

Woodbury County

Sheriff's Office



Policy Manual

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Foreword

In the performance of our duties to serve society, our members are often called upon to make difficult decisions. We must exercise discretion in situations where the rights of citizens, our rights and liabilities and those of the Woodbury County Sheriff's Office hinge upon our judgment and conduct. We are frequently required to make decisions affecting human life and liberty in difficult situations where there is no opportunity to seek advice and little for reflection.

The purpose of a written directives manual is to provide a set of standards and procedures by which members of the Woodbury County Sheriff's Office may be guided in the performance of their difficult and complex duties.

The directives contained herein are for internal use only and do not enlarge a member's civil or criminal liability in any way. They should not be construed as the creation of a higher standard of safety or care in an evidentiary sense with respect to third party claims. Violations of these directives, if proven, can only form the basis of a complaint by the Woodbury County Sheriff's Office, and only in a non-judicial administrative setting.

The Sheriff shall, establish a written directives system in those areas of operations where guidance is needed to direct members toward the attainment of Woodbury County Sheriff's Office goals and objectives.

All Woodbury County Sheriff's Office members shall treat a written directive in the same manner as a direct order from a superior. Supervisors are responsible for making subordinates know, understand and obey all provisions of all Woodbury County Sheriff's Office directives.

All general orders, policies, procedures, rules and regulations shall be authorized by the Sheriff and shall be maintained and reviewed as the need arises, but not greater than three years. Directives shall not be implemented or changed unless the Sheriff authorizes distribution, revision, cancellation or replacement by a new directive.

All supervisors shall assist any member with any matter pertaining to the policy.



**Woodbury County Sheriff's Office
Policies and Directives**

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**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Abuse of Position	Policy Number: 001
Issue Date: 07-01-11	Revision Date: 07-15-14 Review Date: 07-01-15
Approval Authority	
Title and Signature:  Sheriff	

POLICY:

All members of the Woodbury County Sheriff's Office shall decline any special privileges or exemptions for themselves or for any:

1. Spouse
2. Child
3. Parent
4. Other family member or relative
5. Friend
6. Acquaintance
7. Non-acquaintance

DEFINITIONS:

Authoritative position: All members have a position of great authority that is afforded by society. Because of this authority, members are in a position to influence citizens within a community. With this authority come grave responsibilities.

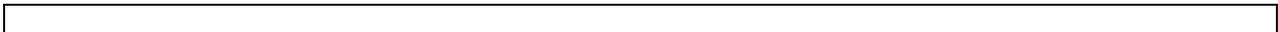
Conflict of interest: A situation for which a person may have more than one specific self interest in the outcome.

PROCEDURE:

Abuse of Position:

In compliance with departmental procedure, all members of the Sheriff's Office will consider the following situations abuses of position:

1. Becoming involved in a situation that is a conflict of interest.
2. Use of authority for the purpose of financial gain.



Conflict of Interest Regarding Abuse of Position:

All members of the Sheriff's Office must avoid becoming involved in any situation, either on or off duty, for which a conflict of interest is present. If a member responds to a call for which a conflict of interest presents itself, the member must control the situation, request a supervisor to respond, and cease any further involvement in the situation after being properly relieved.

Financial Gain Regarding Abuse of Position:

Officers of the Sheriff's Office, while in their official capacity, must **NEVER**:

1. Accept payment, cash, or property for services delivered in their capacity as an officer. Any officer confronted with such a situation must immediately complete a report to be forwarded to their supervisor;
2. Accept any gift or gratuity from a subordinate, unless approved by the Division Major;
3. Attempt to negotiate any payment of cash or property from another person or institution in their capacity of official law enforcement business. Any abuse of this authority is subject to disciplinary action;
4. Give testimony or use their name or photograph regarding commercial advertising, unless approved by the Division Major;
5. Seek personal publicity, either directly or indirectly, in the course of their employment;
6. Solicit subscriptions; or
7. Sell books, papers, tickets, merchandise, or any other items of value.



**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Appearance & Grooming	Policy Number: 002
Issue Date: 07-01-11	Revision Date: 07-15-14 Review Date: 07-01-15
Approval Authority Title and Signature:  Sheriff	

POLICY:

Members consistently maintain a neat, clean, and professional appearance during the performance of their official duties, or at any time they are representing the Woodbury County Sheriff's Office.

DISCUSSION:

Members of the Sheriff's Office are authority figures within the WCSO, and when outside are service representatives of Woodbury County. As such, it is essential that Members present a professional image to the public.

PROCEDURES:

In the performance of duty, members are required to wear uniforms as dictated by WCSO policy, except in special circumstances authorized by a superior. Determination of compliance with this policy is completely at the discretion of the Division Major or designee.

Members who fail to meet appearance standards may be sent home, and not permitted to work until their appearance meets Sheriff's Office standards, or they may be disciplined in other forms. Failure to comply on repeat occasions is *insubordination*, and disciplinary action will be taken.

Male Members:

Male members on duty, and in uniform, must keep their hair trimmed according to the following guidelines:

- A. Neatly tapered, rounded or squared at the back, and may extend down to the top of the collar.

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- B. Hair in front may not fall lower than one-half inch above the tops of the eyebrows.
- C. Hair on the sides may not extend lower than half way down the ear.
- D. Side burns may not extend below the lowest part of the ear, nor flare any wider at the bottom than their natural width at the top.
- E. Members may maintain a neatly trimmed moustache not to extend more than $\frac{1}{4}$ inch below the bottom lip. Members will shave daily before reporting to work.

Male members are prohibited from wearing earrings or any body piercing items. Male members must maintain clean, short, and neatly trimmed fingernails.

Female Members:

While on duty, and in uniform, female member's hairstyle must be worn according to the following guidelines:

- A. Not extend below the bottom of the collar.
- B. Styled in a fashion that allows a cap to be worn over the hair.
- C. Conspicuous pins, barrettes, and combs are not authorized.

Female members are prohibited from wearing body piercing. Female members may wear earrings small enough as to not be torn off by a suspect. Only one set [one for each ear] may be worn.

All Members:

Both male and female members are required to maintain cleanliness by bathing daily, practicing good hygiene, and by wearing clean clothes free from unpleasant odors. In addition, the following guidelines apply:

- A. Deputies and Jail Staff will carry rubber gloves in a pocket or belt pouch.
- B. All members are encouraged to wear a minimum amount or no loose jewelry.
- C. Do not bring or wear expensive items you are not willing to lose or have stolen.



**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Arrest Procedures	Policy Number: 003
Issue Date: 07-01-11	Revision Date: 07-15-14 Review Date: 07-01-15
Approval Authority Title and Signature:  Sheriff	

POLICY

Short of the application of force, an arrest is the most serious action a member can undertake. An arrest can cause repercussions throughout a person's life, even if they are eventually found not guilty or never brought to trial. The most important legal question facing a member at the moment of an arrest is the existence of probable cause. Without probable cause, the arrest is illegal, and the evidence of criminality that was obtained because of the arrest is inadmissible, i.e., fruit of the poisoned tree. Members shall accordingly exercise critical judgment in making arrests. Critical judgment includes consideration for bystanders, the time, place, and location of offense(s), and the use of force in making the arrests. Members shall consider alternatives to arrest consistent with their law-enforcement mission.

PURPOSE

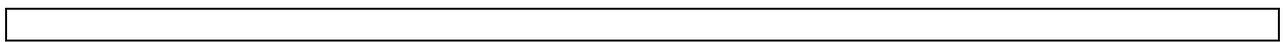
To define the authority of members to arrest and the mechanism for making arrests with and without a warrant pursuant to Iowa Code 804 5-6-7-8.

DEFINITIONS

A. Arrest

An arrest is a seizure of a person. An arrest is supported by probable cause. Generally, according to Fourth Amendment cases, the test of whether an arrest has taken place is whether a reasonable person under the circumstances would have felt free to leave. Limitations:

1. On-duty members of the WCSO after consideration of the situation are expected to take all steps necessary and consistent with their



assignment.

- a. To protect life and property and
- b. To enforce the Constitution of the United States, the laws of Iowa and county/city ordinances.

2. Off-duty members outside of Woodbury County shall avoid overzealous involvement in law enforcement situations.

- a. If an incident arises in which the member believes their own or another's personal safety is in jeopardy, the member shall make every effort to cause appropriate action to be taken by the responsible law enforcement authority.
- b. Action beyond notifying the appropriate authority shall be taken only after careful consideration of the situation and the possible repercussion on said agency and the county.

B. Probable cause

According to the U.S. Supreme Court, "Probable cause exists where the facts and circumstances within [the arresting officers'] knowledge and of which they have reasonable trustworthy information are sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been or is being committed.

1. An officer must have probable cause to make an arrest.
2. When an officer has probable cause, they may undertake a search incident to an arrest. The aim of probable cause is to make a formal charge.

DISCRETION

- A. Members shall demonstrate discretionary judgment. Discretion shall be applied reasonably and shall be guided by the oath of office, the limits of authority as established by law, the decisions and interpretations of the courts, the written orders of the Woodbury County Sheriff's Office, and the oral instruction provided by field supervisors.
- B. Members shall not make arrests based on or affected by a person's sex, race, creed, color, general or assumed attitude, ethnic or national origin, disabilities, or sexual orientation.
- C. Members possess four (4) forms of discretionary authority: no arrest at all, an informal resolution of the incident or problem, issuance of a summons, or a full-custody arrest.



1. Informal resolutions take the form of referrals to other agencies, mediating agreements between two or more parties or issuance of a warning. Informal resolutions are the least coercive of all enforcement measures and shall be applied when stronger enforcement methods are unnecessary or inappropriate under the circumstances.
- D. The decision to apply one or more enforcement methods must be based on the totality of the circumstances and must be consistently applied.
- E. Supervisors shall review arrest reports to ensure that proper action was taken under the circumstances.

ARRESTS BY WARRANT

- A. 804.1 Arrest by warrant – complaint and citation defined.

A criminal proceeding may be commenced by the filing of a complaint before a magistrate. When such complaint is made, charging the commission of some designated public offense which such magistrate has jurisdiction, and it appears from the complaint or from affidavits filed with it that there is probable cause to believe an offense has been committed and a designated person has committed it, the magistrate shall, except as otherwise provided, issue a warrant for the arrest of such person.

If the complaint charges a public offense, the magistrate may issue a citation instead of a warrant of arrest. The citation shall set forth substantially the nature of the offense and shall command the person against whom the complaint was made to appear before the magistrate issuing the citation at the time and place stated in the citation. The magistrate shall prescribe the manner of service of the citation at the time the citation is issued.

The citation may be served in the same manner as an original notice in a civil action. If the person named in the citation is actually served as provided herein and willfully fails without good cause to appear as commanded by the citation, the person shall be guilty of a simple misdemeanor and the magistrate may issue a warrant of arrest of the offense originally charged. If after issuing a citation the magistrate becomes satisfied that the person to whom such citation has been directed will not appear, the magistrate may at once issue a warrant of arrest without waiting for the date mentioned in the citations.

804.2 Contents of arrest warrant.

A warrant commands the accused to appear before a judge or magistrate at a stated time and place. The warrant must be directed to any peace officer in the state; and give the name of the defendant, if known, to the magistrate; if unknown, may designate "name unknown", and must state by name or general description an offense which authorizes a warrant to issue, the date of issuance,



the county or city where issued, and the signed by the magistrate with the magistrate's name of "WCSO."

ARREST

A.804.5 Arrest defined.

Arrest is the taking of a person into custody when and in the manner authorized by law, including restraint of the person or the person's submission to custody.

B.804.7 Arrests by peace officers.

A peace officer may make an arrest in obedience to a warrant delivered to the peace officer, and without a warrant:

1. For a public offense committed or attempted in the peace officer's presence.
2. Where a public offense has in fact been committed, and the peace officer has reasonable grounds for believing that the person to be arrested has committed it.
3. Where the peace officer has reasonable grounds for believing that an indictable public offense been committed and has reasonable grounds for believing that the person to be arrested has committed it.
4. Where the peace officer has received from the Department of Public Safety, or from any other peace officer of this state or any other state, or the United States, an official communication by bulletin, radio, telegraph, telephone, or otherwise, informing the peace officer that a warrant has been issued and is being held for the arrest of the person to be arrested on a designated charge.
5. If the peace officer has reasonable grounds for believing that domestic abuse, as defined in section 236.2, has occurred and has reasonable grounds for believing that the person to be arrested has committed it.
6. As required by section 236.12, subsection 2.

E. Citation Arrest

1. 805.1 Issuance of citation-release
 1. Except for an offense for which an accused would not be eligible for bail under Section 811.1(bail and bail restriction) or a violation of Section 708.11 (stalking), a peace officer,



having grounds to make an arrest, may issue a citation in lieu of making an arrest without a warrant or, if a warrantless arrest has been made, a citation may be issued in lieu of continued custody.

2. The citation procedure for traffic and other violations designated as scheduled violations are governed by Sections 8-5.6 through 805.15.
 - a. Any offense committed in the officer's presence which is a violation of any state, county, city or town ordinance, or any "in custody" misdemeanor.
 - b. An arrest on a warrant charging an offense for which a citation may be issued, when specifically authorized by the judicial officer issuing the warrant.
 - c. A violation of any state, county, city, or town ordinance.
3. If after issuing a citation for above, the suspect continues the unlawful act, then the member shall arrest the subject.
4. If the member believes that the suspect is likely to disregard a citation, then the member may arrest the subject.
5. Complete a local/NCIC check on any person to whom a summons was issued before releasing that person.

POST-ARREST PROCEDURES

C Injury before or during arrest

If a person receives an injury before or during an arrest and either requests medical attention or; in the officer's judgment, medical attention is needed, officers shall transport the suspect or arrange for their transportation to the hospital for an examination before booking.

D. Processing of paperwork

1. An offense report shall be completed along with a dictation on all arrests. Any time an offense report is used, the appropriate information shall be completed, i.e., if burglary has been or is suspected then the burglary section of the offense report shall be completed, an assault the assault section completed, items seized or missing items in property section and stolen or seized vehicles in the vehicle section.
2. Offense reports shall consist of



- a. Arresting officer's name
 - b. Arresting officer's computer number
 - c. Supervisor
 - d. Shift assigned
 - e. Date of offense
 - f. Date of occurrence
 - g. Location of offense
 - h. Arrestee, suspect information
 - i. Priority
 - j. Complaint number
3. Supervisors shall periodically review offense reports prepared by subordinates in their command.
 4. Items seized as evidence shall be tagged and placed in an appropriate locker. A seized property report shall also be completed; white copy with evidence, yellow copy routed to identification, and the pink copy, to the person the property was seized from.

RELEASE FROM ARREST

A. Legal background

1. If members encounter a circumstance where probable cause develops to arrest a person for the offense, only to find out shortly thereafter that the person under arrest did not commit the crime or that the crime did not occur, then the member shall release the suspect.
2. When a member releases a subject from arrest, they shall return the person to the place of the arrest, if the location is deemed safe. The member shall not release the person along the roadside. If a vehicle has been towed, the vehicle shall be returned to the operator/registered owner unless it is required as evidence, or some other legal authority assumes custody of the vehicle.
3. Upon releasing a person in this manner, the member shall immediately contact the on-duty supervisor and advise them of the incident.
4. To protect the member and the WCSO, the member shall document via an incident report:
 - a. The date and time of arrest.
 - b. The person arrested (name, address, date of birth, race).
 - c. The location of arrest.
 - d. Probable cause for the arrest and the specific charge(s).



- e. The location, and time of release from arrest, and whether the person was transported.
 - f. The circumstances or discovery of information which led the member to release from arrest.
 - g. Any witnesses to the alleged crime, or to the fact the person arrested was allegedly involved.
 - h. Whether force was used in making the arrest, and if so the nature of any force used, and the consequences (including medical aid).
 - i. The County Attorney should be notified as this “un-arrest” starts the 45 day speed trial clock should further evidence implicate the party in the crime.
1. If the member makes an arrest based on probable cause, the arrest is lawful. Probable cause must continue to exist through the appearance of the arrested person before the judge. If not, the officer must release the person as soon as practicable.

IMMUNITY FROM ARREST

A. Legislative immunity

1. Members of the United States Congress are exempt from arrest when Congress is in session or when they are en-route to or from congressional business, except for traffic summonses. (Article I, Section 6, U.S. Constitution.)

2. Senators and Representatives-Article III, Sec. XI

Senators and Representatives, in all cases, except treason, felony, or breach of the peace, shall be privileged from arrest during the session of the General Assembly, and going to and returning from the same.

3. Electors-Article II, Sec II

Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, going to and returning there from.

B. Diplomatic immunity

1. While a person claiming diplomatic immunity may present any number of identification papers, the only one that is indicative of the level of privilege and immunity is a card issued by the U.S. State Department. The holder’s level of immunity will be indicated on the



card. If a person claiming immunity does not possess this card and the incident involves a criminal offense, members may detain the person either at the scene or at the WCSO long enough to verify their official status.

2. Upon exhibiting proof of diplomatic immunity, the person shall be released per being stopped for a misdemeanor traffic violation. If questions arise about this procedure, a supervisor or on-call county attorney shall be contacted.
3. When encountering a criminal suspect who claims diplomatic immunity, members may first take reasonable measures - including pat-downs or other legal searches-to ensure safety to the public or other members. Verification of diplomatic claim shall take place after a danger has been neutralized. A criminal investigation shall proceed as if no valid diplomatic immunity claim has been made. Interviews, interrogation, seizures of evidence, or issuance of warrants shall proceed per WCSO procedures. In a criminal investigation, the Sheriff shall remain in contact with the State Department.
4. Regardless of the claim of immunity in any case where members arrest or detain foreign nationals, the suspects shall be advised of their rights to have their consular officials notified. In some cases, this notification is mandatory. Note: The list of countries which require mandatory notification of consular officials in the event that one of their citizens has been arrested is extensive. The State Department shall be contacted for guidance.

C. Exemptions. 29A.41
National Guard

A member of the National Guard shall not be arrested, or served with a summons, order, warrant or other civil process after having been ordered to any duty, or while going to, attending, on returning from, any place to which the National Guard member is required to go for military duty. This section does not prevent the National Guard member's arrest by order of a military officer or for a felony or breach of the peace committed while not in the actual performance of the National Guard member's duty. The articles of equipment personally owned by such member are exempt from seizure or sale for debt.



**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Awards	Policy Number: 004
Issue Date: 07-01-11	Revision Date: 07-15-14 Review Date: 07-01-15
Approval Authority Title and Signature:  Sheriff	

Policy:

The members of the WCSO work diligently to meet the highest standards in law enforcement and while serving in difficult and unexpected circumstances members may display acts of courageousness, in unselfishness and heroism. Members are expected to perform at the standard set by the WCSO, but those members that display actions that reflect positively for the WCSO and deserve to be recognized as an example for others and for outstanding achievement the Awards Policy is implemented.

Availability

Any member of the WOSO may be recognized for outstanding achievement.

Types of Awards

Letter of Appreciation

The Letter of Appreciation is a supervisor level award. It shall denote achievement by members where the member's supervisor determines the member has performed at a higher level than normally would have been expected yet does rise to the level of a Commendation.

Letter of Commendation

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The Letter of Commendation is a Command Staff level award. It shall denote achievement by a member where the WCSO Command Staff determines that a member has performed at a level that exemplifies the highest standards and qualities of the WCSO.

Sheriff's Commendation

The Sheriff's Commendation is the highest Letter award the WCSO gives. This award is given to a member of the WCSO for achievement where the Sheriff determines the member has exceeded all expectations and standards of the WCSO.

Medals

Medals may be given to a member when the actions of the member are such that the prestigious Sheriff's Commendation may not denote the true courage of the action taken.

Authority

Any supervisor or command member has authority to initiate the awards process. Awards are ranked by seniority, with the Letter of Appreciation being the junior award and the Medal being the highest award. When a supervisor or a member acting as a supervisor determines that a member or members are commendable of recognition, the supervisor or acting supervisor shall submit the appropriate letter award. Each level of Command shall have 3 working days to advance the award to next higher command level and shall not exceed nine working days before approval or denial of the award. Each level of Command shall denote approval or denial with the Sheriff having final approval and or denial by their signature in the appropriate line on the letter.



**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Blood Borne Pathogens & Other Infectious Diseases	Policy Number: 005
Issue Date: 07-01-11	Revision Date: 07-15-14 Review Date: 07-01-15
Approval Authority Title and Signature:  Sheriff	

POLICY:

The Woodbury County Sheriff's Office minimizes the risk of exposure to blood borne pathogens and other infectious diseases through the establishment and maintenance of recognized protocols and safety procedures.

DEFINITIONS:

Bodily Fluids: Blood, semen and vaginal fluids or other secretions that might contain these fluids such as saliva, vomit, urine or feces.

Exposure Control Plan: A written plan developed by the Sheriff's Office and available to all members that details the steps taken to eliminate or minimize exposure and evaluate the circumstances surrounding exposure incidents. This plan will be located in the nursing station in the jail.

Personal Protective Equipment: Specialized clothing or equipment worn or used by members for protection against the hazards of infection. This does not include standard issue uniforms and work clothes without special protective qualities.

Universal Precautions: Procedures promulgated by the Centers for Disease Control (CDC) that emphasize precautions based on the assumption that all blood and bodily fluids are potentially infectious.

PROCEDURES:

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The transfer of disease by exchange of bodily fluids is a serious occupational health risk to peace officers and other emergency personnel. Officers and members of the Sheriff's Office follow recognized protocols and safety procedures in order to minimize this risk. When in doubt, members must seek professional assistance before knowingly exposing themselves to a known serious risk of infection.

AIDS, hepatitis B, and other serious diseases can be contracted through exposure to infected blood and several types of bodily secretions. Employees of this agency are continuously provided with information and education on prevention of these diseases, provided up-to-date safety equipment and procedures that minimize their risks of exposure and to institute post-exposure reporting evaluation and treatment for all members exposed to these diseases.

Disease Prevention and Control Guidelines:

1. The Sheriff's Office subscribes to the principles and practices for prevention of HIV and HBV exposure as detailed in the "universal precautions" prescribed by the CDC and the federal regulations of the Occupational Safety and Health Administration. Where otherwise not detailed in this policy, members are guided by those practices and procedures.
2. Members should assume that all persons are potential carriers of HIV or HBV.
3. No member may refuse to arrest or otherwise physically handle any person who may carry the HIV or HBV virus when appropriate protective equipment is available.
4. Members must use protective gear under appropriate circumstances unless its use would prevent the effective delivery of health care or public safety services or impose an increased hazard to the member's safety or the safety of others.
5. Leather gloves or their protective equivalent must be worn when searching persons or places or when working in environments such as accident scenes where sharp objects and bodily fluids may be expected.
6. Searches of automobiles or other places should be conducted using a flashlight, mirror or other devices where appropriate. After a cautious frisk of outer garments, suspects should empty their pockets or purses and remove all sharp objects.
7. Needles must not be recapped, bent, broken, removed from a disposable syringe or otherwise manipulated by hand.
8. Needles must be placed in, puncture-resistant, leak proof containers provided by the Sheriff's Office that are designated for biohazardous materials when collected as evidence, disposal or transportation purposes.



