested by any law enforcement agency on these charges.

T-011: Vehicle Impounds

Documentation Required for All Impounds

Deputies shall document all vehicle impounds in written reports. Deputies must be sure to include at minimum the following information so as to enable other personnel to testify at an impound hearing if necessary:

- Identifying information of registered and legal owners
- Attempts to contact the registered owner prior to impound, when required
- Reason for the impound, including photographs for vehicles that pose a hazard

Prompt Removal or Impound

Situations in which deputies may promptly remove or impound vehicles are covered by [RCW 46.55.113](#).

There are sometimes alternatives to impounding vehicles, and in non-emergency situations deputies should normally consider these alternatives in light of the totality of the circumstances known to them at the time before impounding a vehicle.

Any persons normally required to sign a waiver or release in lieu vehicle impoundment but are handcuffed may give verbal permission at the scene. Deputies should obtain a signature from such persons at the jail.

Release to Third Party

Deputies may, in lieu of impound when a driver will not be able or allowed to continue driving, release the vehicle to a third party. Before doing so, deputies should:

- Obtain the driver's or owner's permission.
- Have the driver or owner sign a third party release.
- Verify that the new driver's license is valid.

Leave on Right-of-Way

Deputies may allow a previously-occupied vehicle to remain on county right-of-way if it meets the criteria of an abandoned vehicle whose removal is not immediately necessary (see below). Before doing so, deputies should:

- Obtain permission from the *registered owner*, the owner's spouse, or a member of the owner's immediate family.
- Obtain a commitment from the owner or family member about when the vehicle will be removed, which should normally be no more than five days.
- Have the owner or family member sign a vehicle impound waiver.

- Verbally advise the owner or family member that the vehicle will be impounded if it is not removed.
- Mark the vehicle as abandoned in accordance with established procedures.

Any deputy who allows a vehicle to remain on county right-of-way assumes the responsibility for monitoring and impounding it, if necessary.

Leave on Private Property

Deputies may allow vehicles to remain on private property that belongs to the driver or owner, or with permission of the property owner.

Vehicle Inventories

Deputies should inventory the contents of all impounded vehicles in accordance with the [Search and Seizure – Places](#) policy and relevant case law.

Deputies should list all items of greater than nominal value on the [Authorization to Impound/Tow and Vehicle Inventory](#) form. Deputies should seize and book into evidence any items of substantial value and should note any areas that were not inventoried.

If deputies locate evidence of a crime during an inventory and they have reason to believe they may find additional evidence, deputies should discontinue the inventory and apply for a search warrant.

Abandoned Vehicles – Immediate Removal Not Necessary

This section applies to vehicles apparently abandoned on county right-of-way that do not require immediate impoundment.

Marking

Deputies should affix a supplied reflectorized sticker to the non-painted surface of the vehicle that is closest to the oncoming lane of travel. Deputies should also mark the rear window of such vehicles in orange marker issued for this purpose with:

- The month and day (e.g., 07/14) the vehicle was tagged
- The Sheriff's Office incident number

Monitoring and Impounding

Deputies must make a reasonable effort to identify and contact the vehicle's last owner of record by telephone prior to impounding it ([RCW 46.55.085\(2\)](#)).

Deputies who mark an abandoned vehicle are responsible for its removal. Although state law allows for the impoundment of abandoned vehicles after twenty-four hours, deputies should normally wait 72 hours (three days) before impounding vehicles left on county right-of-way that do not require immediate removal. If deputies are able to contact the owner, they may give the owner up to five days from the date the vehicle was tagged to remove it before it is impounded.

If a deputy is not scheduled to work on the day the vehicle should be removed, he or she should work with a supervisor to ensure the job is reassigned.

Deputies should impound abandoned vehicles during normal business hours to help minimize impound costs.

T-014: Arrests involving Multiple Crimes

Felonies *and* Misdemeanors

Deputies who arrest suspects for felony crimes **must never** simultaneously issue such suspects citations for misdemeanor crimes for the same incident. Any misdemeanor crimes should be thoroughly investigated and clearly noted in the report to be referred to the Prosecutor's Office for charging.

Infractions are civil in nature and may be issued to criminal suspects regardless of what crimes are involved.

Multiple Misdemeanors

Deputies who have probable cause to believe a suspect committed multiple traffic misdemeanor crimes (e.g., driving under the influence *and* hit and run) should charge suspects with, and include both charges on, criminal citations.

T-018: Juvenile Crimes and Infractions

Deputies should process juvenile offenses according to the following table:

Age	Offense	Method
Under 16	Traffic infraction	Referral to Prosecutor's Office
Under 16	Criminal traffic	Referral to Prosecutor's Office
16 and older	Traffic infraction	Notice of infraction
16 and older	Criminal traffic	Criminal citation
Under 18	Criminal non-traffic	Referral to Prosecutor's Office

T-018: Preliminary Breath Testers (PBTs)

Preliminary breath testers (PBTs) are objective tests that can assist deputies with determining whether probable cause exists to arrest a suspect for alcohol-related driving offenses or detecting the presence of alcohol in open containers.

Deputies must tell persons that agreeing to a preliminary breath test is voluntary and their demeanor and actions must reflect this.

Deputies must receive approved training on preliminary breath testing instruments before using them.

Deputies shall turn in any defective PBTs for repair. Only personnel authorized to maintain and calibrate PBTs shall make adjustments to the instruments as part of regular maintenance and repair procedures.

T-020: Speed Measuring Devices

Deputies must receive approved training on speed measuring devices before using them.

Deputies shall turn in any defective speed measuring devices for repair. Only personnel authorized to maintain and calibrate speed measuring devices shall make adjustments to the instruments as part of regular maintenance and repair procedures.