Members must not smoke, eat, drink or apply makeup while on active crime or accident scenes where bodily fluid spill could be expected.

Any evidence contaminated with bodily fluids must be completely dried, double bagged and marked to identify potential or known communicable disease contamination.

Officers must use caution not to allow contamination by, rubbing their eyes, nose, mouth or ears, until after they've washed their hands in accordance with sanitary procedures.

Custody and Transportation of Prisoners:

1. When appropriate protective equipment is available, no member may refuse to interview, assist, arrest, or otherwise physically handle any person who may have a communicable disease. Should a member be involved in an incident where proper safety materials are not available; the member shall immediately contact their supervisor and request assistance.
2. Members must not put their fingers in or near the mouth of any conscious person. Members utilizing protective gloves can, in life threatening situations, insert their finger into the mouth of an unconscious person to attempt to clear a blocked airway. This action should be performed in accordance with prescribed foreign body airway obstruction procedures.
3. When possible, persons with body fluids on their body or clothing are transported in separate vehicles from other individuals. The individual may be required to wear a suitable protective covering if they are bleeding or otherwise emitting bodily fluids.
4. During a transfer of custody, members must discreetly notify support personnel that the suspect/victim has body fluids on the person or that the suspect/victim has said that they have a communicable disease. Care must be taken to insure that the information is given only to those who have a need to know.
5. When possible, suspects taken into custody with body fluids on their body or clothing, and not in need of medical attention, must be isolated from other persons in a designated holding area posted with an "Isolation Area-Do Not Enter" sign until clean-up has been completed and a change of clothes has been provided.
6. Members document on the appropriate arrest or incident form when a suspect taken into custody has bodily fluids on his person, or has stated that they have a communicable disease.

Housekeeping:



1. Supervisors and their staff are responsible for the maintenance of a clean and sanitary workplace and conduct periodic inspections to ensure that these conditions are maintained.
2. Supervisory personnel determine and implement written schedules as appropriate for cleaning and decontamination based on the location within the facility or work environment, the type of surface or equipment to be cleaned, the type of soil present and the tasks and procedures to be performed in the area.
3. All equipment and environmental and work surfaces must be cleaned and decontaminated after contact with blood and other potentially infectious materials.
4. Protective coverings used in laboratory, evidence custody or enforcement operations for covering surfaces or equipment are removed or replaced as soon as possible following actual or possible contamination.
5. Bins, pails and similar receptacles used to hold actual or potentially contaminated items are labeled as bio-hazardous. These receptacles are decontaminated as soon as feasible following contamination and then inspected and decontaminated on a regularly scheduled basis.
6. Broken and potentially contaminated glassware, needles or other sharp instruments must not be retrieved by hand but by other mechanical means and may not be stored in a manner that requires that they be retrieved manually.
7. Members must remove clothing that has been contaminated with bodily fluids as soon as practical and with as little handling as possible. Any contacted skin area must be cleansed in the prescribed fashion.
8. Contaminated laundry and personal protective equipment must be bagged or containerized at the location where it is used in approved leak proof containers.
9. Personnel assigned to the criminalistics laboratory adhere to Sheriff's Office policy and procedure as well as laboratory policy and procedure.
10. Only employees specifically designated by the Sheriff may discard actual or potentially contaminated waste materials. Disposals conform to established federal, state and local regulations.

Disinfection of Skin Surfaces:

Any unprotected skin surfaces that come into contact with bodily fluids must be thoroughly washed as soon as possible with hot running water and soap for at least one [1] minute then rinsed with an antiseptic solution before drying. Alcohol or antiseptic towelettes or anti-bacterial gel may be used when soap and water are unavailable. Disposable gloves should be removed inside out, with the contaminated side not exposed, and then the hands and forearms washed. Skin surfaces are washed,



showering if necessary, and mucous membranes flushed as soon as feasible following the removal of any clothing. Hand lotion should be applied after disinfection to prevent chapping and to seal cracks and cuts on the skin. All open cuts and abrasions must be covered with waterproof bandages before reporting to duty. Other items such as handcuffs, etc., should be disinfected with a bleach solution (1 part bleach to 9 parts water), rubbing alcohol, or commercial disinfectant. Contaminated shoes and boots, including soles, should also be disinfected with an approved disinfectant. Extreme care should be taken to assure that contaminated footwear is not worn home or taken into a work area.

Disinfection of Vehicle Surfaces:

Vehicle surface areas are disinfected whenever bodily fluids are spilled or after individuals with bodily fluid contamination are transported in a Sheriff's Office vehicle. A supervisor is notified and the vehicle taken to the Prairie Hills center as soon as possible. Affected vehicles must be immediately designated with the posting of an "Infectious Disease Contamination" sign upon arrival at the Prairie Hills center and while awaiting disinfection. Assigned personnel must remove any excess bodily fluids from the vehicle with absorbent cloths, paying special attention to any cracks, crevices or seams that may be holding fluids. The affected areas should be disinfected using hot water and detergent or alcohol and allowed to air dry. Vehicles taken to the Prairie Hills center for routine maintenance will, as part of that routine, be cleaned in the interior with an approved disinfectant. Non-disposable equipment and areas upon which bodily fluids have been spilled must be disinfected as follows:

1. Excess bodily fluids should be wiped up with approved disposable absorbent materials.
2. A freshly prepared solution of one part chlorine bleach to 10 parts water or a fungicidal/ micro bactericidal disinfectant must be used to clean the area or equipment.

Supplies:

The Sheriff's Office is responsible for purchasing, storing, and issuing communicable disease prevention supplies to all members. Members are responsible for notifying their supervisor for the replacement of any item. All Sheriff's Office and emergency service vehicles should be continuously stocked with:

1. Disposable coveralls, aprons, and shoe covering in appropriate sizes;
2. Disposable latex gloves and leather gloves;
3. Puncture resistant containers and sealable plastic bags;
4. Barrier resuscitation equipment, protective eye goggles, and surgical face masks;
5. Disposable towelettes (70% isopropyl alcohol);
6. Waterproof bandages;
7. Absorbent cleaning materials;
8. "Do Not Use - Possible Infectious Disease Contamination" signs;
9. Biohazard disposal bags;



10. Portable metal mirrors; &
11. Non-porous tongs.

Vaccination, Exposure, Evaluation and Treatment:

1. All members of the Sheriff's Office who may be at risk for occupational exposure to the hepatitis B virus are provided with the opportunity to take the HBV vaccination series at no cost within 10 working days of assignment to an occupationally exposed duty. The vaccination is provided unless the member has previously received the vaccination or medical reasons contradict the procedure.
2. Any person who has unprotected physical contact with blood or other bodily fluids of another person while in the line of duty is considered to have been potentially exposed to HBV and/or HIV.
3. In cases of exposure, a supervisor is contacted who will complete appropriate duty injury and medical forms and take appropriate steps to document the means and circumstances under which the exposure occurred.
4. Immediately after exposure, the member proceeds to the designated health care facility for tests of evidence of infection and treatment of any injuries.
5. The Sheriff's Office ensures continued testing of the member for evidence of infection and provides psychological counseling as determined necessary by the health care official.
6. The members receive a copy of the health care provider's written opinion within 15 days of the evaluation and information on any conditions resulting from the exposure that require further evaluation or treatment.
7. Unless disclosure to an appropriate Sheriff's Office official is authorized by the member or by state law, the member's medical evaluation, test results and any follow-up procedures remain confidential.
8. Any person responsible for potentially exposing a member of the Sheriff's Office to a communicable disease is encouraged to undergo testing to determine if the person has a communicable disease.
9. The person is provided with a copy of the test results and a copy is provided to the exposed Sheriff's Office member. The member is informed of applicable state laws and regulations concerning the disclosure of the identity and infectious status of the source individual.
10. Criminal charges may be sought against any person who intentionally exposes a member of the Sheriff's Office to a communicable disease.



11. Members who test positive for HIV or HBV may continue working as long as they maintain acceptable performance and do not pose a safety and health threat to themselves, the public or other members of the Sheriff's Office.
12. The Sheriff's Office makes all decisions concerning the member's work status solely on the medical opinions and advice of the Sheriff's Office health care officials.
13. The Sheriff's Office may require a member to be examined by the county's health care officials to determine if they are able to perform their duties without hazard to themselves or others.
14. All members of the Sheriff's Office treat members who have contracted a communicable disease fairly, courteously and with dignity.

Legal Rights of Victims of Infectious Disease:

1. When a member mentions in a report that an individual has or may have a communicable disease, they shall note "Classified - Contains Medical Information - Not Subject To Freedom of Information Act" in their report.
2. The Supervisor making press releases shall make certain the medical information is not given to the news media. Under the Iowa Freedom of Information Act (FOI), medical records are exempt from disclosure.
3. All requests, including subpoenas, for copies of reports marked "Classified - Contains Medical Information - Not Subject To FOI" is referred to the county attorney for authorization to release the document. Prior approval is obtained from the county attorney before advising a victim of sexual assault that the suspect has, or is suspected of having, a communicable disease.
4. All circumstances, not covered in this Policy, that may arise concerning releasing confidential or medical information regarding a victim, or suspected victim, or a communicable disease are referred directly to the Investigations Supervisor.
5. Any member who divulges confidential or medical information in regard to a victim, or suspected victim, of a communicable disease is punished in a manner authorized by law.

Training:

1. The Human Resources head ensures that all members of the Sheriff's Office with occupational exposure are provided with a complete course of instruction on prevention of blood borne diseases prior to their initial assignment.



2. Affected members receive annual refresher training and additional training whenever job tasks or procedures are modified in a manner that may alter their risk of exposure.
3. Trainees have access to applicable federal and state regulations pertaining to the regulation of blood borne pathogens.
4. Human Resources completes records on member training to include dates and content of training sessions, names and qualifications of persons conducting the training and names of those persons successfully completing the training.



**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Body Armor	Policy Number: 006
Issue Date: 01-02-14	Revision Date: 07-15-14 Review Date: 07-01-15
Approval Authority Title and Signature:  Sheriff	

A. It is the policy of the Woodbury County Sheriff's Office to maximize officer safety through the use of soft body armor in conjunction with the practice of prescribed safety procedures. While soft body armor provides a significant level of protection, it is not a substitute for sound, basic safety procedures.

B. Field Activities- Duty assignments and/or tasks that place or could reasonably be expected to place members in situations where they would be required to act in enforcement rather than administrative or support capacities.

C. Issuance of Soft Body Armor

All body armor issued must comply with protective and related requirements prescribed under current standards of the National Institute of Justice.

2. All Sworn Members may request to be issued agency-approved soft body armor. If the Sheriff's Office issues soft body armor, it will be worn in accordance with this policy.

3. Body armor that is worn or damaged shall be replaced by the agency. Body armor that must be replaced due to misuse or abuse by the member shall be paid for by the member.

D. Use of Soft Body Armor

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1. Members shall wear only agency-approved body armor.

2. Members that are assigned to a uniformed function are required to wear soft body armor while engaged in field activities both on duty and during off-duty employment unless exempt as follows:
 - a. When the member is involved in undercover or plain clothes work that his/her supervisor determines could be compromised by wearing body armor, or

 - b. When the Office determines that circumstances make it inappropriate to mandate wearing body armor.

3. Detectives and staff personnel will not be required to wear their Office issued personal body armor, however it will have to be immediately available and at hand in their assigned vehicle. The Office issued body armor will be worn by staff and plainclothes members when they are engaged in potentially high-risk field operations, or when directed by a supervisor.

4. Members that are unable to wear their issued personal body armor, and that are required to do so by order of this policy, will be restricted from all field activities and their status shall be reviewed by the Sheriff.

E. Inspections of Body Armor

1. Supervisors shall be responsible for ensuring that body armor is worn and maintained as required by this policy through routine observation and periodic documented inspections.

Annual inspections of body armor, to coincide with the annual uniform inspection shall be conducted for fit, cleanliness, signs of damage, abuse or wear.

F. Care/Maintenance of Body Armor

Members shall routinely inspect personal body armor for signs of damage and for general cleanliness.

As dirt and perspiration may erode ballistic panels, each officer shall be responsible for cleaning personal body armor in accordance with the manufacturer's instructions.



Members are responsible for the proper storage, maintenance and care of body armor in accordance with the manufacturer's instructions.

Members are responsible for reporting damage or excessive wear to the ballistic panels or covers to their supervisor. The supervisor shall be responsible for reporting the need for replacement of personal body armor to the Sheriff.

Body armor will be replaced in accordance with guidelines and protocols established by the National Institute of Justice.



**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Career Development	Policy Number: 007
Issue Date: 07-01-11	Revision Date: 07-15-14 Review Date: 07-01-15
Approval Authority Title and Signature:  Sheriff	

POLICY

The WCSO encourages members to seek opportunities to develop their knowledge, skills, and abilities. Although all members must attend a basic academy and periodic in-service training, the WCSO tries to arrange participation in specialized or advanced training. Training has often been cited as one of the most important responsibilities in any law enforcement agency. Training serves three broad purposes. First, well-trained members are generally better prepared to act decisively and correctly in a broad spectrum of situations. Second, training results in greater productivity and effectiveness. Third, it fosters cooperation and unity of purpose. Furthermore, agencies are now being held legally accountable for the actions of their personnel and for failing to provide initial or remedial training.

The Sheriff's Office recognizes the importance of training and is committed to providing the best training available to all personnel. Promotions are based on performance, longevity, and the growth of skills through training and experience. Although in a small Sheriff's Office setting, promotion opportunities are rare, the Sheriff's Office promotion process is fair and equitable.

PURPOSE

To establish guidelines for career development of members to include training and promotions.

PROCEDURES

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A. Responsibilities of the Sheriff

1. Annually, division commanders should meet with each member for career counseling. The counseling shall include an examination of:
 - a. The member's performance record.
 - b. A review of training programs applicable to the member's duties.
2. The Field Ops Major shall insure that at least one person:
 - a. Achieves and maintains certification as firearms instructor.
 - b. Receives advanced instruction in evidence collection techniques.
3. All members shall maintain current first aid/cardiopulmonary resuscitation certifications.
4. The fire arms instructor shall inspect all firearms and ammunition at least every year for safety, reliability, and ability.
5. The division commanders shall ensure that any member in their command, upon receiving a promotion or a new assignment, attend relevant training as soon as practicable.

B. Promotions 341A

1. When a vacancy exists for a position within a division opening, the Sheriff shall post an advertisement of the position for two weeks. During the time, qualified members may request - either orally or in writing - consideration for the advertised position.
2. The Sheriff or designee shall arrange an oral board to interview applicants for promotion. The Sheriff may arrange a board to consider applicants for a new assignment. The promotions board may consist of the Sheriff, Majors, and designated commanders.
 - a. The board shall consider 341A.8

Bases of appointments and promotions:



“All appointments to and promotions to classified civil service positions in the office of county sheriff shall be made solely on merit, efficiency, and fitness, which shall be ascertained by open competitive examinations and impartial investigations, and no person in the classified civil service shall be reinstated in or transferred, suspended, or discharged from any such place, position, or employment contrary to the provisions of this chapter.

Whenever possible, vacancies shall be filled by promotion. Promotion shall be made from among deputy sheriffs qualified by competitive examination, training and experience to fill the vacancies and whose length of service entitles them to consideration. The commission shall for the purpose of certifying to the sheriff the list of deputy sheriffs eligible for promotion, rate the qualified deputy sheriffs on the basis of their service record, experience in the work, seniority, and military service ratings. Seniority shall be controlling only when other factors are equal. The names of not more than the ten highest on the list of ratings shall be certified. The certified eligible list for promotion shall hold preference for promotion until the beginning of a new examination, but in no case shall such preference continue longer than two years following the date of certification, after which said list shall be canceled and no promotion to such grade shall be made until a new list has been certified eligible for promotion. The sheriff shall appoint one of the ten certified persons.”

- b. The Sheriff shall select the top applicant, unless the Sheriff can articulate to the board why the top candidate should not receive promotion or new assignment.
- c. The board’s selection process shall be recorded and maintained on file for two years for affirmative action/equal opportunity considerations.
- d. Unsuccessful applicants who wish to grieve the selection process shall follow the grievance policy in compliance with the WCSO Directives Manual and bargaining contract.

C. Transfers

- 1. The Sheriff may assign or transfer any member to a duty assignment that is deemed to be in the best interest of the WCSO.



2. Members who request a transfer shall write a memorandum to the Sheriff to that effect by January 15th of the year of the desired transfer. Transfers shall take effect July 1st of that year. No more than 50% of the members assigned to a division shall request a transfer. In the event contract language differs, the contract shall prevail.
3. Occasionally, some job assignments require minimum assignment periods so that the WCSO may sufficiently benefit from investments in specialized training or education. Minimum periods of assignment shall be determined by the Sheriff and specified in the WCSO order.

Note: The Sheriff reserves the right to establish minimum and maximum terms of service for selected duty assignments deemed to be in the best interest of the WCSO.

4. The Sheriff whenever replacing, placing or opening any job assignment shall work diligently to abide by the bargaining contract.

TRAINING

A. Attendance

Personnel are expected to attend any assigned training programs. Attendance will be documented either by the instructor or in cases where the training is at a location other than the office, documentation will be furnished by those responsible for the training. There are cases where attendance at a training program may be excused, such as for court appearance or sickness. Any absence must be properly excused by the administrators of the program attended and must comply with directives under which the training program is operated. The time lost must be made up before any certificate of completion is issued. Certificates will be issued to those students who complete any training program. Members shall provide a copy of any course completion certificates to the Civil/clerical division for inclusion in the member's personnel file.

B. Expenses

With the exception of paper and pencils or pens, all expenses incurred by office personnel as a result of required training will be reimbursed based on actual expense (receipts must be provided) or in the case of mileage where personnel are required to use their personal vehicles, the rate will be the current mileage rate.

C. Performance-based training



This method of training requires the development of performance objectives. The use of performance objectives acquaints the training participants with the information they are required to know, the skills that must be demonstrated, and the circumstances under which the skills will be used. This approach also enables the instructors to relate training directly to the job performance that will be expected by supervisors. A member who develops an outline for instruction of a topic must develop objectives which:

1. Focus on the elements of the job-task analysis for which training is needed.
2. Provide clear statements of what is to be learned.
3. Provide the basis for evaluating the participants.
4. Provide the basis for evaluating the effectiveness of the training program.

D. Lesson plans

1. Lesson plans are required for all training courses conducted or sponsored by the office. It is the responsibility of the individual instructor whether a member of the office or not, to provide the Sheriff with a copy of the lesson plan for approval before each class.

(Note if the training takes place at a local or regional academy, the Sheriff may assume that the academy has a lesson plan on file and can obtain a copy if necessary.)

2. The lesson plan should include a statement of performance objectives the content of the training, specification of the appropriate instructional techniques, references, relationships to the job tasks, responsibilities of the participant for the material taught, and plans for evaluation of the participants. The instructional technique that might be used include:
 - a. Conferences (debate, discussion groups, panels and seminars).
 - b. Field experiences (field trips, interview operational experiences and observations).
 - c. Presentations (lectures, lecture Discussion, lecture-demonstration).
 - d. Problem investigations (committee inquiry, critical incidents).



- e. Simulations (case study, simulation, games, and role-play).

E. Remedial training

Remedial training is directed at solving or curing a particular problem or improving performance in a particular area, 'within a designated time and with clearly defined, expected results.

- 1. Remedial training may be assigned as a result of discipline or counseling.

F. Training records

- 1. The Sheriff shall maintain, in each personnel file, a training record which includes:

- a. The date of training.
- b. The type of training received.
- c. Any certificate received.
- d. Attendance.
- e. Scores, if any.

- 2. The Sheriff or his designee shall maintain files on all in-house training courses or presentations, including:

- a. Course content (lesson plans).
- b. Personnel attending.
- c. Any performance measures as ascertained through tests or demonstrations.

G. Instructors

- 1. Instructors for all WCSO training programs shall:

- a. Have a minimum of two years law-enforcement experience.
- b. Have completed an instructor's course and be certified as an instructor.
- c. Possess a demonstrated skill in an area of instruction.
- d. Be knowledgeable of teaching theories, methods, and practices and have some knowledge of law-enforcement practices.

- 2. Instructors enlisted from outside the WCSO shall be approved by the Sheriff. The instructor must have demonstrated skill in their area of instruction and comply with requirement for lesson plans as previously stated. Any compensation will be determined by the Sheriff.



3. Before being allowed to instruct any state-mandated courses at the WCSO, instructors shall receive, at a minimum, training in:
 - a. Lesson plan development.
 - b. Development of performance objectives.
 - c. Instructional techniques.
 - d. Learning theory.
 - e. Testing and evaluation techniques.
 - f. Resources.
4. Normally, members selected and trained as instructors in a particular subject will be expected to teach it when needed for a minimum of two years.

H. In-service training

All sworn personnel of the WCSO shall attend in-service school. In-service instruction may include:

1. A review of changes or revisions in the Code of Iowa, taught by an attorney or other legally-knowledgeable person.
2. Classes required at the direction of the sheriff or regional training academy, such as:
 - a. Supervisory and management training.
 - b. Policies and procedures.
 - c. Any other training as necessary.
3. Firearms training and qualifications every year.
4. Required training.

Civilian personnel

All newly-appointed civilian personnel will receive the following training from the Sheriff or designee:

1. Orientation to the WCSO role, purpose, goals, policies, and procedures.
2. Working conditions, rules, and regulations.
3. Responsibilities and rights of members.



FBI NATIONAL ACADEMY

A. The WCSO endorses participation in the specialized training offered by the FBI National Academy. As staffing considerations permit, the office shall nominate a deputy with sufficient tenure.

B. FBI eligibility requirements

1. The deputy must have five years of law-enforcement experience full-time with a state, county, or municipal agency.
2. The deputy must be at least 25 years old and be in excellent physical condition, capable of participation in rigorous physical exertion. The deputy must complete a physical examination.
3. The deputy must enjoy a reputation for professional integrity and exhibit excellent character, demonstrates leadership, purpose, and is held in respect by fellow members.
4. The deputy must have at minimum a high school diploma.
5. The deputy must agree to remain in law enforcement for at least three years following graduation from the FBI National Academy.

C. Office requirements

1. The deputy must be not less than four years away from the earliest possible retirement date.
2. The deputy must write up to a two-page written essay to explain the value of attending the national academy to the deputy's career, how attendance will aid the office, and how it will benefit the community. The deputy should address their interests in the national academy in terms of the Sheriff's policing goals. The Sheriff shall review the essay.
3. The Sheriff shall interview the deputy and discuss the objectives or ideals as outlined in the essay to help determine whether the deputy shall be nominated to attend.



**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Civil Litigation	Policy Number: 008
Issue Date: 07-01-11	Revision Date: 07-15-14 Review Date: 07-01-15
Approval Authority Title and Signature:  Sheriff	

POLICY

The Woodbury County Sheriff's Office takes proactive measures to limit the causes and impact of civil litigation filed against its officers, supervisors, and administration. The WCSO has a liability protection program which protects employees for actions or omissions directly related to their law-enforcement function. Within stated policy limits, this program protects employees from acts or omissions leading to personal injury or death or property destruction which, in turn, could lead to civil action against the employee. Civil litigation can be trying for all employees and the result can be damaging, but litigation may also serve to clarify our roles and responsibilities and aid the WCSO in improving service to the community. Each member has an affirmative duty to uphold the law and preserve constitutional guarantees. Any member who witnesses other members violate a citizens' constitutional rights shall intervene to stop the violation and report it to a supervisor.

DEFINITIONS

Civil Law: The law of civil or private rights is also known as a *tort law*. In the case of civil lawsuits brought against officers or administrators, plaintiffs may ask the court to:

- A. Award money damages to be paid by the officer, administrators, or Woodbury County, or
- B. Force the WCSO to make changes in the way it operates by granting an injunction or entering into a consent decree [agreement to change].

Discovery: The judicial process for compelling production of written records or other evidence for use in civil litigation.

In-camera Inspection: Judicial inspection of allegedly privileged information to determine whether the need to present such information as part of the essential proof of the case outweighs the interest in maintaining its confidentiality.

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Plaintiff: A person or persons who brings a civil case. A plaintiff may be an inmate, detainee, citizen, a group of citizens, or another governmental body.

PROCEDURES - General

A. General

The county maintains a liability program to protect Sheriff's Office members for acts or omissions directly related to their law enforcement function. Liability protection is provided in a variety of ways typically including members' liability coverage, vehicle liability coverage, and self-insurance. Since exact components of the liability protection program are subject to periodic change through contract expiration and renegotiation, any member desiring to know the specific components then in effect may contact the Woodbury County Human Resources Department.

B. Employees covered

1. All members, reserve or auxiliary member, and full and part-time civilian employees of the WCSO covered by the liability protection program.
2. For purposes of this order members refers both to sworn and non-sworn personnel. Actions of either group can lead to liability. In some portions of this order, "deputy" is used instead of "member" where the issue under discussion pertains most directly to enforcement duties.

C. Notification of suit or claims

Any member who receives notice in any form of actual or impending legal suit or claim, shall, as rapidly as possible, explain the circumstances through command channels to the Sheriff. The Sheriff shall, in turn, provide appropriate notification to both the County and County Attorney.

D. Financial liability

No member shall imply or accept financial liability for loss or damage on behalf of the county. Any inquiries concerning financial liability will be referred to the County Attorney.

E. Acts not covered

1. An act committed by a member or an omission of duty which constitutes gross and willful negligence may not be covered by the county.
2. Members are expected to show discretion and good judgment in their work. Some duties are mandated by law, others by custom or tradition. Liability may arise in either case. The WCSO cannot avoid



lawsuits; the Sheriff's Office can control its liability by demanding strict adherence to the provisions of this manual.

3. Members are reminded that litigation against them or the WCSO may focus on the degree to which members followed a policy or custom (the latter defined as "a persistent, widespread practice") which, in itself, was either unconstitutional, illegal, or the cause of an unjustifiable injury. If such a custom or policy is found by the court to be unconstitutional, illegal, or the cause of an unjustifiable injury, the WCSO may be held liable.

PROCEDURES – Liability principles

A. Types of liability

Members may be held liable for misconduct in any of five ways

1. Violation of Iowa criminal law;
2. Violation of office orders;
3. Tort against a citizen;
4. Violation of federal criminal civil rights statutes, 18 United States Code §§ 241 and 242.
5. Violation of federal civil rights law, 42 United States Code § 1983.

B. Federal civil rights liability

1. Title 42 § 1983 USC is the most important statute governing federal civil rights liability. For purposes of federal civil liability per § 1983, an officer is a person acting under color of law. An officer may be held personally liable for violating citizens' constitutional rights under some conditions, 2. 42 United States Code § 1983 reads:

"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any state or territory, subjects, or causes to be subjected, any citizen of the United States or other persons within the jurisdiction thereof to the deprivation of any rights; privileges or immunities secured by the constitution and laws, shall be liable to the party injured on an action at law, suit in equity, or other proper proceeding for redress.

C. State liability generally

Claims of negligence in the state courts pose liability in a different way than § 1983 above. While federal claims usually allege a constitutional rights violation, in state courts it must be shown that the law enforcement agency owed a duty to the plaintiff and that a breach of the duty caused



an injury. Liability is sometimes found against the law enforcement agency as “negligent failure to protect” when the agency created a special relationship with the plaintiff by promising to act, and then failing to protect the victim.

D Supervisory liability

Generally members and not their supervisors are liable for their own misconduct. Supervisors are civilly or criminally liable under the following circumstances:

1. When supervisors directly authorize or participate in acts that cause harm.
2. When supervisors know that their subordinates are violating citizens’ constitutional rights and condone or approve it, or do not stop it.
3. Failure to discipline subordinates, correct misbehavior or poor performance, or to conduct internal investigations when necessary.

F. Immunity

In court, members do not automatically receive immunity from lawsuits simply because they acted in good faith. Members may claim qualified immunity when their actions do not violate clearly established statutory or constitutional rights of which a reasonable officer would have known. In short, members must have an objectively reasonable belief in the constitutionality of their actions. Immunity is not a quality that members can claim, during an investigation. Rather, it is a defense to an accused member that must be raised in court and considered by a judge.

High-Risk Operations:

The following are some of the operational areas frequently involved in litigation against law enforcement agencies. Officers should be thoroughly familiar with and use particular care to follow WCSO policies and procedures guiding these operational areas,

- A. Use-of-force
- B. Firearms and less lethal weapons
- C. Vehicular pursuits
- D. Patrol driving and response
- E. Domestic violence
- F. Investigatory stops and arrest procedures
- G. Searches
- H. Motor vehicle stops and searches
- I. Police canines



- J. Workplace harassment
- K. Transportation of prisoners
- L. Secondary employment and off-duty powers

Response to High-Risk Incidents:

When responding to, or on the scene of, a high-risk incident:

- A. Secure the scene and all evidence;
- B. Record the names and addresses of all witnesses on the scene;
- C. Obtain a statement at the scene from a relevant source, and from ambulance and emergency room personnel, if applicable;
- D. Note all necessary information regarding the incident;
- E. Request a supervisor be dispatched to the scene:
 - 1. To conduct an independent review of all relevant information prior to release of the scene; or
 - 2. To review a search or arrest that may have been handled improperly.
- F. Request an investigator to process crime scenes according to WCSO procedure, including:
 - 1. Taking color photographs or video from different angles;
 - 2. Photographing all witnesses.
 - 3. Insuring that each suspect is informed of rights to include Miranda warnings, Juvenile Warnings, and any other required readings.
- G. Document critical information such as:
 - 1. Whether medical treatment was needed, requested, or received;
 - 2. Observations regarding suspect(s) general mental and physical health, and presence of any specific health problems requiring special treatment;
&
 - 3. Photographs of suspect and victims to include any specific injuries.

Post-Incident Procedures:

All officers involved in high-risk incidents must fully document the incident to their supervisor before concluding their shift. Supervisors review the reports, obtain necessary supplemental information, and forward reports to the Investigation Division as soon as practicable. Field Ops Major or designee prepares, and submits, a confidential memo to the Sheriff's Office legal counsel providing an assessment of the incident. Depending on the need, the Field Ops Major or designee will meet with legal counsel.

Officers working or involved in the incident must understand and adhere to the following:

- A. An internal investigation does not necessarily imply misconduct; &



- B. Officers are not to discuss incidents with reporters or attorneys not associated with the Sheriff's Office without prior approval of a member of the Administration, or court order.

Responsibilities of the WCSO Legal Council:

With the aid of the WCSO legal counsel, an Administrative member coordinates all responses to, pending or potential, litigation against the Sheriff's Office. That administrator may also assign an investigator to:

- A. Develop litigation files for each case that include:
 - 1. Copies of relevant WCSO policies pertaining to the incident;
 - 2. Copies of relevant radio communications, computer, or telephone records or tapes;
 - 3. Relevant photographs pertaining to the incident;
 - 4. Copies of the disciplinary and training records of all involved personnel; &
 - 5. Criminal docket, where applicable, from any criminal case arising from the incident.
- B. Establish a quality assurance process to confirm that:
 - 1. Documents are routed to appropriate parties for resolution;
 - 2. Documents are processed and completed by due dates; &
 - 3. Records are kept detailing information released in each case and purpose for its release.
 - 4. Policies & procedures are protected from release in accordance with *stated warnings*.
- C. Conduct audits and semi-annual reviews of departmental litigation to determine whether need for *policy and procedure* revision or training exists;
- D. Disseminate updated *policies & procedures* resulting from new case law statutes, or needs analysis to agency personnel; &
- E. Update employees involved in civil litigation regarding meaningful developments in and status of the cases, especially cases that have been concluded or settled.

Responsibilities of Employees:

Employees named as parties to civil actions for acts or omissions allegedly arising out of their *scope of authority* or *official duties* will:

- A. Immediately notify their Supervisor through the Chain of Command, who will in turn notify the Sheriff's Office legal counsel;
- B. Request representation from Sheriff's Office legal counsel, or secure representation from a private attorney at their own expense, if desired;
- C. Maintain accurate and detailed reports; &
- D. Avoid making public statements concerning the litigation without prior approval of a member of the Administration.



Response to Subpoenas and Discovery Requests:

Employees of the Sheriff's Office must follow these guidelines regarding subpoenas in matters arising out of their official capacity:

- A. When receiving a subpoena to testify, provide deposition, or documents employees immediately notify the Administration through the Chain of Command. A copy of the subpoena must be provided with the notice.
- B. All discovery requests or subpoenas for Sheriff's Office records, reports, or officer notes must be acted upon as directed by the Sheriff's Office legal counsel and state law.
- C. The following information may be released to a judge for in-camera inspection with regard to *discovery requests*:
 - 1. *Policy & procedure* sections, governing the alleged misconduct;
 - 2. Personnel records;
 - 3. Citizen complaints;
 - 4. Internal investigation files related to the incident;
 - 5. Responses to requests for past internal investigations into alleged misconduct of officers; &
 - 6. Responses to requests for internal investigations into officer alleged misconduct or misconduct similar to that being litigated.
- D. The following information may or may not be fully discoverable:
 - 1. Minutes and records of official review boards;
 - 2. WCSO policies and procedures;
 - 3. Training records; &
 - 4. Internal memos or notes that do not fall within *attorney work product privilege*.
- E. Privileged material generally not subject to discovery includes:
 - 1. Names of *confidential informants* or *citizens who wish to remain anonymous*;
 - 2. Records of ongoing internal investigations that would be jeopardized by disclosure;
 - 3. Investigative files relating to ongoing criminal investigations; &
 - 4. Communications subject to any legal privilege.

Response to Media:

The Sheriff or his designee is the sole individual responsible for authorizing or coordinating all statements pertaining to any incident, or litigation, involving the Sheriff's Office. The Sheriff or his designee must work with legal counsel to present fair and accurate media statements pertaining to testimony, legal issues or other concerns arising from litigation or any other incident involving the Sheriff's Office Employees asked to comment or talk with representatives of the news media must, prior to such a meeting or discussion, secure permission from a member of the Administration.



**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Community Relations	Policy Number: 009
Issue Date: 07-01-11	Revision Date: 07-15-14 Review Date: 07-01-15
Approval Authority Title and Signature:  Sheriff	

POLICY:

The Sheriff recognizes that no law enforcement agency can operate at its maximum potential without supportive input from the citizens it serves. The Woodbury County Sheriff's Office actively solicits and encourages the cooperation of all citizens to reduce and limit the opportunities for crime, and to assist in bringing to justice those who break the law.

DISCUSSION:

The Sheriff's Office is committed to correcting actions, practices, and attitudes, which may contribute to community tensions and grievances. Law enforcement personnel are an integral part of the community. Citizen participation and interaction with law enforcement personnel is necessary for a healthy community. This agency identifies and implements policies, procedures, and programs that enhance the quality of life in the community.

PROCEDURES:

Community Relations Objectives:

1. Create and maintain liaison with community groups and organizations including:
 - a. Exchanging information;
 - b. Identifying law enforcement service needs of the community;
 - c. Promoting law enforcement and citizen contacts; &
 - d. Acquainting each other with mutual problems and encouraging action aimed at solving these problems.
2. Develop community relation's policies for the Sheriff's Office;
3. Publicize the Sheriff's Office's objectives, problems, achievements and successes;

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4. Obtain input from community groups to ensure that agency policies reflect the needs of the community;
5. Identify sources of conflict between law enforcement and the community and encourage efforts to resolve them;
6. Establish neighborhood watch groups where such groups are needed and do not now exist;
7. Identify training needs relating to community relations through input from citizens, groups, supervisors, and complaint reports;
8. Provide the Sheriff information regarding concerns of the community, potential law enforcement/citizen problems, and recommended actions;
9. Evaluate all agency community relations programs on a semi-annual basis and to participate in an annual survey of citizens' attitudes and opinions with respect to law enforcement service; &
10. Conduct an annual survey of citizen attitudes and opinions with respect to:
 - a. Overall Sheriff's Office performance;
 - b. Overall competence of agency employees;
 - c. Officer attitude and behavior toward citizens;
 - d. Concern over safety and security in the community; &
 - e. Recommendations and suggestions for improvements.

Public Information Programs:

These programs seek to publicize Sheriff's Office objectives, problems, achievements and successes through the media, brochures, guest speakers, news releases, press conferences and newsletters.

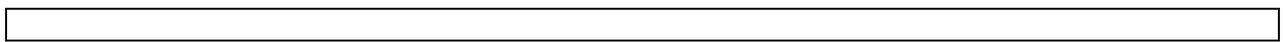
Community Relations Programs:

The focus of these programs is to meet with civic groups, minority groups, neighborhood councils, crime watch groups and individuals to exchange information and convey information back to the department. Present programs such as DARE, GREAT, SAFETY PUP, or other similar programs of interest to all area schools.

Crime Awareness/Prevention Programs:

These programs provide citizen groups information on making their families, homes, and business more secure and work to establish crime watch neighborhoods where none exist to include, but not limited to:

1. Neighborhood Crime Watch;
2. Burglary Prevention;
3. Rape Prevention;
4. Fraud Prevention;
5. Emergency Reporting Procedure;
6. Home Security Survey;
7. Operation ID;
8. Robbery Prevention; &
9. Commercial Burglary Prevention.



**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Complaints Against Personnel	Policy Number: 010
Issue Date: 07-01-11	Revision Date: 07-01-13 Review Date: 07-01-15
Approval Authority Title and Signature:  Sheriff	

POLICY

The WCSO image and reputation depend on the personal integrity and discipline of all WCSO members. To a large degree, the public image of the office is determined by a professional response to allegations of misconduct against its members. The WCSO must competently and impartially investigate all allegations of misfeasance, malfeasance, nonfeasance by members and complaints bearing on the WCSO response to community needs. The WCSO recognizes that its personnel are often subject to intense pressures in the discharge of their duties. The member must remain neutral under circumstances that are likely to generate tension, excitement, and emotion. In these situations, actions and events frequently result in misunderstanding and confusion. It is to the advantage of all members to have a procedure for the investigation of the more serious allegations and underlying circumstance so that complaints can be resolved in light of the complicated pressures of law-enforcement work.

PURPOSE

To describe procedures for making complaints against WOSO personnel, for investigating complaints, and to list and define the dispositions of complaints.

PRODECURES – GENERAL

A. Receipt of Complaints

The Woodbury county Sheriff's Office encourages citizens to bring forward legitimate grievances regarding misconduct by its members. Office members shall receive all complaints courteously and shall handle them efficiently. All members are obligated to explain complaint procedures to inquiring citizens.



B. Responsibilities of supervisors

1. First-line supervisors are primarily responsible for enforcing conformance with office standards and orders.
2. First-line supervisors shall be acquainted with the members in their charge by closely observing their conduct and appearance.
3. First-line supervisors shall be alert to behavioral changes in their subordinates and, if necessary, document these changes and confer with higher authorities. The first-line supervisor shall assess the behavior and institute or recommend appropriate actions.
4. The supervisor shall recommend and, if appropriate, help conduct additional training for members not performing according to established standards.
5. The first-line supervisor shall employ counseling techniques sanctioned by the WCSO. Counseling is used to adjust and correct minor, infrequent errors in judgment, or instances of poor performance and to ascertain the nature of any professional or personal problems that impacts on performance.
6. The supervisor shall document all instances of counseling.

C. How to make a complaint

A copy of "How to Make a Complaint" may be given to any citizen requesting information on how to do so. A copy of "How to Make a Complaint" is found in the appendix to this policy.

D. Responsibility for handling complaints

1. As a rule, complaints regarding law-enforcement operations will be dealt with through the chain of command, beginning with the first-line supervisor. Complaints involving how law-enforcement service is provided, a failure to provide service, improper attitudes, or behavior may be investigated by the Investigations Division or by the Sheriff. The Sheriff may ask an investigator from another agency or the Department of Public Safety to undertake the investigation.
2. Complaints alleging improper conduct, brutality, or misconduct involving several personnel or supervisory personnel shall be investigated by an outside agency per a request from the Sheriff.
3. Complaint-handling procedures
 - a. All complaints, regardless of nature, can be made in person, by mail, or by phone at any time. As part of the follow-up investigation, persons making complaints by mail or phone normally shall be interviewed and



a written, signed complaint prepared. A Copy of the complaint form is found in the appendix to this policy. Anonymous complaints shall be followed up upon and given their due weight.

- b. In case of an anonymous complaint, the member who receives the anonymous complaint shall complete the form in the appendix to the fullest extent possible.
- c. Every effort shall be made to facilitate the convenient, courteous, and prompt receipt and processing of citizen complaints. A member of the Woodbury County Sheriff's Office, who interferes with, discourages, or delays in the making of complaints shall be subject to disciplinary action.
- d. Normally, a citizen with a complaint shall be referred to the Jail Administrator if the complaint is directed towards a member of the jail staff, or the Field Ops Administrator who shall assist the citizen in recording pertinent information. The first-line supervisor of the member involved shall at least conduct a preliminary investigation. The preliminary investigation consists of questioning the member, complainants or witnesses, and securing evidence.
- e. Upon completion of the preliminary investigation, the following documents shall be prepared and forwarded through the chain of command: a report of the alleged violation, any documents, and evidence pertinent to the investigation, and recommendations for further investigation or other disposition.
- f. If the first-line supervisor or other investigators determine that the complainant is apparently under the influence of an intoxicant or drug, or apparently suffers from a mental disorder, displays any other trait or condition bearing on his or her credibility, the supervisor or investigator shall note these conditions on the reverse side of the complaint form. Any visible marks or injuries relative to the allegation shall be noted and photographed.
- g. Prisoners or arrestees also may make complaints, although circumstances may require a member representative to meet the complainant at a jail or prison for an interview. If appropriate, the representative will have photographs taken of the prisoners' injuries.
- h. A member who receives a citizen's complaint through U.S. Mail shall place the correspondence and envelope in a sealed envelope and forward it to the Sheriff, who shall determine investigative responsibility.
- i. Complaints received by telephone either by dispatchers or other members shall be courteously and promptly referred to the Sheriff. The dispatcher or member shall record the name and telephone



number of the complainant and state that the Sheriff or designee shall call back as soon as practical.

j. The above procedure may also be used when WCSO members desire to enter a complaint against any other member governed by this policy.

k. Disposition of complaints generally

4. The Sheriff shall:

a. Notify the complainant in writing, as soon as practical, that the WCSO acknowledges receipt of the complaint, that it is under investigation, that the investigation will be complete within thirty days, and that the complainant will be advised of the outcome. If the investigation exceeds thirty days, the Sheriff shall write the complainant a letter explaining the circumstances for the delay.

b. Maintain complaint files separate from personnel files.

c. Take appropriate disciplinary action following the investigation.

5. Disposition of serious complaints

a. Allegations of misconduct that might result in discharge, suspension, demotion, or criminal charges being sought are serious complaints. The term "serious complaint," in this manual, is synonymous with "internal investigation." Internal investigations examine alleged brutality, gross excesses of legal authority, allegations involving supervisory or multiple personnel.

b. In these cases, the Sheriff or designee shall:

i. Record, register, or control the investigations of members.

ii. Supervise the activities under "a."

iii. Maintain confidential records of same.

iv. Ensure that the investigation is conducted according to WCSO policy (Investigations); a copy of which is available to each member under investigation.

vi. Maintain close liaison with the County Attorney in investigating alleged criminal conduct. Where liability is an issue, the Sheriff shall similarly maintain contact with the county's attorney of record.

PROCEDURES: Investigative



Two types of investigations may take place: administrative or criminal. Distinct rules govern interviews of members in each case. Before any interview, the member under investigation shall receive a confidential written notice of the complaint. This notice will include a copy of the original complaint, a summary of the facts, and the member's rights and responsibilities.

Note: Administrative and criminal investigations may be conducted simultaneously, but investigators assigned to either may not collaborate or share information.

A. Assistance of legal counsel

1. Members are permitted to have an attorney, supervisor, or other representative with them in the room during any interview regarding allegations of misconduct.
2. The member's representative is limited to acting as an observer at the interview, except that where the interview focuses on, or leads to evidence of criminality, a legal representative may advise and confer with the member during the interview.

B. Interview for administrative purposes

If the Sheriff wishes to compel a member to answer questions directly related to their official duties and the Sheriff is willing to forego the use of any responses in a criminal prosecution, the Sheriff or another interviewer shall advise the member of their Garrity Warning:

1. The purpose of the interview is to obtain information to determine whether disciplinary action is warranted. The answers obtained may be used in disciplinary proceedings resulting in reprimand, demotion, suspension or dismissal.
2. All questions specifically related to employment must be fully and truthfully answered. Refusal to answer may result in disciplinary actions.
3. No answers given or any information obtained by reason of such statements are admissible against the member in any criminal proceeding.
4. In an interview for administrative purposes, no Miranda Rights are required. Furthermore, the foregoing rules are inconsistent with Miranda in that member's statements cannot be used as evidence.
5. The interviewing member(s) shall use the "Garrity Warning" form found in the appendix to this policy.



6. Interviews for criminal investigative purposes

- C. If the Sheriff believes that criminal prosecutions are possible and wishes to use statements against the member in a criminal proceeding, or at least wishes to maintain the option of their use, the Sheriff or another interviewer shall:
1. Give the member their Miranda Rights.
 2. Advise the member that if they assert their right not to answer questions, no adverse administrative action will be taken based upon the refusal.
 3. If the member decides to answer questions at this point, the responses may be used in both criminal and disciplinary proceedings.
 4. Note that the Miranda admonition includes the provision that a lawyer may be present at an interview. Although technically the member has no right to counsel until the member has been criminally charged, or their freedom of action has been deprived, the WCSO wishes the member to have the option. The WCSO wishes no possibility to arise in which its actions might be construed as coercive.

INVESTIGATIVE TOOLS AND RESOURCES

In addition to interviews of the member and witnesses, the Sheriff may require other activities in support of a complaint investigation or internal investigation, including:

A. Medical and laboratory examination

The Sheriff or member in authority may, based on their observation, require a member to submit to a test for alcohol or drug use while on duty. The results may be used in a disciplinary hearing. Refusal to submit to the examination will be grounds for disciplinary action and may result in the member's dismissal.

1. If the member is believed to be under the influence of alcohol an authorized breathalyzer operator shall administer the test. The member in authority shall witness the test and sign the report.
2. If the member reporting for duty shows evidence of impaired abilities to perform duties, the member shall be relieved of duty by their supervisor.
3. If the member is believed to be under the influence of self-administered drugs, they may be compelled to submit to a blood or urine test. The test shall be administered under medical supervision where hygienic



safeguards are met. The sample shall be processed using the same safeguards as evidence in a criminal process.

4. If the test shows positive results or there is other competent evidence of impaired abilities to perform duties, the member shall be relieved of duty as soon as possible by the Sheriff.
5. If a member refuses to submit to a test, (alcohol or drugs) then the Sheriff shall immediately relieve the member from duty for failure to cooperate in an administrative investigation.
6. The on-duty supervisor may direct a member to submit to a breath, blood, or urine test when a level of inebriation or drug usage is suspected as interfering with the performance of duty.
7. Property assigned to the member but belonging to the WCSO is subject to inspection where the office has a reasonable suspicion that evidence of work-related misconduct may be found therein. Office property includes files, storage lockers, desks, and vehicles.
8. Photograph and lineup identification procedures may be required for viewing by citizens for the purpose of identifying a member accused of misconduct. Refusal to stand in a properly conducted lineup is grounds for disciplinary action and may result in dismissal if criminal prosecution is not anticipated.
9. Photographs or videotape pictures of members, with or without their consent, may be taken for the purpose of internal investigations as related to the member's job when the member is suspected of misconduct.

B. Financial disclosure statements

A member may be compelled to make financial disclosure statements when directly and narrowly related to allegations of misconduct involving any unlawful financial gain. Any evidence gained during the investigation of an administrative matter cannot be used in any criminal proceeding.

ADJUDICATION OF COMPLAINTS

The Sheriff will classify completed internal affairs investigations as:

Unfounded - no truth to allegations.

Exonerated - allegations true, but result of adherence to proper and appropriate procedures and techniques.



Not sustained- unable to verify the truth of the matters under investigation.

Sustained- allegations true.

- A. Completed investigations classified as unfounded, exonerated or not sustained will be maintained in internal affairs files in the Sheriff's Office. Sustained complaints shall be filed in the individual member's office personnel file with a copy in the internal affairs files.
- B. Disciplinary action taken shall be determined by the seriousness of the violation or the extent of injury to the victim. It shall be commensurate with the circumstances surrounding the incident and the consideration of the member's service record and prior sustained complaints.
- C. Disciplinary records
 - 1. The Sheriff's Office shall maintain a log of all complaints.
 - 2. The complaints and internal investigative files shall be kept in a secure area and shall be maintained as long as state archival policy dictates.

DUE PROCESS

- A. The Fourteenth Amendment to the Constitution provides that a citizen may not be deprived of "life, liberty, or property, without due process of law." Public employees have a limited property interest in continued employment sufficient to require due process in any administrative proceedings that might result in suspension or dismissal.
- B. The WCSO seeks to observe due process of law in the philosophy of the Fourteenth Amendment in any disciplinary proceeding. Nevertheless, the foregoing rules circumscribe when legal counsel may or may not be used during interviews of members suspected of misconduct.
- C. Despite a member's limited property interest in their job, the simple fact that a member has held a job for years does not entitle them to keep it.
- D. The WCSO recognizes that a member, though dismissed or suspended, may have a liberty interest to enjoy future employment elsewhere and, if suspended or dismissed, should have an opportunity to set forth their point of view for name-clearing purposes. In view of this interest the WCSO affords a member a hearing with the Sheriff for this purpose.



HOW TO MAKE A COMPLAINT

- A. If you wish to make a complaint about the actions of any member or about any aspect of law-enforcement operations, please:
 - 1. Come to the Sheriff's Office and tell any member that you wish to make a complaint; or
 - 2. Call the Sheriff's Office and tell the person answering the phone that you wish to make a complaint; or
 - 3. Forward your complaint in writing and mail it to the Sheriff.
- B. A supervisory member will assist you in filling out a complaint form. This form asks you to identify yourself and then to give specific details about your complaint.
- C. Your complaint will then be investigated. You may be contacted and asked additional questions about your complaint.
- D. If it is going to take a long time to investigate your complaint, you will receive a letter telling you approximately when you may expect a reply.
- E. When your complaint has been investigated, the Sheriff will review the investigation and will write you a letter explaining what has been found out about the matter.



REPORT OF COMPLAINT AGAINST POLICE PERSONNEL
CONFIDENTIAL

Name of complainant:

At what address can you be contacted?

What phone number? Residence: _____ Work:

Date and time of incident:

Location of incident:

Name of officer(s) or employee(s) against whom complaint is being filed, or other identifying marks, i.e., (car number, badge number, etc.)

Rank: _____ Name:

I.D.# _____ Vehicle:

Name(s)/address/phone number or other identifying information concerning any witnesses, if applicable:

Statement of allegation:

(If further space is needed use reverse side of sheet)

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I understand that this statement of complaint will be submitted to the Woodbury County Sheriff's Office and may be the basis for an investigation. Further, I sincerely and truly declare and affirm that the facts contained herein are complete, accurate, and true to the best of my knowledge and belief. Further, I declare and affirm that my statement has been made by me voluntarily without persuasion, coercion, or promise of any kind. I understand that, under the regulations of the WCSO, the employee against whom this complaint is filed may be entitled to request a hearing before a board of inquiry. By signing and filing this complaint, I hereby agree to appear before a board of inquiry, if one is requested by the employee, and to testify under oath concerning all matters relevant to this complaint. Any false allegation made against a member of the WCSO shall also be investigated and, where warranted, criminal action may be taken.

Signature of Complainant

Date

Check if complainant refused to sign

Signature of Person Receiving Complaint

Date and Time Received

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ADMINISTRATIVE PROCEEDINGS RIGHTS NOTICE OF ALLEGATIONS

NAME _____ DATE _____ TIME _____

The Woodbury County Sheriff's Office policy provides that whenever an investigation by an agency focuses on matters which could lead to the dismissal, demotion, suspension or transfer for punitive reasons of a law-enforcement officer, the following conditions shall be compiled with:

1. Any questions of the officer shall take place at a reasonable time and place as designated by the investigating officer, preferable when the officer under investigation is on duty and at the office of the investigating officer unless circumstances dictate otherwise.
2. Before questioning the officer, he shall be informed of
 - (a) The name and rank of the investigating officer and
 - (b) Of any person to be present during the questioning and
 - (c) The nature of the investigation.

Office policy provides that:

1. You are entitled to read the complaint lodged by the complainant.
2. Refusal to answer all questions pertaining to the allegations made by the complainant, either orally or in writing, shall be grounds for disciplinary action or may result in dismissal from the Office.
3. The answers given during the investigation of an administrative matter will not be used against you in any criminal proceedings.
4. The answers given do not constitute a waiver of your privilege against self-incrimination as related to criminal matters.
5. Before being formally charged, during an administrative Investigation, no attorney will be permitted to be present.

Accordingly, you are hereby advised that the following allegations have been directed to you:

COMPLAINANT(S): 1. _____ 2. _____

The undersigned hereby acknowledges receipt in writing of the charges or allegations against them and their rights as pertaining to administrative proceedings.

Signature

WITNESS:

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GARRITY WARNING

1. I am being questioned as part of an investigation by t this agency into potential violations of department rules and regulations, or for my fitness for duty. This investigation concerns

2. I have invoked my Miranda Rights on the grounds that I might incriminate myself in a criminal matter.

3. I have been granted use immunity. No answer given by me, nor evidence derived from the answer, may be used against me in any criminal proceeding, except for perjury or false swearing.

4. I understand that I must now answer questions specifically, directly and narrowly related to the performance of my official duties or my fitness for office.

5. If I refuse to answer, I may be subject to discipline for that refusal which can result in my dismissal from this agency.

6. Anything I say may be used against me in any subsequent departmental charges.

7. I have the right to consult with a representative of my collective bargaining unit, or another representative of my choice, and have them present during the interview.

Investigator Authorizing: _____

Signature: _____

Witnessed by: _____

Date: _____ Time: _____

Location: _____

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**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Constitutional Safeguards	Policy Number: 011
Issue Date: 07-01-11	Revision Date: 07-15-14 Review Date: 07-01-15
Approval Authority 	Sheriff Title and Signature:

POLICY

Of all the actions a member might take during the course of duty, the ones with the most severe consequences concern constitutional rights. The use of deadly force might result not only injury or death but a review of the constitutionality of the act. Similarly, the arrest of a person, for a misdemeanor shoplifting by contrast, invokes the law of arrest and search and seizure, issues that are controlled by the constitution. The U.S. Constitution and the Bill of Rights guarantee every citizen certain safeguards from government intrusion into their lives. These safeguards have become the cornerstone for the application of criminal justice in America. Consequently these safeguards have placed limitations on the authority of police to enforce the laws of the nation, state, Woodbury County. The Sheriff's Office expects members to observe constitutional safeguards scrupulously and knowledgeably. The WCSO further expects that members understand the limits and prerogatives of their authority to act. Respect for the civil liberties of citizens shall be the paramount concern in all enforcement matters.

PURPOSE

The purpose of this policy is to define the legally mandated authority for the enforcement of laws, to establish procedures for ensuring compliance with constitutional requirements during criminal investigations, to set forth guidelines concerning the use of discretion by members, and to define the authority, guidelines and circumstances when members should exercise alternatives to arrests and pretrial confinement.

PROBABLE CAUSE AND REASONABLE SUSPICION

A. Probable cause

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Searches (with the few important exceptions outlined in this order) and all arrests are based on the member's perception of probable cause. According to the U.S. Supreme Court, "Probable cause exists where the facts and circumstances within their [the arresting officers'] knowledge and of which they had reasonable trustworthy information are sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been or is being committed."

1. A deputy must have probable cause to undertake a search or make an arrest.
2. When a deputy has appropriate probable cause, they may undertake a complete body search (not including a body-cavity search); record the suspect's fingerprints, take the suspect's photograph, and incarcerate them. The aim of probable cause is to make a formal charge.

B. Reasonable suspicion

Reasonable suspicion involves a standard less than probable cause, generally defined by the courts as a circumstance or collection of circumstances that would lead a trained, experienced member to believe that criminal activity may be afoot.

1. A deputy must have reasonable suspicion to temporarily detain a citizen.
2. When a deputy has reasonable suspicion that the person whom they are dealing with has a weapon and that they may use that weapon against them, they may undertake a pat-down of a suspect's **outer clothing** for **weapons** and record the circumstances of the encounter. The aim of reasonable suspicion is to resolve an ambiguous situation.
3. Elements of probable cause
 - a. Probable cause may be established or through anonymous sources provided that the information is corroborated by investigation.
 - b. Unnamed informants may be used in an affidavit for a search warrant if the informant has first-hand knowledge of the investigation and information is included about why the informant is credible and reliable.

PROCEDURES - General

A. Law-enforcement authority

Code of Iowa 331-651

1. Limitations on law enforcement authority



Limitations on law enforcement authority are derived from statutes, federal, state, and local judicial interpretation of laws, opinions of the attorney general and county attorney and WCSO policies/rules and regulations.

a. Statutory limitations

Limitations on law enforcement authority set by statutes.

b. Judicial limitation

Courts constantly interpret laws that place limitations on the authority of law enforcement officers. The more common limitations address Miranda rights/warnings, rulings on search and seizure, eyewitness identification, and lineups. The department shall provide policy guidance concerning these decisions, and appropriate.

INTERVIEWS AND INTERGATIONS

A. Definitions

1. An interview, as opposed to an interrogation, may be construed as any conversation with a suspect, witness, victim; or the citizen.
2. An interrogation, to paraphrase the Supreme Court, includes direct questioning (or its functional equivalent) about a crime or suspected crime, as well as any word or conduct on behalf of the police that may elicit an incriminating response from the suspect.
 - a. Deputies are reminded that an interrogation does not rely solely or exclusively on words; conduct can be the “functional equivalent’ of asking questions.
 - b. A person is considered in custody when a deputy informs them that they are under arrest. The functional equivalent of being in custody occurs when a reasonable person in the suspect’s place would feel that their freedom of action has been restricted to the same degree as a formal arrest.

B. Rights admonition

1. In order to achieve uniformity in administering Miranda warnings, deputies may be issued cards with the Miranda warnings and waiver on them. Before custodial interrogation, deputies shall advise suspects of their rights by reading aloud from the card the following:

--

- a. "You have the right to remain silent."
- b. "Anything you say can and will be used against you in a court of law."
- c. "You have the right to talk to a lawyer and have him present with you when you are questioned."
- d. "If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish one."
- e. "You may stop talking at any time."

2. After the warning, in order to secure a waiver, the deputy may ask and receive affirmative replies to the following questions:

- a. "Do you understand each of these rights I have explained to you?"
- b. "Having these rights in mind, do you wish to talk to us now?"

3. Deputies shall interrogate suspects only when they have knowingly and intelligently waived their rights. Deputies shall cease questioning whenever the suspect invokes the right to silence or request the presence of counsel.

- a. Deputies shall not try to elicit incriminating evidence unless the suspect waives the right to counsel.
- b. If a suspect, once in custody, requests counsel after being advised of Miranda rights, they cannot be interrogated again about the crime for which he or she was charged, other crime, or by any other deputies unless:

- i. The counsel, is present during the interrogation or

- ii. The suspect himself initiates the interrogation. Deputies therefore cannot obtain a waiver under these circumstances unless the suspect initiates interrogation. If a suspect refers to counsel but their intentions are unclear, deputies may question the suspect further to clarify their intentions.

- c. If the suspect is deaf or unable to speak English, The interrogating deputy shall notify the on-duty supervisor and shall immediately arrange to obtain an interpreter.



- d. Deputies will take care when advising juveniles of their rights to ensure that the rights are understood before obtaining a waiver. Deputies should honor a child's request to speak to a parent or guardian before waiving their rights. Whenever possible, the child's parents should be present it while the child's rights are explained and the waiver explained.
- e. If a suspect has invoked their right to silence, deputies may interrogate the suspect if, after a passage of time, the suspect initiates communication with deputies. Before questioning however, the interrogating deputy shall again administer Miranda warnings and shall obtain a written waiver.

C. Voluntariness of confessions

The courts have provided deputies with much latitude in interrogating suspects. If a suspect claims that they were coerced into confessing, the courts will examine the interrogation according to the totality of the circumstances.

If interrogation methods appear to overcome the suspects will, then the courts will find any resulting confession to be involuntary. If deputies use trickery, threats, or offer promises to obtain confessions, they must:

1. Carefully assess the suspect's background, age, education, mental impairment, and physical condition to determine vulnerability to coercion;
And
2. Coupled with the background characteristics choose an appropriate mix of interrogation tactics and environmental factors to convince the suspect to confess without overbearing the suspect's will. Note that Miranda warnings would have been given before the interrogation takes place, in most instances.

D. Exemptions or special cases

1. Miranda warnings do not apply to the following situations which are non-custodial. This list is not all-inclusive:
 - a. Brief on-scene questioning.
 - b. Identification procedures such as fingerprinting, conducting a lineup, sobriety tests. (Questioning during booking may require Miranda warnings.)



- c. Volunteered, spontaneous statements. (Once the deputy has heard the suspect express spontaneous incriminating statements, the deputy shall then advise the suspect of Miranda rights and obtain a waiver before asking additional questions.)
 - d. Brief investigative detention or stop/frisk.
 - e. Roadside questioning during routine traffic stops, including OWI stops until custodial interrogation begins.
 - f. Routine booking questions related to arrest and custody.
 - g. Questioning by private persons.
2. Public-safety exception
- a. When a deputy urgently needs information from a suspect because lives are in imminent danger, deputies may delay giving Miranda warnings until the deputy has received information sufficient to dispel the emergency.
 - b. Officers are advised that a genuine, life threatening emergency must exist.

E. Documentation requirements

- 1. Deputies shall document the circumstances surrounding the conduct of interrogations and the recording of confessions. Required information includes but is not limited to the following:
 - a. Location, date, time, duration of the interrogation.
 - b. Identities of all persons present.
 - c. Miranda warnings given, the suspect's responses, and any waivers provided.
 - d. The nature and duration of any breaks or lapses during the interrogation and the reasons for them.
- 2. Video or audio tape recordings shall be treated as evidence and will be secured accordingly.

SEARCH AND SEIZURE - Warrantless Searches

A. Definition; A search occurs where

- 1. There is a "prying into hidden places by the police officer"



2. The person whose premises or person is being searched has a reasonable expectation of privacy.

B. The Fourth Amendment guarantees the right for people to be free from unreasonable searches and seizures of their homes, persons and things. The Supreme Court is continuously interpreting the fourth Amendment as it applies to police conduct. Illegally seized items of evidence will not be admitted in court and may be cause for a lost criminal case. Additionally, an illegally conducted search invites civil suits and criminal prosecution. In order to ensure the Fourth Amendments rights are protected, deputies shall obtain search warrants upon probable cause in all appropriate criminal cases except for the following circumstances.

1. Consent searches
2. Emergency searches
3. Plain view and "plain feel"
4. Abandoned property and open fields
5. Inventory searches of vehicles
6. When executing arrest warrants
7. Incident to arrest
8. Pat-downs of suspicious persons

As a general rule, no arrest warrant or search warrant is required for an arrest in a public place, as long as probable cause exists.

C. Consent

1. A search warrant is not necessary where a person who has authority or control over the thing or place searched consents to the search. Note that the deputy doesn't have to have reasonable suspicion nor probable cause to make a consent search; he or she may merely ask for permission from someone with control over the premises. If that person grants permission, the search may take place.

The sole justification for a consent search is the existence of knowing, intelligent, and voluntary consent.

a. Consent searches must observe the following rules:

- i. Generally, the person granting consent must use, access, or control the property. A person having exclusive possession of some part of jointly-owned property can only give consent for a search of that part of the property.
- ii. If two people have joint ownership of property, either may give consent. If possible, have the consenting party sign



a written permission-to-search form. If one objects and is present, the objector trumps the consent. Once removed by lawful circumstances or voluntarily vacating the property, consent may be again obtained from the other party.

b. A landlord, including a hotel or motel manager, cannot consent to a search of a tenant's premises, unless the tenant has been evicted or has abandoned the property.

c. A husband or wife, or one member of a cohabiting unmarried couple, may consent to a search of areas in common ownership or use, provided one party is not **present and objecting**.

d. A parent may consent to a search of premises occupied by a dependent child if the parent also has access to the premises.

e. An employee cannot give valid consent to a search of their employer's premises unless they have been left in custody of the premises.

f. Employer may generally consent to a search of premises used by employees, except premises used solely by an employee (e.g., a locker).

i. Consent must be given voluntarily. If a deputy requests consent from a citizen under circumstances which a reasonable person would consider coercive, then deputies must seek a warrant. The deputy may have the burden of demonstrating voluntariness.

ii. A person who initially gives consent may withdraw it at any time. Deputies shall then secure the premises and seek a warrant if probable cause exists.

iii. Refusal to give consent, in itself, cannot justify further law enforcement action.

iv. The scope of a consent search is limited to the area for which consent has been given, and within this area deputies may search only into areas where the objects sought could reasonably be hidden.

2. Emergency searches



2. A search warrant is not necessary in an emergency. An emergency is sometimes termed “exigent circumstances.”

- a. Eleven considerations determine whether an emergency exists:
 - i. The degree of urgency involved and the time required to get a warrant.
 - ii. Deputy’s reasonable belief that contraband is about to be removed or destroyed. [Note that not all crimes are serious enough to create exigent circumstances. See “v” below.]
 - iii. The possibility of danger to others including deputies left to guard the site.
 - iv. Information that the possessors of contraband are aware that law enforcement are on their trail.
 - v. Whether the offense is serious, or involves violence.
 - vi. Whether deputies reasonably believe the suspects are armed.
 - vii. Whether the deputies have probable cause at the time of entry.
 - viii. Whether the deputies have strong reason to believe the suspects are present on the premises.
 - ix. The likelihood that the suspects will escape.
 - x. The suspects’ entry onto premises after hot pursuit.

3. To justify warrant less entry following hot pursuit, the arrest process must have begun away from the premises, and the offender knows they are under arrest, and the offender tries to avoid arrest.

- a. A reasonable belief that someone on the premises is in distress and in need of emergency assistance.
- b. If deputies enter premises with probable cause to believe that critical evidence may be destroyed or removed unless immediate action is taken, they may enter without a warrant, secure premises, and obtain a search warrant before proceeding further unless they have obtained consent to search, or some new circumstances arise necessitating another warrant less search.

D. Plain view

- 1. A plain-view seizure is, technically, not a search. To make a plain-view seizure of property (contraband, fruits, or instrumentalities of the crime), two requirements must be met:
 - a. From a lawful vantage point, the deputy must observe contraband left in open view; and
 - b. It must be immediately apparent to the deputy that the items he or she observes may be evidence of a crime, contraband, or otherwise subject to seizure.



2. During a lawful frisk (stemming from a lawful stop), if a deputy detects an object that is or might reasonably be an item that is contraband or other criminal evidence, then the object may be seized. Threatening items such as weapons may always be removed during frisks. Non-threatening items may be removed only if their contraband or evidentiary nature is immediately apparent (the so-called “plain-feel” rule).

3. Abandoned property and open fields
 - a. A search warrant is not required for property that has been abandoned.
 - b. To constitute abandoned property, two conditions must apply:
 - i. Property was voluntarily abandoned.
 - ii. Property was discarded outside the area in which someone has a reasonable expectation of privacy.
 - c. Open fields are not protected by the Fourth Amendment, but deputies must distinguish them from curtilage, searches of which require a warrant. Curtilage is the area of a dwelling which is necessary, convenient, and habitually used by the family for domestic purposes. The extent of curtilage of a private residence is determined by whether the area is enclosed; the nature and use of the area; the proximity of the area to the home; and any measures taken by the owner to protect the area from observation. Note that under some circumstances surveillance (e.g., aerial surveillance) of activities within curtilage may take place without a warrant.

4. Inventories of vehicles
 - a. The WCSO requires deputies to inventory any lawfully impounded vehicle, or a vehicle removed from the street and placed in our custody. Any evidence or contraband found during the inventory may be used to formulate probable cause for a subsequent search or arrest per the evidence found. Vehicles shall be inventoried per WCSO procedure which requires an inventory of the entire contents including closed containers (provided they can be opened without breakage.). The purpose of an inventory is to ensure safekeeping of private property and to protect the WCSO from liability. To repeat, in order to justify an inventory of a vehicle, the following conditions must be met:



- i. Deputies must have lawful custody of it.
 - ii. The inventory shall be conducted pursuant to WCSO policy.
 - iii. The scope of the inventory shall be limited to those parts of a vehicle likely to conceal important, hazardous, or valuable items.
- b. Closed containers may be examined if they are likely to contain valuable property. If closed containers are locked or sealed, they shall not be forced open but simply logged on the inventory form.
 - i. The vehicle and its closed containers shall not be damaged.

5. When executing arrest warrants

a. General guidance

A deputy with an arrest warrant may search for the defendant in their own home provided that the warrant was valid; the deputy searches the defendant's home (and not someone else's); and probable cause exists that the defendant is home at the time of the search.. The search for the defendant must be limited to places where they might be found.

b. Protective sweep

Following the execution of an arrest warrant, deputies may undertake a "protective sweep" of the premises where the arrest takes place without a warrant. Certain limitations must be observed, however:

- i. The purpose of the protective sweep is to discover persons on the premises who might present a danger to deputies.
- ii. Incident to arrest, deputies may, without probable cause or reasonable suspicion, look into closets or the spaces immediately adjoining the place of arrest where threatening persons might be located.
- iii. In order to extend the protective sweep beyond closets and adjoining spaces, deputies must have reasonable



suspicion for fearing that persons may be on the premises who pose a threat. In such cases, the sweep is limited to examining places where a person might hide.

(1) Deputies shall carefully document their reasonable suspicion.

iv. During a protective sweep, evidence discovered in plain view may be seized.

v. The sweep must cease when deputies have dispelled a reasonable suspicion of danger.

(Note: With a search warrant, a protective sweep is always justified.)

E. EYEWITNESSES

1. Eyewitness identifications generally do not provide reliable evidence during criminal investigations. Consequently, the Supreme Court has addressed this issue in numerous cases and set forth guidelines to be followed when eyewitness identifications are solicited by deputies. Eye witness identifications may take the following forms.

a. On-scene identification

One-on-one identifications have been held constitutional so long as the period of time between the offense and the identification is brief. One to three hours would be a reasonable amount of time.

b. Lineups

Lineups should be conducted using a minimum of six persons having similar physical characteristics as the suspect. The accused has the right to have an attorney present during the lineup and the lineup may not take place until the attorney is present. The attorney may not offer any suggestions concerning the conduct of the lineup, but may merely observe. Deputies shall document the date, time, place, name of the participants and witnesses, and the location of suspect/participants in the line up.

c. Photo lineups

In conducting photo lineups, the photos shall depict persons displaying similar physical characteristics as the suspect. Simply showing an eyewitness a single photo of the suspect has been ruled unconstitutional. As a general rule, a photo lineup containing 6-8 photos is reasonable. Photographs shown to witnesses shall



not contain any identifying information. Photo lineups will be documented as under (2) above.

F. Hearsay

1. Deputies shall understand the rules by which hearsay can be considered evidence and therefore of use in an investigation.
2. Hearsay is generally inadmissible in court.
3. Some hearsay is useful as evidence. Some exceptions to the hearsay rule, and therefore admissible include:
 - a. A dying declaration or a statement, oral or written, made by a mortally wounded person who knows that he is about to die and has abandoned hope of recovery.
 - b. Spontaneous declarations, or exclamations of a participant or bystander concerning an incident, made without time for reflection.
 - c. Public records, or reports prepared by public officials under a duty imposed by law or regulation.

VEHICLES

In recent years, the U.S. Supreme Court has modified and expanded the conditions under which officers may search vehicles. Preferable, deputies shall search vehicles under the authority of a warrant whenever sufficient time exists to obtain one. Nevertheless, warrantless searches of vehicles may take place under many conditions and circumstance. It is imperative that deputies understand the different types of vehicle searches and their limitations.

A. Definitions

1. For the purposes of this section a motor vehicle is any vehicle operating or capable of being operated on public streets or highways, from trucks to automobiles to mobile homes. A vehicle that has been immobilized in one location for use as a storage facility or home is not a motor vehicle for Fourth Amendment purposes.
2. For the purposes of this section, a search is an examination of a motor vehicle with an investigative motive, that is, to discover evidence or to examine the vehicle identification number (VIN) to ascertain ownership.



B. When warrantless vehicle search may be performed.

In some other cases, vehicles may be searched without a warrant under the following circumstances:

1. When probable cause exists.
2. With the driver's consent.
3. Incident to the arrest of the occupants while in the vehicle and unsecured (see *Arizona v Gant*) .
4. To frisk for weapons.
5. When necessary to examine the VIN or to otherwise ascertain ownership.
6. Under emergencies or exigent circumstances.
7. Inventories.

C. Searches may be conducted within the following limitations:

1. With a warrant, a search may extend anywhere within the vehicle, unless limited by the warrant itself.
2. When probable cause exist, a search may extend anywhere within the vehicle, unless the probable cause is limited to a specific part of the vehicle
3. When consent has been obtained from the driver, deputies may search the vehicle subject to any limitations specified by the consenting person.
4. Searches incident to the arrest of than occupant shall be limited to any area within reach of the arrestee. The area within reach is deemed to be the passenger compartment. The trunk, engine compartment, and any locked compartments shall not be searched unless immediately accessible to the suspect.
5. Frisks for weapons shall be confined to the passenger area. Any place not immediately accessible to the occupants, such as a locked glove compartment, shall not be frisked. If the contents of a container immediately accessible to the subject, a closed container may searched for weapons.
 - a. Note that a deputy can order the suspect from the vehicle and frisk both the suspect and the vehicle, provided there is "reasonable suspicion" that the is a weapon, **and** the weapon may be used against the deputy.
6. An entry into the vehicle to examine the VIN or otherwise determine ownership must be limited to these purposes.
7. An emergency search of the vehicle may be conducted but the extent of the search must not exceed whatever is necessary to respond to the emergency.



Note: If the initial search under the above conditions gives rise to probable cause that evidence, contraband, fruits, or instrumentalities of the crime might be found elsewhere in the vehicle, deputies may search those areas that might reasonably contain such items.

D. Containers within the vehicle

As a rule, no container within a vehicle shall be searched unless it might contain the item(s) sought.

1. Procedures for unlocked containers

- a. In a probable cause search, containers may be opened wherever found in the vehicle.
- b. When the passenger area is searched incident to an arrest, containers within the passenger area may be opened.
- c. During a consent search, containers may be opened provided that the terms of the consent either so permit or reasonably imply permission.

2. Procedures for locked containers

Under most conditions, locked containers shall be opened under a warrant unless one of the following circumstances has been met.

- a. Consent has been given.
- b. Probable cause exists to search the vehicle and the object of the search might be found in the container.
- c. Inventory.

E. Conduct of the vehicle search

1. When possible, searches of vehicles shall be conducted contemporaneous with the stopping or discovery of the vehicle. As a general rule, vehicle searches shall be conducted as soon as reasonably possible.
2. When possible, deputies shall avoid damaging a vehicle or its contents and shall minimize the intrusiveness of the search and any inconvenience suffered by the passengers or owner.
3. As vehicles may contain sharp or pointed objects, and perhaps even syringes or other material with body fluids on them, deputies shall take precautions to minimize exposure to communicable diseases.



LIMITATIONS ON AUTHORITY

A. Limitations of Law-enforcement authority by local courts.

Occasionally, the local courts may limit law enforcement authority to enforce state statutes and local ordinance. The WCSO manual shall contain relevant orders offering appropriate guidance to deputies. These limitations include, but are not limited to:

1. The processing of juvenile offenders.
2. The issuance of summonses as opposed to arrest/incarceration.

B. Limitations of law enforcement authority by the county attorney. Occasionally, the county attorney may issue opinions to the WCSO imposing limitations on deputies. These areas include, but are not limited to:

1. Prosecution of certain cases.
2. Extradition.
3. Enforcement of certain statutes pending opinions from the attorney general's office.

C. Changes in laws/interpretational limitations.

Periodically, changes take place which may impose new limitations on law enforcement authority or remove or alter existing limitations.

CONSTITUTIONAL REQUIREMENTS: GENERAL

A. Compliance with constitutional requirements during criminal investigations.

1. All deputies when conducting criminal investigations shall take all precautions necessary to ensure that all persons involved are afforded their constitutional protections. Deputies shall ensure that:
 - a. All statements or confessions are voluntary and non-coercive.
 - b. All persons are advised of their rights in accordance with this general order.
 - c. All arrested persons are taken promptly before a magistrate for formal charging.



- d. All persons accused or suspected of a criminal violation for which they are being interrogated are afforded an opportunity to consult with an attorney.
- e. Prejudicial pre-trial publicity of the accused is avoided so as not to interfere with a defendants' right to a fair and impartial trial.

B. The use of discretion by deputies

- 1. Deputies, by the nature of their job, are required to exercise discretion in the performance of their duties. The WCSO provides deputies with written policies, rules, WCSO orders, directed patrol assignments, and training orders to aid them in making decisions which govern discretion in performing their duties.
- 2. With the exception of rules and regulations, general orders give deputies procedures to follow for common or critical enforcement tasks. By definition, general orders afford deputies a window of discretion within which to act. General orders are to be followed unless unusual or extreme circumstances dictate another course of action. In this case, deputies shall make reasoned decisions in their discretion based on good judgment, experience, and training. It is up to the individual deputy to consider the relevant facts, the situation, and then, using knowledge, training and good judgment, make appropriate decisions. Supervisors must closely observe the use of discretion by their subordinates and point out factual errors or alternatives that may be more appropriate.

C. Alternatives to arrest/pre-arraignment confinement

- 1. Under certain circumstances, deputies are faced with situations where an arrest and pre-arraignment confinement will not be possible. In such cases, deputies may elect to exercise certain alternatives such as the issuance of summonses, referral to a social service agency, or simply to give a warning.

Examples

- a. Mentally or emotionally disturbed persons.
 - b. Domestic situations where counseling may be appropriate except where probable cause requires an arrest.
 - c. Juvenile offenders.
 - d. Transient persons who need shelter and food.
 - e. Certain misdemeanor cases.
- 2. Authority to issue summonses in lieu of arrest/confinement



- a. Issuance of citation – release. 805.1
 - i. Except for an offense for which an accused would not be eligible for bail under section 811.1 or a violation of section 708.11, a peace officer having grounds to make an arrest may issue a citation in lieu of continued custody.
- b. In determining whether a summons should be used, the deputy shall:
 - i. Decide whether the offense committed is serious.
 - ii. Make a judgment as to whether the accused poses a danger to the public or themselves.
 - iii. Decide, based on circumstances, whether the person may disregard a summons.
 - iv. The Code of Iowa allows.

3. Informal handling of criminal matters

Deputies often deal with situations where the public interest would be better served by social service agencies or crisis and professional organizations. When in the judgment of the deputy a better solution of the problem will be achieved by use of alternatives to enforcement, they should refer the citizen to an appropriate social services agency.

4. Use of warning as an alternative to arrest

The use of warning may sometimes provide a solution to a problem and may enhance the public perception of the WCSO. Normally, the use of a warning occurs in traffic offenses, but occasionally may be applied to criminal offenses. In determining if a warning should be issued, the deputy shall consider:

- a. The seriousness of the offense.
- b. The likelihood that the violator will heed the warning.
- c. The reputation of the violator, i.e., known repeat offender, has received previous warnings, etc.

5. Limitations on intelligence activity



- a. Office intelligence gathering activities shall be limited to that information concerning criminal conduct that presents a threat to the community.
- b. Officer personnel and equipment shall only be used in conjunction with intelligence gathering activities, as defined above, in full compliance with all law and only with the advance approval of the sheriff.
- c. Intelligence information shall be collected, used, and processed in full compliance with all laws.



**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: County Owned Vehicles	Policy Number: 012
Issue Date: 07-01-11	Revision Date: 10-28-15 Review Date: 07-01-15
Approval Authority Title and Signature:  Sheriff	

Purpose:

The purpose of this policy is to establish guidelines for the use and care of the county- owned vehicle assigned to a WCSO office employee.

Policy:

The proper use and care of the county-owned vehicle is essential to the safety of the WCSO office employee and other motorists who may come in contact or association with a sheriff's office vehicle.

Procedure:

- A. Official use of county owned vehicles
 - 1. Sheriff's office members shall utilize county-owned vehicles and equipment only for their intended purpose and in accordance with law. Sheriff's office members shall not negligently abuse or damage vehicle equipment.
 - 2. When a tour of duty begins at a specific time, that member must be in their vehicle at the given time to begin said tour of duty. If a member is required to be at a special assignment at a given time, that individual will report to that assignment at the specific time allocated.
 - 3. Sheriff's office members shall not permit any person to operate any WCSO vehicle assigned to them other than another member of the Sheriff's Office, or a mechanic effecting repairs, except in an emergency situation. Members shall be responsible for the vehicle assigned them and its use is at the discretion of the Sheriff or supervisor.



B. Marked unit

1. All county-owned marked units will be marked according to state regulations and have adequate emergency equipment installed for the effective performance of the vehicle's use.

C. Unmarked unit

1. All county-owned unmarked vehicles shall be marked and equipped at discretion of the Sheriff.

D. Additional equipment

1. As the Sheriff shall prescribe, all additional equipment such as shotguns, rifles, fire extinguisher, etc., shall be carried and maintained as special orders shall dictate. Any supplemental equipment issued to WCSO office members will be kept clean and maintained in a serviceable condition at all times.

E. Vehicle maintenance

1. All WCSO members shall be responsible for the regular maintenance of county-owned vehicles assigned to them and keep them in good mechanical condition and ready for service at all times. Upon completion of a tour of duty, there shall be sufficient fuel in the vehicle to respond to potential call-outs or situations arising immediately after beginning their next tour of duty.
2. Sheriff's office members shall periodically check the vehicles to make sure that the vehicles have the proper amounts of anti-freeze, oil, windshield washer solvent and other necessary maintenance to insure the vehicle operates properly.
3. Vehicles will be maintained by the WCSO employee assigned to that vehicle. All maintenance will be approved through the vehicle repair form (46) procedure by the member's supervisor. The work done, i.e., replace/added and cost will be submitted with the bill to the WCSO.
4. Emergency vehicle repairs will be authorized by the supervisor with vehicle repair form (46) submitted to the WCSO as soon as possible.
5. Vehicles shall be kept clean in appearance, both exterior and interior.

F. Fleet Cards



All purchases for and maintenance of County owned vehicles shall be done with and issued Fleet Card. The Fleet Card will be issued to the vehicle and will be stored within the vehicle, accessible to all other authorized members of the Office for use. When having maintenance performed, the deputy will ensure that the vendor provides an itemized copy of the work done. It is not acceptable merely to label the general maintenance completed. A copy of the receipt will be signed by the member and the unit number will be plainly printed on it. This receipt will then be forwarded to the Fleet Administrator for record keeping. An exception to this policy is referred to in section J. (2) of this manual.

G. County owned vehicle inspections.

1. All division commanders shall hold inventory and inspections of all vehicles assigned to their respective personnel. The inspections will be documented using the current forms drafted for that purpose. Usually this inspection will be completed in conjunction with quarterly In-Service Training

H. Accident investigation of county owned vehicles.

1. The WCSO shall investigate all accidents where county owned vehicles (i.e. secondary roads vehicles) within the parameters of Woodbury County. The shift supervisor shall determine the best course of action for accidents involving WCSO vehicles. This may include traffic investigators and identification deputies. The loss control coordinator shall be notified via the division commander of any accident involving a county-owned vehicle, regardless of owner ship. Where the member was in physical control of the vehicle, an alcohol test should be given within 8 hours and a drug screen completed within 36 hours.

I. Parking of county owned vehicles during extended off-duty time

1. When a WCSO member will be unable to maintain, or unavailable for the safety and security of their county vehicle, the member's supervisor will determine the location and care of such vehicle.
2. Parking locations are authorized only upon prior permission from the supervisor if the WCSO member has a garage or other suitable location where security is provided.



J. Washing of county vehicles.

1. We currently are using **Singing Hills Auto Spa** as the primary vendor for washing Office vehicles. Their hours of operation are: 08:00 to 21:00 hours, Monday through Sunday. They are located at 3506 Singing Hills Blvd., in Sioux City. A vacuum for floor mats will be made available at Prairie Hills. Members will document their car wash by signing a form at the Auto Spa when their vehicle is washed.
2. Ultra Wash (4105 Gordon Dr.) should be used when Singing Hills Auto Spa is not open.

There will not be any copies given to the deputy/operator. It will not be necessary to provide the fleet Administrator with a receipt from this vendor as outlined in subsection F. of this policy.

K. Use of vehicles outside of normal assigned duty hours.

Members assigned a take home vehicle and using the vehicle outside their normally assigned working hours shall notify the shift supervisor of such. Situations that would trigger this subsection include, but are not limited to the following:

1. Court Appearances
2. Vehicle Maintenance
3. Off Duty or Secondary Employment
4. Special Assignments
5. Union Activities
6. Workout Transportation
7. Training

Members assigned to administrative or internal assignments are exempt from this provision.



Generally; the IRS, for tax purposes, considers the use of a Sheriff's Office vehicle for commuting and personal usage, a fringe benefit. As such, the fringe benefit is taxable, unless it falls into an excluded category. Under the fringe benefit guidelines; a qualified non-personal use vehicle is any vehicle that the employee is not likely to use more than minimally for personal purposes because of its design.

- L. Qualified non-personal use vehicles generally include all of the following:
1. Clearly marked police, fire, or public safety officer vehicles.
 2. Unmarked vehicles used by law enforcement officers if the use is officially authorized by the Sheriff.
 3. A clearly marked police, fire, or public safety officer vehicle is a qualified non-personal use vehicle only if the following apply:
 - a. The employee must always be on call.
 - b. The employee must be required by the Sheriff to use the vehicle for commuting.
 - c. The Sheriff must prohibit personal use (other than commuting) for travel outside of the law-enforcement officer's jurisdiction.
 - d. It is readily apparent, by words or painted insignia, that the vehicle is a public safety vehicle. A marking on a license plate is not a clear marking for this purpose.

4. Unmarked Law Enforcement Vehicles

Unmarked law enforcement vehicles are qualified non-personal use vehicles only if the following apply:

- a. The Sheriff must officially authorize personal use.
- b. Personal use must be incident to use for law-enforcement purposes; i.e., no vacation or recreational use.
- c. The Sheriff's Office must be a governmental unit responsible for prevention or investigation of crime.
- d. The vehicle must be used by a full-time law enforcement officer authorized to carry firearms, execute warrants, and make arrests. The officer must regularly carry firearms, except when it is not possible to do so because of the requirements of undercover work.



**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Court Notification Procedures	Policy Number: 013
Issue Date: 07-01-11	Revision Date: 05-29-15 Review Date: 07-01-15
Approval Authority Title and Signature:  Sheriff	

Policy:

The purpose of this directive is to establish procedures for duty related court appearances.

Notification Process:

- A. Court notices shall be received by the secretarial staff of the Sheriff's Office. Criminal subpoenas from the County Attorney's Office or administrative hearings will be forwarded to the deputy listed on the subpoena in a timely manner. In the case of a County Attorney subpoena, members shall initial the notice and return the notice to the records division who will then return the subpoena to the County Attorney's Office.
- B. Continuance request shall be made to the County Attorney's Office in an expeditious manner by the deputy subpoenaed. When court notices or subpoenas are received by members from private attorneys, the member shall notify the County Attorney's Office of said notification as soon as feasible.
- C. Subpoenas constitute an order from the court, and shall be adhered to unless authorized by the member's supervisor and the court. 622.76.
 - 1. If members receive more than one subpoena to appear at any court or quasi-judicial hearing on the same date and the same time, the subpoena priority is: Federal Court, State Court, Municipal Court, City Court, civil cases, and then administrative hearings. Courts must be notified of the conflict if and when this occurs.

Payment for Court Appearances:

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- B. Members seeking overtime/comp time compensation for court appearances must complete the appropriate form. If the member, in answering a civil subpoena from a private attorney, chooses to be paid advanced fees, they will notify the process server and the member's supervisor. A member shall not be allowed overtime/comp time if this manner of compensation is chosen.

Court Appearance:

- A. Attendance at a court or quasi-judicial hearing, whether notified by subpoena or notice by the Sheriff's Office, prosecution, or hearing officer is an official duty assignment, and must be in attendance without fail. Permission to omit this duty must be obtained from the prosecuting attorney or other competent official, prior to the appearance date and time.
- B. All members must be punctual and attend until dismissed by the prosecution or person issuing the subpoena.
- C. The complete and official uniform must be worn when appearing in court. Non-sworn employees may appear in conservative business attire. Members may substitute such attire for uniforms when approved by the member's supervisor.
- D. Members must avoid mannerisms or expressions, which might imply disrespect to the court, other witnesses, those charged with criminal offenses, or plaintiffs testifying. Members must have notes and case files prepared, and all evidence suitably arranged for presentation to the prosecutor before trial appearance.

Phone Hearings:

- A. Deputies shall follow the guidelines set forth under administrative hearing pay for compensation for phone hearings. Deputies shall be responsible for notifying the court of their phone number for such hearings.

Respect and Testimony:

While in court, the member must:

- A. Always tell the truth when testifying, making reports, or conducting any Law Enforcement business;
- B. Be respectful of magistrates and judges at all times;



- C. Speak calmly and explicitly in a clear, distinct, and audible tone so to be heard by the court and jury when giving testimony.
- D. Testify with strict accuracy, limiting testimony to the case before the court, and neither suppresses nor overstates the slightest circumstances with a view for favoring or discrediting any person.
- E. Answer defense counsel questions with the same readiness and civility as when testifying in support of the charge, remembering that the ends of justice will be served by showing a desire to tell the whole truth, whether it is in favor of or against the defendant.



**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Death or Serious Injury Notification	Policy Number: 014
Issue Date: 07-01-11	Revision Date: 07-15-14 Review Date: 07-01-15
Approval Authority Title and Signature:  Sheriff	

POLICY

Woodbury County Sheriff's Office members follow established procedure to notify relatives, and responsible adults in cases of death or serious injuries to members of the public or law enforcement personnel.

PROCEDURES

Preparation – Notification:

The following guidelines apply when next of kin or responsible adult notifications are to be made:

1. Verify and confirm the identity of the deceased and their next of kin.
2. All notifications must be made in person, with the exception of serious injuries where delay might prevent the family from arriving at the hospital before the injured person's death.
3. Try and separate small children to another room. Inform the surviving spouse and then assist with the notification to the children.
4. Members must provide immediate assistance to survivors without regard to time spent at the notification site.
5. Prior to contacting those to be notified, the assigned personnel must gather and become familiar with information concerning the deceased or seriously injured person, to include:
 - a. Details of the event; but not the graphic details of the victims injuries.
 - b. Name, age, identification details, and home address of the victim;
 - c. Location of the body, if deceased; &
 - d. Pertinent information regarding who and where contacts can be located.
6. The order of priority for notifying the family is: *spouse*, followed by *parents, brothers or sisters*, and then any *children*. Other relatives or responsible adults shall be notified if immediate family members are unavailable.

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7. The party's *pastor, priest, or spiritual advisor* may be notified if readily available and maybe have them present at the time of notification. The Woodbury County Sheriff's Office's Chaplin may also be notified for assistance.
8. When another law enforcement agency is to make the notification, request:
 - a. Notification be made in person; &
 - b. Verification when notification has been completed.
9. Members should gather information regarding relatives to aid in communication in case relatives to be notified are:
 - a. Elderly;
 - b. Disabled or have medical problems;
 - c. Visually or hearing impaired; or
 - d. Not fluent in English.
10. Members may not use the name of the deceased or seriously injured person over the radio or release the name to news media. The Sheriff's Office will designate a Public Information Officer for that purpose or a senior officer will release the news, but not until assured that relatives have been notified.
11. Personal effects of the deceased should not be delivered to survivors at the time of death notification.

Making Notification:

Once preparation for notification has been completed, the notification members maintain the following guidelines regarding the actual notification:

1. Upon arrival at the residence or place of business, the notification members will:
 - a. Check accuracy of the chosen notification site;
 - b. Request to speak to the next of kin;
 - c. Identify themselves by name and agency;
 - d. Verify the relationship to the deceased or seriously injured person; &
 - e. Ask permission to enter the residence or location, and move to a place of privacy.
2. Reasonable effort is made to make the death or serious injury notification in the privacy of the home or location away from public view and hearing.
3. Prior to making notification, members should bring family members together if possible.
4. There are no easy ways to deliver this message. Be empathetic and sympathetic but be direct. Don't try to make light on what can't be.
5. Address relatives in a straight-forward manner and:



- a. Avoid graphic aspects of the incident;
 - b. Avoid the use of law enforcement jargon; &
 - c. Refer to the deceased by first name.
6. Be prepared for unexpected responses from survivors to include hysteria and possible verbal or physical attack.
7. Provide survivors with sufficient time to regain composure before proceeding.
8. Avoid using such phrases as *I know how you feel* or *I know how hard this is for you*.
9. Provide survivors with pertinent information including:
 - a. Disposition of the body;
 - b. Location of personal effects;
 - c. Identification requirements/procedures; &
 - d. Notification members' *names, agency and contact numbers*.

Providing Assistance and Referral:

Notification members may not leave upon completion of the notification until the following has been achieved:

1. Next of kin has received adequate support. The notification members consider:
 - a. Emotional reaction and the physical condition of the next of kin;
 - b. Availability of other adults in the home;
 - c. Whether infants or small children are receiving proper attention;
 - d. Condition of the home environment (i.e.- evidence of excessive alcohol use or drug use, lack of means of financial support, shortage of food, problem with shelter, etc.); &
 - e. The availability of a support system (for example: *friends, family, close neighbors, access to clergy, means of transportation*).
2. For those in need of shelter, transportation, food, or other support, provide numbers for local assistance agencies.
3. If requested, members may provide confirmed additional information regarding the incident, if known at the time.
4. Remain alert to the possible need for medical assistance. When members are aware of serious medical conditions in advance of notification, they should place a local medical response unit on alert.
5. Before leaving, the notification members should be reasonably assured that survivors could take care of themselves and those they are responsible for.



6. Reasonable efforts are made for lone survivors to obtain support from family, friends, co-workers, neighbors, family clergy or counselors.



**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Discipline & Accountability	Policy Number: 015
Issue Date: 07-01-11	Revision Date: 07-15-14 Review Date: 07-01-15
Approval Authority Title and Signature:  Sheriff	

POLICY:

Officers and civilian employees use their best effort to live up to the ideals expressed in our Mission Statement and the Law Enforcement Code of Ethics. Additionally, all members of the Woodbury County Sheriff's Office obey directives found in the Sheriff's Office Policy Manual, Woodbury County Employee Manual, written and verbal orders, rules, directives, and standards of conduct. Noncompliance with these goals and standards may result in disciplinary action to improve individual and group performance.

DISCUSSION:

Discipline in the law enforcement profession is essential to our very survival, and is the determining factor in securing the trust of those we serve. To maintain a high level of discipline, employees are required to conduct themselves in accordance with standards of conduct which a reasonable person would know is expected of someone in the workplace who is granted the authority of the State.

PROCEDURES:

Disciplinary Action:

Any noncompliance or violation of conduct that interferes with operations, discredits the department, or is offensive or dangerous is grounds for disciplinary action, whether or not such behavior is specifically prohibited by written goal, objective, policies and procedures, order, rule or directive.

Members are expected to perform assigned tasks efficiently and safely and in accord with applicable quality standards and safety requirements.

All members are expected to treat visitors, employees, supervisors, and others in the work place with courtesy and respect.

The Woodbury County Sheriff's Office does not discriminate or show favoritism on the basis of *age, race, creed, color, sex, sexual orientation, gender identity, national origin,*

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religion, or disability. Disciplinary actions are based on the concepts of *equality and equity.*

The Sheriff's Office has the sole right to determine the disciplinary process applicable in particular circumstances as well as the discipline to be imposed for violations or non-compliance.

Progressive disciplinary measures are generally followed. However, employee attitudes and performance, and any extenuating and mitigating factors may be considered when determining the discipline to be imposed.

Progressive discipline may include, but is not limited to, *counseling, warning, and suspension, or any other remedial steps* deemed desirable, such as *demotion, permanent or temporary disqualification, transfer, training* and/or *imposing conditions on continued employment.*

Discharge from the Sheriff's Office may be imposed for a first offense and may be imposed at any point in a progressive chain, whether or not any other step(s) of progressive discipline have first been imposed.

The respective Division Major is designated to oversee disciplinary actions, and is consulted prior to imposing and/or determination of any discipline excluding counseling, verbal or written warnings. These areas of discipline will be within the area of responsibility of the members' supervisor.

The Sheriff's Office may, in its discretion, keep documents and other records of disciplinary action, which could indicate past practice, progressive disciplinary action, and also may be considered in future personnel decisions.

In cases of serious misconduct such as major breaches of policy or violations of law, procedures contained in this policy may be disregarded. Disciplinary action on the part of the Sheriff's Office does not shield the officer or member from criminal or civil charges that may arise out their deliberate or negligent acts.

General Reasons for Disciplinary Action:

The Woodbury County Sheriff's Office does not provide an officer or civilian employee with lists of specifically prohibited behavior. An officer or civilian employee is expected to have a reasonable perception of what constitutes proper behavior, based on academy training and the observance of acceptable behavior of all employees. For example, officers or civilian employees may be disciplined or terminated for reasons including, but not limited to:

- A. Dishonesty, such as falsifying or altering any document, record, or report relating to the Sheriff's Office and/or relating to employment, such as a time card, employment application, medical report, or expense reimbursement request and including providing false or misleading information and/or failing to provide truthful and complete information in connection with any investigation or inquiry by their supervisor.



- B. Conviction of a criminal offense, including a felony or certain misdemeanors, or any other offense involving moral turpitude. Also engaging in dishonest or immoral conduct that undermines the effectiveness of the Sheriff's Office activities or members performance, whether on or off duty.
- C. Insubordination to the directives of a superior, (i.e., willful disobedience of a lawful command), or serious breach of discipline.
- D. Violation of the Civil Service Law.
- E. Reporting to work under the influence of alcohol or any drug not prescribed by a licensed physician.
- F. Offensive conduct or language toward the public, superior, or other members.
- G. Carelessness or negligence in the use of Sheriff's Office property.
- H. Accepting or encouraging the taking of a bribe, gift, token, money, or other items of value intended as an inducement to perform or refrain from performing any official act, or any action of extortion or other means of obtaining money or anything of value through the officer or civilian employee's position.
- I. Encouraging other persons to commit illegal acts.
- J. Failing to report to work, court or official duty assignments without reasonable cause or proper notice to a supervisor.
- K. Excessive tardiness and absenteeism.
- L. Refusal to work overtime based on a reasonable request, or repeated refusals to work overtime.
- M. Failure to observe starting, quitting, and and/or break times.
- N. Horseplay, disruptive behavior, or dangerous acts.
- O. Manifesting cowardice, feigning illness, or otherwise attempting to shirk official duty.
- P. Violation of security, health, safety or environmental standards.
- Q. Unauthorized possession or use of firearms, dangerous weapons, or explosives.
- R. Careless, inadequate, or unsatisfactory job performance.
- S. Competing with the interests of the department.
- T. Theft, attempted theft, misappropriation, or willful damage to property.
- U. Distribution, transfer, sale, possession or consumption at the work place or on government property of any alcohol, intoxicant, or controlled substance which has not been prescribed for the one in possession, the recipient, or the one consuming.
- V. Threatening, intimidating, harassment, coercing, abusing, or interfering with a supervisor, independent contractor, supplier, visitor or co-employee, either by words or action. Acts of physical violence or fighting (except official enforcement action).
- W. Unauthorized disclosure of any confidential information.
- X. Failure to report any accident, misconduct, or rule violation to an immediate supervisor, or the Field Operations Supervisor/Jail Administration of the respective division, or failing to cooperate with and/or failing to provide information requested in connection with any authorized investigation or inquiry.
- Y. Violation of departmental, agency, or governing body rules, regulations, policies and/or procedures.
- Z. Abuse of duty time (i.e., too much time away from established duties; too much time spent on personal business).
- AA. Absence in excess of three days without notice to a supervisor.



- BB. Sleeping on duty.
- CC. The use of unreasonable force during an arrest/custody procedure.

Reporting of Disciplinary Action:

Whenever disciplinary action is used, the employee must be advised of:

- A. Exact offense violated;
- B. How the violation affects ability to be an effective, efficient, or safe employer, or adversely effects the Sheriff's Office;
- C. What the member must do to avoid future disciplinary action;
- D. How much time the member has to correct the problem; &
- E. What further disciplinary action, including termination, will occur if performance does not improve.

Non-Disciplinary Action:

Not every supervisory interaction or intervention with a member is to be construed as *discipline*. The following are examples of *non-disciplinary* courses of action:

- A. **Supervisory Consulting:** Except in cases of culpability, correcting undesirable conduct is first dealt with by the shift supervisor in an informal atmosphere. This means taking the member aside and discussing the problem, candidly and openly. These actions may or may not be formally documented on the first occasion, depending on the supervisor's discretion. Repeat violations must be documented by the supervisor.
- B. **Counseling:** At times, personal problems may interfere with the member's ability to perform normally. When the results are not serious enough for discipline but call for a more formal type of supervision, counseling is an excellent tool to help the member. Counseling is not a form of discipline but is a tool available to correct problems and refocus on performance priorities. Supervisors are expected to counsel members regularly, without oral reprimands. Most counseling is informal, positive, supportive, and perhaps undocumented. Counseling and oral reprimands may involve remedial training. This training may be deemed necessary to rectify the improper behavior. Remedial training may include attendance at academy classes, in-service, or other training specially created to help the member correct or modify their behavior. Remedial training is reasonably offered until the member can demonstrate proficiency in the corrected behavior. All training shall be documented.
- C. **Administrative Leave:** Administrative leave occurs any time the member must be removed from duty until an investigation or other administrative proceeding is completed. Usually situations of this nature involve cases of suspected misconduct, such as alleged criminal activity, fighting, continued non-compliance, or being mentally or physically unfit for duty. In such cases, leaving the member in position would create an unreasonable liability or safety issue for fellow workers or the Sheriff's Office. The shift supervisor can order a *relief from duty* and then immediately report the action to the Field Operations Supervisor/Jail Administration depending on the division involved. The Field Operations Supervisor/Jail Administration will use the chain of command until the Sheriff has been notified. The Sheriff may determine to initiate an investigation and make a



decision within 24 hours about whether the relief will continue, and for how long. If the necessity for administrative leave is not immediate, the behavior or actions of the member shall be deemed a matter for internal affairs. In an internal affairs investigation, the Sheriff may relieve the member from their assigned duty. Only the Sheriff may suspend a member whose continued presence on the job constitutes a substantial and immediate threat to the welfare of the Sheriff's Office, the public, or to them. Members who are classified civil service will fall under Iowa Code 341A.12 which reads:

1. No person in the classified civil service who has been permanently appointed or inducted into civil service under provisions of this chapter shall be removed, suspended, or demoted except for cause, and only upon written accusation of the county sheriff, which shall be served upon the accused, and a duplicate filed with the commission. Any person so removed, suspended, or reduced in rank or grade may, within ten days after presentation to the person of the order of removal, suspension or reduction, appeal to the commission from such order.

- D. **Administrative Furloughs:** Following a *deadly use of force or major injury to the officer or civilian employee*, a furlough may help the member adjust and deal with any personal or emotional needs resulting from traumatic events. Administrative furloughs are mandatory, initiated by the shift supervisor. Furloughs should continue until the officer or civilian employee involved has received counseling by the Employee Assistance Program, or from a licensed professional.
- E. **Layoffs:** It may be necessary to terminate members if the Sheriff's Office is experiencing a shortage of funds, work, or when a technological advancement eliminates a job. Any decision to layoff members is the responsibility of, and at the discretion of the Sheriff, with the approval via memorandum of the County Board of Supervisors.

Steps of Progressive Disciplinary Action:

Except for gross breaches of discipline or moral turpitude, supervisors shall begin officers or civilian employees discipline with the least punitive measures. If these measures do not work, then increasingly more severe measures may be required.

The following are progressive steps that can be taken in efforts to discipline members of the Woodbury County Sheriff's Office. It is not necessary to start at step one if the seriousness of the member's conduct exceeds that form of discipline.

- A. **Written Warning or Oral Reprimand:** Written warnings or oral reprimands are a way of recording the member's infraction. Written warnings or oral reprimands may be issued by the shift supervisor with the knowledge and sanction of the Division Majors, depending on the division involved. Such records must be placed in the member's file and provided to the member within 48 hours of the infraction. If the infraction rises to the level of possibly warranting suspension or termination, the facts surrounding the incident will be forwarded to the Division



Major. The Division Major. will review all the pertinent facts and determine whether or not to institute an internal affairs investigation.

1. *Oral Reprimand:* Oral reprimands, while informal, require documentation with the members' acknowledgment of such record. At the time of an oral reprimand, the member receiving it shall be counseled as to expected behavior, and further advised that a written record shall be maintained concerning the reprimand/counseling, and the member may read the record. In case of a disagreement, the member shall be further advised that they have the right to file a statement explaining their position, and that statement will be placed in their personnel file.
 2. *Written Warning:* A written warning cautions a member about poor behavior, and specifies the penalty in case of recurrent poor behavior.
- B. **Suspension:** Suspension is the second step in discipline if the act, and/or the result of the act, is serious enough that a written warning or reprimand would not be sufficient for disciplinary action. Suspensions without pay will normally apply to a period set by the Sheriff, but not longer than 30 days. During a suspension, the member shall not undertake any official duties. Any member, who has been suspended for a period of 10 days or longer, shall return all Sheriff's Office property. With regards to any suspension, the member must return their badge, identification card, and issued firearm (if applicable).
- C. **Demotion:** The member may be demoted to a position of a lower grade by the Sheriff. Demotion as a form of discipline is intended to be punitive and can occur concurrently with a suspension. Demotion shall only apply to the sergeant, lieutenant, or captain position.
- D. **Termination:** If all other forms of discipline fail to correct the conduct of the employee, termination is the last resort.

Termination:

It is the policy of the Woodbury County Sheriff's Office to terminate members when:

- A. Economic necessity requires reductions in the workforce;
- B. A member fails to demonstrate a willingness or ability to improve their conduct, behavior, or performance deficiencies without intense supervision; or
- C. Failing to terminate the member creates an unreasonable risk of negligently retaining a member who has failed to display the necessary competencies or quality of performance to remain in their position.

Examples of Cause for Termination:

An all-inclusive list of suitable causes for termination would not be feasible; however some examples are as follows:

- a. Failure to follow department goals, policies & procedures and rules;
- b. Failure to obey a verbal or written order;
- c. Insubordination;
- d. Threatening a supervisor;
- e. Fighting and assaults or provoking a fight or assault;
- f. Forbidden harassment;
- g. Endangering another;



- h. Drug or alcohol abuse; or
- i. Theft, and false reporting or witnessing.
- j. Excessive excused and non-excused absences;
- k. Failure to consistently accomplish expected levels of performance results on assigned tasks;
- l. Chronic complaining about operations to the extent that supervisors must spend excessive time dealing with problems or issues caused by complaints;
- m. Substantial impairment of the employee relationship including unreasonable disruption to normal operations of the Woodbury County Sheriff's Office;
- n. Endangering the organization's mission through actions or inaction's that contribute to an unnecessary risk to the public image;
- o. Creating conflicts of interest; &
- p. Any situation where performance is not reasonably expected to improve or where problems are not expected to be resolved in a reasonable time.

Notice of Termination:

If a member's performance requires investigation, the member may be placed on administrative leave pending outcome of the investigation. The member may then be terminated. The terminated member must be provided with information that includes:

- A. Reasons for the termination;
- B. Effective date of the termination;
- C. Whom to contact regarding status of fringe and retirement benefits;
- D. Statement that the content of the member's record, relating to the termination, must be made available to the member according to state public law; &
- E. Statement regarding the member's right to file an appeal, if any.

At Will Employees:

Per the Woodbury County Personnel Policies Manual; "All employees of Woodbury County, unless accorded other status by a bargaining unit contract, are employees-at-will. This means that Woodbury County can terminate your employment at any time for any reason except reasons specifically prohibited by law, such as race, religion, gender, etc. It also means that Woodbury County is not required to provide a reason for terminating your employment. It also means that you are free to terminate your employment at anytime without providing a reason."



**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Release and Retention of Records	Policy Number: 016
Issue Date: 05-01-14	Revision Date: 07-15-14 Review Date: 07-01-15
Approval Authority Title and Signature:  Sheriff	

RELEASE AND RETENTION OF RECORDS

We will provide the public a means to have access to and copies of all records legally available to the public. The designated section that serves as the custodian of all records maintained is the Records Division. Requests for access or copies of records will be directed to this position. Under Iowa law, public records are governed under Iowa Code Chapter 22 and Iowa Code Chapter 305

DEFINITIONS

A. A public record includes any document, device, or item, regardless of physical form or characteristic, created or received by or coming under our jurisdiction which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities. Iowa Code also defines "Public records" to include all records relating to the investment of public funds including but not limited to investment policies, instructions, trading orders, or contracts, whether in the custody of the public body responsible for the public funds or a fiduciary or other third party.

B. Maintains means state or local agency ownership of, control over, responsibility for, or accountability for systems and includes, but is not limited to, state or local agency depositing or information with a data processing center for storage, processing, or dissemination. An agency maintains all systems of records that are required by law to be kept by the agency.

C. Personal information means any information that describes anything about a person or that indicates actions done by or to a person, or that indicates that a person possesses certain personal characteristics, and that contains, and can be retrieved from a system by, a name, identifying number, symbol, or other identifier assigned to a person.

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FEES

A. Fees are charged for providing copies or reproductions of public records. Such fees are approved by the Sheriff and are available for public view.

B. Cost and fees established under this policy represent the actual cost. The actual cost means the cost of depleted supplies, records storage media costs, actual mailing and alternative delivery costs, or other transmitting costs, and any direct equipment operating and maintenance costs, including actual costs paid to private contractors for copying services.

AVAILABILITY

A. All public records maintained shall be promptly prepared and made available for inspection to any person during regular business hours as well as a copy of the current records retention schedule. These records are the property of the Sheriff's Office. No record shall be removed, changed, modified or destroyed except by an authorized member in the performance of official duties and as authorized under appropriate law.

1. Records maintained for purposes of internal documentation may be destroyed after two years from the last date of activity, provided the following exits:
 - i. The record no longer serves nor reasonably will serve a purpose in the future course of business within the Office.
 - ii. The Records Supervisor authorizes the destruction.

B. Individuals requesting access to inspect public records and/or receive copies of public records will be asked to voluntarily complete a written request explaining or identifying the records they wish to inspect and/or receive copies of. Under no circumstances shall an individual be denied access to inspect and/or obtain copies of public records based on his/her refusal to complete a written request.

C. With the exception of Personnel Records for current and past members, requests for the inspection and/or copies of public records kept by this Office shall be directed to the Support Services Major.

D. The regular business hours for public access to records are 8:00am to 4:00pm, Monday through Friday except holidays.



MAILED REQUESTS FOR RECORDS

1. We shall promptly respond to all written requests for copies of public records.
 - a. An authorized member shall, by any means practical, contact the requestor and advise him/her that advance payment is required prior to providing copies of public records, and in addition, the fee shall also include the cost of postage and the envelope.
 - b. When practical, we may forward copied records by any other means reasonably acceptable to the requestor.

2. We limit the number of requested public records, to be transmitted through the U. S. Mail, to a maximum of ten records per month, unless the requestor certifies that the records or information in them will not be used for commercial purposes.
 - a. Commercial purposes shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government.
 - b. Requests for inspection and/or copies of public records, which are not maintained or are prohibited from release by law, shall be processed in the following manner:
 1. If a request is received for a record we do not maintain or the request is for a record which is no longer maintained, the requestor shall be so notified in writing that one of the following applies:
 - a. Their request involves records that we have never maintained.
 - b. Their request involves records that are no longer maintained or has been disposed of or transferred according to Schedules of Record Retention and Disposition law.
 - c. Their request involves a record that has been disposed of pursuant to law.
 - d. If the record that is requested is prohibited from release by law the responsible member shall complete the required form and mark the appropriate box indicating the applicable state or federal law.

If the record that is requested is not a record used or maintained by the Office an authorized member shall complete our approved form for notifying the requestor that the Office is under no obligation to create records to meet public record requests.

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AMBIGUOUS OR OVERLY BROAD REQUESTS

If a requestor makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records such that the member responsible for the requested public record cannot reasonably identify what public records are being requested, the member responsible for the requested public record may deny the request, but shall provide the requestor with an opportunity to revise the request by informing the requestor of the manner in which records are maintained by and accessed in the ordinary course of the member's duties.

DENIAL OF A RECORD

If a request is ultimately denied, in part or whole, the member responsible shall provide the requestor with an explanation, including legal authority, explaining why the request was denied.

1. If the initial request was provided in writing then the explanation shall also be provided in writing.
2. The explanation shall not preclude the Office from relying upon additional reasons or legal authority in defending an action commenced under law.

WRITTEN REQUESTS FOR PUBLIC RECORDS

For the purpose of enhancing the ability of the Office to identify, locate or deliver the public record(s) sought by the requestor, the Office shall provide the requestor with the appropriate Non-Law Enforcement Record Check Request Form for the requestor to complete.

1. The requestor's refusal to complete our designated form does not impair the requestor right to inspect and/or receive copies of the public record.

MEDIA TYPES/DISTRIBUTION OF RECORDS

1. The requestor shall be permitted to choose to have the public record duplicated on paper or upon the same medium upon which the Office maintains the public record or upon any other medium on which the record can reasonably be duplicated as an integral part of our usual operations. The request shall be acted upon and a copy of the

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public record prepared within a reasonable period of time. Fees shall apply in accordance with this policy.

2. Persons seeking copies of public records are not permitted to make their own copies or utilize their copying or reproduction equipment.

PERSONNEL AND PERSONAL INFORMATION

To the extent practical, current and past members should be notified in the event that a request has been made to inspect or obtain a copy of their employment related records. Current and past members shall have the right to be present during the inspection and if they so request, may receive a duplicate copy of any record requested at no charge.

EXEMPTED AND RESTRICTED RELEASE

A. No public record shall be released which contains a Federal Social Security number. Public records containing Federal Social Security numbers will have that information redacted prior to their release.

B. In the event a request is made to inspect and/or obtain a copy of a record whose release may be prohibited or exempted by either state or federal Law, the request shall be forwarded to legal counsel for the Office for research and/or review. The person submitting the request shall be advised that their request is being reviewed by legal counsel to ensure that protected and/or exempted information is not improperly released by the Office.

C. Records, whose release is prohibited or exempted by either state or federal Law, shall not be subject to public inspection. The following represents a partial list of records maintained by the Office that may not be inspected or copied:

1. Confidential Law Enforcement Records;
2. Information pertaining to medical treatment;
3. Trial Preparation Records;
4. Taxpayer Records;
5. Expunged Records;
6. Victim impact statements;
7. Infrastructure and Security Records including Security & Data Codes;



8. Records pertaining to the recreational activities of a person under the age of eighteen.

9. Residential and familial information of peace officer, firefighter, EMT, Prosecuting Attorney, or Assistant Prosecuting Attorney residential and familial information. These mean the following:

a. Any of specified member's information maintained that discloses any of the following:

1. The address of the actual personal residence except for the state or political subdivision in which specified members reside;

2. Information compiled from referral to or participation in a member assistance program of specified member;

3. The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information that pertains to the specified members;

4. The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to the specified members;

5. The identity and amount of any charitable or employment benefit deduction made by the specified members unless the amount of the deduction is required by state or federal law;

6. The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of the specified members.

7. Any record that identifies a person's occupation of the specified members other than statements required to include the disclosure of that fact under the campaign finance law.

8. Any other information that is required under the law to be exempt from disclosure (example: certain personal information on persons under the age of 18; infrastructure and security records; those portions of records containing specific and unique vulnerability assessments or specific and unique response plans either of which is intended to prevent or mitigate acts of terrorism, and communication codes or deployment plans of law enforcement or emergency response personnel; specific



intelligence information and specific investigative records shared by federal and international law enforcement agencies with state and local law enforcement and public safety agencies) .

SHOULD THERE BE ANY DOUBT CONCERNING THE RELEASE OF ANY RECORD, PARTICULARLY PERSONAL INFORMATION ABOUT A MEMBER, OR A MEMBER OF HIS OR HER FAMILY OUR LEGAL COUNCIL WILL BE CONSULTED BEFORE SUCH RELEASE IS MADE OR DENIED.

REDACTING EXEMPTED RECORDS

A. Redaction means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from a record.

B. If a public record contains certain information that is exempt from the duty to permit public inspection or to copy the public record, the responsible member for the public record shall make available all of the information within the public record that is not exempt.

C. When making that public record available for public inspection or copying that public record, the person responsible for the public record shall notify the requester of any redaction or make the redaction plainly visible.

D. If a request is ultimately denied in part or in whole, the public office or the person responsible for the requested public record shall provide the requester with an explanation, including legal authority, setting forth why the request was denied.

E. The releasing member shall then reproduce a copy of the page with the redactions; the resulting copy shall be the page that is released to the requester.

F. The first reproduction page, with the original redactions made by the member, is the work sheet. It shall be attached to the original record, and maintained in accordance with the retention period established for the original document.

AMERICAN WITH DISABILITIES ACT (ADA) COMPLIANCE

A. The Office and its members shall facilitate all requests made by persons, regardless of handicap or disabilities. Members authorized to release public records shall take all



reasonable steps to ensure that no one is denied access to public information based on a handicap or disability.

TRAINING AND EDUCATION

The Office provides continuing education reference the Office's obligations pursuant to our state's public records law.

The Iowa Attorney General's Office has formulated the following guidelines for person seeking public records:

Anyone is welcome to file a request for information. The Iowa Attorney General's Office has identified these rights for persons requesting public records:

- Every person has the right to examine and copy public records, unless those records are confidential under law.
- People may request copies of public records by contacting a governmental body by letter, telephone, fax, e-mail and in person.
- Requestors generally need not identify themselves or explain their reasons for examining or copying public records.
- The public can have access to public records in any form: paper, tapes, electronic or computer files.
- Fees for retrieving, copying, scanning and supervising the examination of records can only be based on actual costs.
- Governmental bodies may not charge a fee simply to examine a record; however, the governmental agency may charge a fee if the volume of records to be examined is large enough to require supervision to maintain the integrity of the records.
- Access to an entire public record may be denied only if the entire record is confidential under law. If only some information is confidential, public officials should generally redact what is confidential and provide access to the rest of the record.



**Wodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Firearms	Policy Number: 017
Issue Date: 07-01-11	Revision Date: 07-15-14 Review Date: 07-01-15
Approval Authority	
Title and Signature:  Sheriff	

POLICY

A member's firearm is perhaps the most commonly-perceived symbol of their authority and role. In fact, contact with a citizen may be an armed encounter because the member may be carrying a loaded firearm. In the interest of public safety, the WCSO sets high standards of performance for its personnel who use weapons. The WCSO policy ensures that members are properly trained not only in use of appropriate firearms and the circumstances their use, but also in their safety and maintenance, regarding both on and off-duty weapons. Supervisors and the chief instructor shall rigorously enforce WCSO policy firearms standards. All members who carry shall qualify twice annually with their firearm, with the WCSO holding two qualification sessions. These qualifications and any other live fire exercises used by the WCSO for the record shall be fired on an approved range under the supervision of a certified firearms instructor. Records of all approved firearms training is maintained at the Sheriff's Office level, with a listing of *pass or fail only*. Actual scores are not recorded on training records. Firearms qualification is a combination of skill and discretion; when to shoot is perhaps a more important question than how to shoot. Members shall review (use of force) frequently.

PURPOSE

To establish policy and procedures governing the care and maintenance of weapons, the selection and use of holsters, off-duty weapons, firearms training, and qualification.

DEFINITIONS

Demonstration of Proficiency: The member demonstrates to the satisfaction of the instructor the successful ability to carry out or accomplish the learning objective in the time and manner prescribed. In firearms training, a proficiency demonstration is no

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limited to just a score on target. The member must be able to explain the task, and repeatedly perform the task safely and efficiently in the time and under the conditions imposed.

Cold Range: Firing range where all weapons, magazines, clips, or speed loaders are unloaded at all times, except on the verbal command of a range or safety officer. There are no exceptions. This is a very effective method of control for basic shooters, and prior to commencement of any live fire exercise.

Hot Range: Firing range where weapons, magazines, clips, or speed loaders are loaded at all times. This method of control requires more instructor control and officer skill. Hot range operations are most effective in teaching tactical, maneuver, and gun advanced handling techniques.

PROCEDURES

A. Issuance of weapons

1. Members required to carry a duty weapon shall purchase their own duty weapon.
2. WCSO issued firearms which become unserviceable or are no longer needed shall be returned to the armorer.

B. Security of weapons

Members are responsible for the care, cleaning, and security of their weapons. Members shall report any weapon malfunction to the Sheriff via the armorer.

C. The WCSO shall have a chief firearms instructor

The duties of the chief instructor are as follows:

1. Maintain non-issued WCSO weapons and associated equipment.
2. Inspect all weapons being returned to the armory to ensure they are clean and serviceable.
3. Repair all returned malfunctioning weapons.
4. Maintain records of issuance, care, and maintenance of weapons and associated items.
5. Issue WCSO ammunition.
6. Inspect and certify as serviceable personally-owned firearms that are authorized for on or off-duty use.
7. Inspect and authorize the use of holsters for off-duty use and for on-duty use.
8. Inspect all weapons used by WCSO members both on and off duty at each qualification event.



9. The chief instructor shall maintain a record of all firearms which have been certified as safe and with which members have qualified. This record shall include the following:
 - a. The member's name and county identification number.
 - b. Make and model of weapon.
 - c. Serial number of weapon.
 - d. Denote primary, secondary or off duty weapon.
10. The chief instructor shall be an ILEA firearms certified instructor. Other members may be certified as firearms instructors yet they are not assigned the chief firearms instructor duties.

D. Modification of weapons

1. Weapons shall not be modified or altered without written approval of the Sheriff except as outlined.
2. Substitution of grips
 - a. Grips shall be of high quality wood, rubber, or polyurethane.
 - b. Grips shall be the color of the natural wood, or plain black or brown.
 - c. Target-style grips or any grips which interfere with the loading or operation of the weapon are not authorized.

E. Firearms inspections

1. Although the firearms instructors shall thoroughly inspect each weapon during qualification on the range, shift supervisors shall inspect subordinate members' firearms quarterly to ensure that they are maintained in a clean and serviceable condition.
 - a. Firearms inspections shall include side arms, secondary weapons, shotguns, authorized rifles, ammunition pouches, and holsters.
 - b. Ammunition shall be inspected to ensure that it is of WCSO issue, of correct quantity, and in serviceable condition.
 - c. Upon completion of quarterly inspections, the shift supervisor shall forward a memorandum to the Chief Firearms Instructor the following information that shall correspond with the quarterly In-Service vehicle inspections:
 - (1) The date the inspection was held.
 - (2) The name of each member inspected.
 - (3) The findings of the inspection.



F. Off-duty weapons

1. Off-duty weapons, either revolvers or semi-automatic pistols, and their ammunition, are purchased at the member's expense. The armorer shall inspect and certify the off-duty weapon before it may be carried. Revolvers and semi-automatics shall not exceed .44 caliber nor be smaller than .380.
 - a. WCSO members shall qualify with off-duty weapons.
 - b. The chief instructor shall approve any concealed holster for an off-duty weapon.
 - c. The chief instructor shall maintain a record of all holsters and off-duty weapons used by each member.
2. Members may carry a firearm while off duty, subject to the requirements listed above.
3. All members shall carry weapons in accordance with their issued permit.

PROCEDURES - QUALIFICATION

A. Qualification

1. The chief instructor or a firearms instructor regardless of rank, shall be in charge at all times when members are on the firing range for qualification. All members, including superior officers, must follow the firearms instructor's commands concerning range operation, and demonstration of proficiency procedures. The chief firearms instructor shall report to the Sheriff any problems they may encounter as a result of this policy provision. There shall be a range safety instructor and a qualified firearms instructor on the range any time the range is considered a "hot range."
2. Members shall wear a duty vest during qualification if this piece of safety equipment has been issued to them. Members shall wear the duty holster and magazine configuration that the member wears in the normal course of duty. All shooting exercises require employees to clear *malfunctions*, *jams*, and *misfires* in attempts to complete the exercise in the time allotted. Supplemental ammunition reloading is allowed, but employees may not fire more than the required number of rounds.
3. Smoking, chewing, or dipping tobacco products are absolutely prohibited while at the firing line. Drinking or eating is also prohibited while on the range.



4. Members waiting to shoot shall remain in the area designated by the range instructors.
5. Horseplay shall not be permitted on the firing range. Any one engaged in horseplay shall be asked to leave the range and the chief firearms instructor shall write a report to the member's immediate supervisor, commander and the Division Major.
6. Every member, including retired peace officers, requesting a permit to carry from the WCSO shall fire the course of qualification approved by ILEA and the Woodbury County Sheriff's Office Chief Firearms Instructor.
7. All members shall have two qualifying scores a year with the WCSO. The chief instructor shall set the two qualification dates and two rain dates. Tactical and sniper members will qualify on their own approved course of fire. Members will be given three attempts to qualify. Once a member qualifies by having their target scored by a range instructor, the score is logged and the member may resume their normal duties. Members who are unable to qualify during the qualification session shall be placed into the Remedial Firearms Program (see Remedial Firearms Program). If the member has failed to post a passing qualification at any qualification session, their privilege to carry a weapon may be revoked until the standards expressed herein are met. Members who are required to carry and are unable to qualify after remedial weapons training may be subject to administrative termination.
8. The chief instructor or a firearms instructor shall inspect all weapons before firing to:
 - a. Ascertain that weapons are safe and;
 - b. To ensure that weapons are properly maintained.

B. Safety

1. Before going to the shooting line, each member shall wear approved protection for eyes, ears and a duty vest (if issued). This approval is at the discretion of the range instructors.
2. All weapons and ammunition pouches/speed loaders shall be emptied within the firing range upon command and under the supervision of the firearms instructors. The instructor shall instruct all members on range safety procedures before the qualification takes place.



3. Once weapons have been emptied, they shall remain in holsters until the members have taken positions on the firing line and the firearms instructor has given permission to “dry fire” or “load with ammunition.”
4. At no time shall anyone go beyond the designated firing line until it is safe, and proceed only when the instructor gives the command.
5. When picking up a firearm, open the cylinder or action and check to see that it is unloaded. Check the weapon a second time to assure that it is safe.
6. The index finger is indexed (placed on the frame of the weapon) until the command to fire, or the turning of the targets is given.
7. No member is allowed to carry or use a firearm when they anticipate the use of, or is under the influence of mind-altering chemicals including alcohol, prescription drugs, or like substances.

C. Shotgun

1. Every member shall pass the shotgun qualification course before carrying the WCSO issued shotgun.
2. The ammunition chamber shall be left open and the safety on until instructed by the firearms instructor to load or check the weapon.
3. Shotguns shall not be handled except on the command of the firearms instructor.

D. Classroom instruction

1. All members shall, if duties require carrying firearms, receive classroom familiarization with their firearms before obtaining permission from the firearms instructor to enter the firing range. Classroom training shall cover the mechanics of the weapon (stripping, lubrication nomenclature, troubleshooting, and misfires), sound safety practices, and the WCSO policy governing the use of force. Tactical considerations shall be a part of this training, such as the use of verbal commands, shooting in various postures and positions and handling multiple suspects.
2. Members must demonstrate an understanding of law and policy before qualifying on the range. Members who fail to demonstrate an understanding of the above basic firearms nomenclature and safety skills, shall not be permitted to qualify until they have received remedial training. Topics covered include shoot/don't shoot issues



and the use of force continuum. Members must demonstrate minimum acceptable performance with each weapon they carry.

REMEDIAL FIREARMS TRAINING PROGRAM (RFTP)

The WCSO considers proficiency with weapons a must for its members. The Iowa Law Enforcement Academy has established a state qualification course which this Office adheres to.

The Sheriff has set the standard as challenging and attainable. Those members who do not meet the qualification are placed into the Remedial Firearms Program where they will benefit from highly trained and enthusiastic instructors.

Personnel outside of the Sheriff's Office who want to use the RFTP may do so. The WCSO maintains the right to recoup any expense that the WCSO may incur and all parties shall come to a financial agreement prior to any training.

The chief firearms instructor shall notify the appropriate Division Major when a member or members are to be placed into the RFTP. The chief instructor shall also notify the member's command. The RFTP shall consist of the chief firearms instructor and members certified as firearms instructors in good standing with the WCSO. The chief firearms instructor along with the additional assigned firearms instructors shall select the best course of action for each member while in the program. The remedial range times shall be designated by the chief instructor for remedial training. There shall be no more than one instructor for two trainees and there shall be two instructors on the range any time the range is considered a "hot" range. A member's time in the RFTP shall be determined by the member's proficiency and the firearms instructor's recommendations to the Division Major.



**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Fitness for Duty	Policy Number: 018
Issue Date: 07-01-11	Revision Date: 07-15-14 Review Date: 07-01-15
Approval Authority	
Title and Signature:  Sheriff	

POLICY:

Law enforcement tasks require physical exertion, concentration, and decision-making in various environmental conditions and in situations that are *tense, uncertain, and rapidly evolving*. Members must be mentally and physically capable of performing their duties in order to accomplish the task, while safeguarding themselves, other members, and the public.

PROCEDURES:

Applicants:

Persons applying for a position within the Woodbury County Sheriff's Office as a Deputy are required to undergo physical and psychological assessments by licensed professionals. If a physician or mental health professional identifies conditions that could limit physical or emotional ability to cope with the stress of law enforcement duties, the applicant will not be eligible for certification as a law enforcement officer with the Sheriff's Office. The same requirements with the exception of the physical assessment will be in effect for the position of Civilian Jailer.

Law Enforcement and Civilian Personnel:

The following guidelines are maintained by all sworn and civilian members of the Sheriff's Office:

1. After employment, the Sheriff's Office may reexamine members at any time to determine each member's continued fitness for duty, including:
 - a. For purposes of a criminal or internal investigation; or
 - b. For suspicion of emotional or physical problems due to documented accounts of a member's psychological behavior, or decline in physical health.

2. If a qualified physician or mental health professional indicates the presence of a condition that could limit a member's physical or emotional ability to perform their



duties, that member must be placed on leave and not be allowed to return until:

- a. Released from care of a medical facility; &
- b. An authorization letter is received and approved from a healthcare professional indicating the physical or emotional stability of the member.

Responsibility:

It is the responsibility of the Division Major to enforce this policy. However, any member who is witness to a decline in mental or physical stability in themselves or a fellow member is required to report the behavior to the Sheriff. Any member refusing to submit to a physical or psychological examination following the request of the Sheriff is subject to suspension from duty, or discipline, to include termination.

Members are required to use their best efforts to control medical conditions (such as diabetes, etc.) that can adversely affect duty fitness. Some examples of these conditions may include but are certainly not limited to *diabetes, substance or alcohol abuse, or high or low blood pressure.*



**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Goals and Objectives	Policy Number: 019
Issue Date: 07-01-11	Revision Date: 07-15-14 Review Date: 07-15-15
Approval Authority	
Title and Signature:  Sheriff	

The Ultimate Goals:

A social structure free of crime and disorder remains an ideal yet to be achieved. Nevertheless, consistent with the values of a free society, it is the primary objective of the Woodbury County Sheriff's Office to approach that ideal as closely as possible. In so doing, the WCSO role is to enforce the law in a fair and impartial manner, recognizing both the statutory and judicial limitations of police authority and the constitutional rights of all persons. It is not the role of the WCSO to legislate, to render legal judgments, or to punish. When an agency defines its role, two broad purposes are served. First, members are made aware of the actions and attitudes expected of them and can therefore act without hesitation in consonance with WCSO policy. Second, members of the public are provided with a general standard by which they can measure the performance of the WCSO. Written policy defining the functional role should set forth the WCSO purpose or missions, goals, and basic programs and priorities; and policy should specify that the WCSO intends to be responsive to and protect the constitutional, rights of the citizens of Woodbury County.

Objective Statements:

The following objectives have been established to accomplish the mission within in the budgetary and manpower constraints imposed on the Woodbury County Sheriff's Office:

- A. **Protect Life and Property:** To provide services that contribute to the preservation of life, the protection of property, and the safety of the community.
- B. **Maintain Public Order:** To maintain peace and public order. To assist during times of natural or technological occurrences or disasters. To provide for the safe and



effective flow of both vehicular and pedestrian traffic and the investigation of traffic related accidents.

- C. **Prevent, Detect and Investigate Criminal Activity:** To prevent crime through aggressive patrol that limits the opportunity for a crime to occur, and through education of citizens that reduces the likelihood of them becoming victims of crime. To provide a thorough, appropriate, and efficient investigation of criminal activity.
- D. **Apprehension of Offenders:** To provide for the expeditious and prudent apprehension of suspected violators of the law, regardless of an individual's status in the community.
- E. **Community Service:** To provide the resources necessary for assisting citizens under special non-criminal circumstances.
- F. **Compliance with Ethical Standards and Professionalism:** To ensure integrity and adherence to the professional standards of the WCSO by investigating all complaints against WCSO personnel. To provide for the training needs of officers and promote a high rate of proficiency in the officers of the Woodbury County Sheriff's Office. To address the career development goals of WCSO personnel.



**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Impounded Vehicles	Policy Number: 020
Issue Date: 07-01-11	Revision Date: 02-12-15 Review Date: 07-01-15
Approval Authority	
Title and Signature: 	Sheriff

PURPOSE

The purpose of this policy is to provide deputies with guidelines for determining when and how to conduct a motor vehicle impound. Deputies may encounter a variety of circumstances requiring the impounding of motor vehicles. Vehicles may be impounded subsequent to an arrest, recovered stolen items, those that constitute a traffic hazard, and those that fall under the definition of an abandoned vehicle.

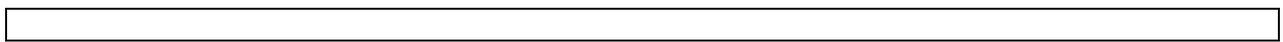
POLICY

A motor vehicle inventory is an administrative measure designed to protect motor vehicles and their contents while in Sheriff's Office custody; to protect the Sheriff's Office against claims of lost, stolen, or damaged property; and to protect departmental personnel and the public against injury or damaged property due to hazardous materials or substances that may be in the vehicle. It is the policy of this office to safeguard the above property interests and to conduct motor vehicle inventories in accordance with the following procedures.

VEHICLE IMPOUNDS

When a deputy makes an arrest and the arrestee is the driver of the vehicle, the following procedure will apply.

- A. All vehicles requiring processing by a Crime Scene Analyst or is determined to be part of a continuing investigation shall be impounded.



- B. All vehicles will be impounded when the driver is taken into custody, except under the following conditions.
1. The owner or co-worker (in the case of a business owned vehicle) is present and has a valid driver's license and is physically able to take control of the vehicle.
 2. Another person present with a valid driver's license and is physically able to take control of the vehicle, and the arrested person agrees to turn the vehicle over to them.
 3. If the arrest is made on private property, and the **legal owner of the vehicle** is present, the vehicle can remain **after obtaining approval of the property owner or person in charge**.
 - i. The vehicle will be parked in the location designated by the property owner.

INVENTORY RECORD

When a vehicle is impounded for any reason, the deputy shall do an impound inventory of all items in the vehicle and list these items on an inventory form. The purpose of the inventory is to protect the county, as well as the citizen's property. **An inventory is not to be used as a pretext to search for evidence or contraband.**

PRECAUTIONS

Most exposures to infectious/hazardous materials occur during vehicle searches; therefore, deputies should always look before reaching under a seat, into corners, or under the car body. Needles, knives, and other sharp objects are often left on the floor or may be hidden in crevices and corners. It is recommended that you work deliberately and take your time during vehicle searches. Wear protective gloves, use a flashlight, and/or other means at your disposal to enhance your vision. If you need to move items use a baton, pen, or other similar item. Remember that your gloves and any item utilized in the search may have become contaminated and you should avoid contact with that item until it has been decontaminated.

SCOPE OF INVENTORY

- A. The contents of all motor vehicles that are lawfully seized and/or impounded by this agency shall be subject to inventory in accordance



with the provisions of this policy.

- B. An inventory should be conducted in the location at which the vehicle is seized, unless limited by reasons of safety or practicality. If this is the case, the vehicle may be inventoried at a later time following impoundment.
- C. The owner or operator of the vehicle shall be asked to remove, if possible, all valuables from the vehicle prior to impoundment. If such items cannot be removed, they should be inventoried before the vehicle is removed.
- D. A motor vehicle inventory may extend to all areas of the vehicle in which personal property or hazardous materials may reasonably be found, including but not limited to the passenger compartment, trunk, and glove compartment.
- E. All closed containers found within the vehicle shall be opened for purposes of the inventory. Closed and locked containers shall not be forced open, but shall be logged on the impound report as such. If a key or lock combination is available, locked containers may be opened and inventoried.

PROPERTY CONTROL

- A. All items of value shall be itemized on this agency's vehicle impound report [TrACS VTIR], or an approved paper form.
- B. Control and safekeeping of hazardous materials shall be the responsibility of this agency's designated authority.
- C. Contraband and evidence discovered during the course of a motor vehicle inventory shall be placed into the property system in accordance with procedures for control of criminal evidence.

IMPOUNDS FOR SAFEKEEPING

Under normal circumstances a vehicle should not be impounded for safekeeping. The Code of Iowa does not include provisions to cover this situation. Deputies may impound a vehicle for safekeeping only under the following circumstances:

- A. The vehicle is in eminent danger of destruction by man-made or natural disaster such as: fire, earthquake, storm, wires down, building collapse, etc.



- B. The vehicle has been damaged by vandals and there is likelihood the vehicle may sustain further damage.
- C. In all circumstances, before a deputy impounds a vehicle for safekeeping, an attempt to contact the owner shall be made by the deputy or the communications center, or both.
- D. A supervisor shall approve all vehicles impounded for safekeeping.

STOLEN VEHICLE AND VEHICLES USED IN A CRIME

Deputies locating stolen vehicles or vehicles used in the commission of crimes in other jurisdictions shall follow these procedures:

- A. Contact will be made with the law enforcement / originating agency where the crime was committed and notify them that the vehicle has been recovered.
 - 1. Ascertain if the vehicle is to be processed by a Crime Scene Analyst and advise the agency which towing company will be in possession of the impounded vehicle.
 - 2. Stand-by for the impoundment or until the originating agency's personnel arrive to take possession of the vehicle.
 - 3. If the vehicle is to be processed, protect the vehicle as a crime scene and visually inspect the vehicle for any evidence or clues. If anything of evidentiary value is discovered, notify the originating agency of the discovery.
 - 4. Complete the appropriate vehicle impound report and inventory the contents of the vehicle, unless directed otherwise by the Crime Scene Analyst. The inventory shall be performed in a manner to ensure the evidence is not contaminated. If the vehicle is to be processed after it has been removed from the scene, it may become necessary to limit the inventory of the vehicle to a cursory check in order to avoid disturbing any physical evidence.
- B. Deputies locating stolen vehicles or vehicles used in the commission of crimes in which the Sheriff's Office is the originating agency, shall follow these procedures:
 - 1. Notify the communications center and begin a preliminary investigation.



2. Search for any evidence, witnesses, or suspects and list any findings in the report.
3. Consult the watch commander for towing and processing instructions.
 - i. If the recovery or impound occurs during times when the investigations office is staffed the watch commander should consult with that division to ascertain if there are any special precautions that need to be taken in processing the vehicle.
 - ii. If the recovery or impound occurs during hours when the investigation division is not normally staffed the watch commander should have the vehicle towed to a secured shelter for processing at a later time or if in doubt contact the case deputy, or crime scene analyst. It may be necessary to call out crime scene personnel if the seriousness of the crime warrants it.
 - iii. The watch commander will make arrangements to have the vehicle processed at the scene or taken to Prairie Hills for crime scene personnel to process.
 - iv. All stolen vehicles which are Woodbury County Sheriff's Office cases will be processed unless the detective and crime scene personnel agree that such processing is not necessary.
 - v. If there is no need to process the vehicle and it is not needed for further purposes the vehicle may be released to the owner at the scene if practical.
 - vi. If a vehicle is not processed for evidence, the authorizing supervisor shall file a written report to that effect.
4. The deputy shall protect the crime scene and record the sequence of events and the chain of custody of the vehicle, to include an impound inventory.
5. The impound inventory shall be carefully completed to ensure any evidence is not contaminated.
 - i. On vehicles to be processed it may be desirable to have the crime scene personnel perform the inventory, but the reporting deputy shall always list what items are visible at



the scene.

ii. In adverse weather, or a dangerous environment, the impound inventory should be done inside by crime scene personnel.

6. In the case of a stolen motor vehicle, the investigating deputy shall attempt to contact the owner and notify him/her of the vehicle's condition. The owner shall also be told where and how to obtain a release on the vehicle.

ABANDONED VEHICLES

"Abandoned vehicles" shall be handled as mandated by Section 321.89 of the Code of Iowa. Deputies should be aware of the provisions of this statute and their uses.

A. Section 321.89 of the Code of Iowa defines abandoned vehicles as:

1. A vehicle that has been left unattended on public property for more than 48 hours and lacks current registration plates or two (2) or more wheels or other parts which renders the vehicle totally inoperable.
2. A vehicle that has remained illegally on public property for more than 72 hours.
3. A vehicle that has been unlawfully parked on private property or has been placed on private property without the consent of the owner or the person in control of the property for more than 24 hours.
4. A vehicle that has been legally impounded by order of a police authority and has not been reclaimed for a period of ten (10) days.
5. Any vehicle parked on the highway determined by police authority to create a hazard to other vehicular traffic.
6. However, a vehicle shall not be considered abandoned for a period of five (5) days if its owner or operator is unable to move the vehicle and notifies the police authority responsible for the geographical location of the vehicle and requests assistance in the removal of the vehicle.

B. Deputies encountering a vehicle which fits the provisions of 321.89 Code of Iowa as abandoned shall conform to that statute.



ACCIDENT INVESTIGATION IMPOUNDS

- A. In the event a driver/owner is unavailable or unable to tell the investigating deputy where or how an accident related vehicle is to be removed from the scene of an accident, the deputy shall impound the vehicle. **A thorough as possible impound inventory shall be made without risking injury to the deputy by the damaged vehicle.**
- B. In the course of the deputy's follow-up investigation, the deputy shall locate the driver/owner and inform that person that the vehicle was impounded and explain the impound release procedure.



**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Information Requests	Policy Number: 021
Issue Date: 07-01-11	Revision Date: 07-15-14 Review Date: 07-01-15
Approval Authority	
Title and Signature: 	Sheriff

POLICY

The WCSO maintains that public access to information on the functioning of government is essential to maintaining civil liberties. The WCSO supports the philosophy of state law (22.1) in that with **few exceptions** its records shall be considered public documents available for examination by anyone. "Every person shall have the right to examine and copy a public record and to publish or otherwise disseminate a public record or the information contained in a public record. Unless otherwise provided for by law, the right to examine a public record shall include the right to examine a public record without charge while the public record is in the physical possession of the custodian of the public record. The right to copy a public record shall include the right to make photographs or photographic copies while the public record is in the possession of the custodian of the public record. All rights under this section are in addition to the right to obtain a certified copy of a public record under section: All public records and meetings shall be presumed open, unless an exemption is properly invoked. The law shall be liberally construed to promote an increased awareness by all persons of government activities and afford every opportunity to citizens to witness the operation of government. Law enforcement operations profoundly affect the public and therefore, arouse substantial public interest. The WCSO shall make every reasonable effort to inform the public about crime and enforcement matters. This shall be accomplished with an attitude of openness and frankness whenever possible. The WCSO policing principles include a commitment to providing access to public services, adherence to democratic principles, and accountability to the community. These goals are achieved through the broad dissemination of information in accordance with relevant laws. Citizens shall have access to personnel who are best informed about the subject of their inquiry. Furthermore, in responding to the news media, members shall release facts or information that will not impinge on a person's right to a fair trial, impede a criminal investigation, imperil a human life, or seriously endanger the security of citizens. All members shall make every reasonable effort consistent with this order to provide citizens with full and accurate information. Members must understand that Iowa law does not prohibit the release of any information, but does specify information that may be withheld at the WCSO discretion (outlined with this order). All WCSO records, therefore, shall be presumed to be open unless specifically exempted under this order.

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Records shall be open to public inspection during regular business hours which are maintained by the records custodian.

PURPOSE

The purpose of this order is to provide guidelines about information which may be released to citizens, to specify some types of information which may be restricted from release, information that shall not be released, to identify who may release information, and to establish procedures for media relationships with the WCSO.

DEFINITIONS

- A. Criminal history record information: Records and data collected by criminal justice agencies on adult persons consisting of identifiable descriptions and notations of arrest, detentions, indictments, information, or other formal charges, and any disposition arising from said charges. Excluded from this archived data is juvenile record information, criminal justice intelligence information, investigative information, or correctional status information.
- B. Criminal incident information: A general description of criminal activity reported, date and general location the alleged crime was committed, identity of the investigating deputy, general description of injuries suffered, and property damaged or stolen.
- C. Information deputy: The deputy assigned as the designated media contact is the person who shall release WCSO information. The information deputy is the member authorized to speak on behalf of the Sheriff.
- D. Public records: “ ‘public records’, includes all records, documents, tape, other information, stored or preserved in any medium, of or belonging to this state or any county, city, township, school corporation, political subdivision, nonprofit corporation other than a county or district fair or agricultural society whose facilities or indebtedness are supported in whole or in part with property tax revenue, and which is licensed to conduct Para-mutual wagering pursuant to chapter 99D, or tax-supported district in this state, or any branch, department, board, bureau, commission, council, or committee of any of the foregoing.”
 - 1. Examples: position or job descriptions, salary scales including records of salaries for employees, per diem allowances, reimbursement of expenses, books, papers, letters, notes, databases, presentations, reports, forms, document, meeting minutes, telephone logs, email, contracts.
- E. Records custodian: Any member in possession or control of WCSO records.



PROCEDURES—GENERAL RESPONSIBILITIES AND AUTHORITY

- A. The WCSO is committed to informing the community of events within the public domain that are dealt with by or involve the WCSO in accordance with relevant laws. The WCSO shall respond to any request for information, whether oral or delivered in writing, by email, or fax.

- B. The Sheriff shall function as the primary contact for disseminating information to the community and media. The Sheriff may delegate the responsibility to release certain kinds of information to the information deputy. At an incident scene when the Sheriff is not available, the on-duty supervisor or senior officer present shall be the primary contact. The Sheriff may designate the information deputy to perform these functions.
 - 1. Records custodians may generally release information consistent with this order. Records custodians shall so advise the Sheriff or designated information officer of the release of said information.
 - 2. Records custodians may be under explicit orders to deal with information requests only as directed by the information deputy or their supervisor. If that is the case, the records custodians, on their own volition, shall not release information to requestors.
 - 3. Information handling may also be found under [Policy #016](#) where it pertains to Public Records, Employee Records, and Internal Records

- C. Information deputy duties
 - 1. Assist news personnel in covering routine news stories, and at the scenes of incidents.
 - 2. Respond to news media inquiries, in person, electronically, or telephonically.
 - 3. Prepare and distribute news releases.
 - 4. Arrange for news conferences, as required or requested.
 - 5. Release information about victims, witnesses, and suspects as allowed by law and policy.
 - 6. Coordinate and authorize release of information concerning confidential Sheriff's Office investigations and operations.

Additional duties:

- 1. Maintain a complete record of the requests for information to the Sheriff's Office as well as responses to those requests.
- 2. Monitor the responses provided by the WCSO records custodians so as to insure that those responses conform to the WCSO policy.



3. Provide copies of this order to office personnel and provide annual training in information release policy and procedures.
 4. Report to the Sheriff instances of non-timely responses to information requests, unauthorized denial of access, any response by someone other than an authorized custodian, or other violations of law or policy.
- D. Inquiries concerning WCSO policies, procedures, practices, or relationships with other criminal justice agencies shall be referred to the Sheriff or information deputy. Similarly, the Sheriff or information deputy shall coordinate all responses to inquiries or release of information pertaining to WCSO involvement with other public service agencies (e.g., fire department, medical examiner, county attorney, etc.).
- a. Policies and procedures may be released. Requestors may access the Woodbury County's Sheriff Website to view them
- D. The Sheriff shall coordinate responses to inquiries and the release of information concerning confidential WCSO investigations and operations.
- E. Consistent with paragraph B above, the on-duty supervisor may direct another member with the most relevant knowledge at the scene of an incident to respond to any information requests. Where several members may have information, one shall serve as the media contact and shall gather information from the others as directed by the on-duty or on-scene supervisor.
- F. In the case of follow-up investigations, the deputy or investigator conducting the follow-up shall provide information in the absence of the Sheriff or on-duty supervisor.
- G. Failure by any member to respond to a request for records shall be construed as a denial of records. A member who fails to provide the appropriate record, who fails to respond to any reasonable request of records, or who otherwise violates this order shall be subject to discipline.

GENERAL PROCEDURES FOR RELEASE OF INFORMATION

- A. Generally, deputies may release the following information:
1. The type or nature of an event or crime, to include a brief synopsis of known facts concerning the incident, and the identity of the investigation deputy(s).
 2. The location, date, time, damage, and a general description of how the incident occurred.
 3. The type and quantity of property taken, physical injuries, or death (after notification of next of kin).



4. The approximate address of the complainant or crime victim (except sex crimes victims and other cases where the victim may suffer intimidation or reprisal).
5. Requests for help in locating evidence, a suspect, or a complainant.
6. Information concerning the existence of suspects.
7. Numbers of deputies or people involved in an event or investigation, and how long the investigation has been in progress. The name of the member in charge of any case may be released, and their supervisor (except the names of undercover personnel). **Do not acknowledge the existence of undercover personnel in order to protect any on-going investigation.** Addresses and telephone numbers of WCSO personnel shall not be released.
8. If an arrest warrant has been executed, the name, address, and description of the arrestee may be released. If a warrant has been issued but not executed, and the member anticipates that the public may provide information to assist in locating the person, this information may be released.
9. General information about motor vehicle accidents such as the date, time, and location of the accident. The names and addresses of the driver, the owners of the vehicles involved, injured persons, witnesses, and the name of the investigation deputy. Note that the accident reports themselves are confidential for the use of the WCSO or any other appropriate agency for accident prevention purposes. The injuries sustained in the accident shall not be released.

B. The WCSO shall only respond to a request for information that is in existence. The WCSO shall not construct a record or produce an abstract or summary. The WCSO shall not produce a new document in response to a request for a record. When the WCSO responds to an information request, the records custodian or information deputy shall notify the requestor within five working days (not including the day of receipt) that:

1. The record has been identified and is being provided, or
2. The WCSO withholds the record (which is described) according to statutory authority (which is listed), or
3. The requested record cannot be produced within five working days.

The Sheriff's Office shall specify in the letter that a response shall be forthcoming within seven working days.

- a. Within the original five days, the custodian shall notify the requestor that additional time is required to produce the record, the reason for the delay, and that the records shall be produced within the subsequent seven days.



4. The records custodian shall log all oral or written request for information, listing the requestor's name, citizenship status (state resident, date and nature of their request.
- D. If only a portion of the requested records are exempt from release, the custodian/information manager shall state in writing the reason for the exemption, the statutory authority for the exemption, the identity of the exempted record, and provide any nonexempt information in the record.
1. Information from a record may be modified to answer a request. If the requested information can be abstracted for example, from a computer database or from written reports, then the information shall be provided to the requesting citizen.
- E. Guidelines for electronic records
1. If a citizen requests information from an electronic database that has a protected field, the records custodian shall delete the protected fields and provide the remainder of the record. Deleting protected fields is not considered the creation of a new document.
 2. Note that emails within the WCSO computer databases is releasable unless it meets an exemption (below).
 - a. Any written directive type emails shall be printed and filed before their deletion.
 - b. If a request is made for copies of deleted emails whether or not paper copies exist, the records custodian shall advise the citizen that the retrieval will require special technical procedures which will take time and may incur substantial costs.
 3. If the requested record exists in electronic form, it may be provided to the citizen as an email attachment.
- F. Costs, 22.3: All expenses of the work shall be paid by the person desiring to examine or copy. The lawful custodian may charge a reasonable fee for the services of the lawful custodian or the custodian's authorized designee in supervising the records during the work. If copy equipment is available at the office of the lawful custodian of any public records, the lawful custodian shall provide any person a reasonable number of copies of any public record in the custody of the office upon the payment of a fee. The fee for the copying service as determined by the lawful custodian shall not exceed the cost of providing the service.

DISCLOSURE OF CRIMINAL INCIDENT INFORMATION

Criminal incident information may be disclosed as follows per 22.7:



- A. Criminal incident information on felonies may be released providing that doing so does not clearly jeopardize a citizen's safety, or an ongoing investigation. Information concerning the identity of any arrested or charged individuals, the status of the arrest or charge, the general description of the criminal activity reported, the date and general location of the alleged offense, the identity of the investigation deputy, and a general description of any injuries suffered, and property damaged or stolen.
- B. Information under "B" may be withheld if its release jeopardizes safety or the integrity of an investigation, results in the destruction of evidence, or helps a suspect evade detection. Information may be withheld until such time as the damage described is not likely to occur. 22.7(5)

RULES RESTRICTING THE RELEASE OF INFORMATION

- A. Members shall respond to all information requests within five working days. If the requested information cannot be provided within five working days, the requestor shall be advised of the fact in writing with an estimate for when the information shall be provided. When the member must relay information to a member of the press or information deputy, the information shall be annotated with the time and date of receipt.
- B. If the request for information is unclear, members shall work with the citizen to elaborate their request with reasonable specificity.
- C. Requests must reasonably specify the information requested, if the request is particularly detailed or complex, members may ask the requestor to submit their request in writing.
- D. Members shall not release tactical plans. If an order contains a tactical plan as an attachment, the attachment may be removed and retained while the remainder of the order is released. Except for tactical plans, the written administrative guidance of the WCSO is releasable. Members shall not disclose information concerning the planning of raids or other specialized enforcement efforts.
- E. Members shall not disclose the identity of victims of sex-related crimes or information that might directly or indirectly identify them.
- F. Members shall not release the identity of any person providing information about a crime under promise of anonymity.
- G. Members shall not disclose complaints, memoranda, correspondence, or evidence pertaining to a criminal investigation or prosecution except for releasable criminal incident information under rules 32:3.6 and 32.3.8.



- H. Members shall not disclose reports from other criminal justice agencies that were submitted to the WCSO in confidence.
- I. Members shall not release records of neighborhood watch organizations that include the names, addresses, and schedules of participants which were provided to the Sheriff's Office on a promise of anonymity.
- J. Members shall not disclose identifiable personal, medical, or financial information from investigative or other non-criminal reports if the disclosure may jeopardize the privacy or safety of any person.

Examples: Medial information obtained during unattended death cases; credit card numbers, etc.

- K. Members shall not release records of background investigations of applicants or members, or any other confidential administrative investigation of any member or applicant.
 - 1. The WCSO shall not disclose the content of any test used, administered, or prepared for the purpose of evaluating any member's or applicant's aptitude for employment, retention, or promotion.
 - 2. The WCSO shall not disclose the scoring key or any other document that might jeopardize the security of any employment test.
 - 3. A person who has taken a employment test shall be entitled to inspect all documents concerning their performance on the test.
- I. The WCSO shall not provide information for any standing requests for future information of a specific kind.
- M. Members shall disclose criminal history record information to other law enforcement agencies only upon a bona fide request.
- N. Members may disclose WCSO records to incarcerated persons except information that may be used in criminal proceedings in which they are involved.
- O. Members shall not disclose personnel records.
- P. Members shall not disclose any information concerning the control or administration of the Sheriff's Office data processing system.
- Q. Members shall not disclose any information on the design, function, operation, or access to any WCSO security system; electronic or otherwise.



- R. Members shall not disclose any information or records acquired during a review of any child death by the state child facility.
- S. Members shall not disclose the names of deceased persons before the notification of next of kin. The specific cause of death shall not be given until pronounced by the medical examiner.
- T. Members shall not disclose certain information relating to motor vehicle accident reports, including any data concerning driver' license, driver history, and descriptive vehicle information.

PROCEDURES GOVERNING INFORMATION CONCERNING JUVENILES

- A. Members shall observe laws peculiar to information about juveniles who have been charged with criminal offenses.
 - 1. The identities of juveniles may be release only for specific offenses, or if the juvenile has been sentenced as an adult. A judge may authorize the release of juvenile identity information when a juvenile over 14 has been charged with a felony per the Iowa Criminal Code.
 - 2. As a general rule, the name, address, or other distinctly unique information which could serve to identify a juvenile shall not be released. Age, sex, place of residence (town, city, or county, but ordinarily not street address), and details of the offense may be released. As noted above under certain circumstances, a judge may authorize the release of identity information.
- B. Guidance on releasing traffic-incident information
 - 1. Information on minor traffic infractions is releasable including the names and addresses of those involved.
 - 2. Accidents: If traffic charges are pending as a result of an accident investigation, juvenile identity information shall be withheld. If a juvenile is involved in an accident but is not charged with any violation, identity information is releasable.
 - 3. Juvenile identity information shall not be released for the following serious violations.”
 - a. Indictable offenses.
 - b. OWI or permitting another who is OWI, to operate the vehicle owned by the accused.
 - c. Exceeding the speed limit by 20 or more miles per hour.
 - d. Reckless driving.
 - e. Driving under suspension or revocation of their driver’s license.
 - f. Leaving the scene of an accident.



- g. Driving without being licensed.
- C. Official requests for juvenile data from other law-enforcement agencies for current information may be released by a supervisor or the information deputy. This information is limited to the juvenile's name, address, physical description, date of arrest, and the arrest charge.

PROCEDURES CONCERNING THE RELEASE OF ARREST INFORMATION

- A. Except for comparable information on juvenile offenders, the WCSO shall disclose the identities of arrested persons, the charges against them, and the status of the charges or arrest. This information shall be released for felony, traffic, and misdemeanor arrests.
- B. Photographs of adult arrestees are releasable unless by doing so may jeopardize an investigation. Photographs of adult arrestees may be released when doing so no longer jeopardizes a felony investigation. After an arrest of an adult, the following may be released upon request:
 - 1. Arrestee's name, age, residence, and other factual background information.
 - 2. The nature of the charge upon which the arrest was made.
 - 3. The identity of the investigative agency and any assisting agencies.
 - 4. The circumstances surrounding the arrest (such as whether pursuit or resistance was encountered, whether weapons were used), including the time and place of arrest and the identity of the arresting deputies.
 - 5. Place and status of custody.
 - 6. The dates of scheduled hearings and amount of bond.
 - 7. Description of any contraband seized.
 - 8. Photographs of the defendants without the police identification data may be furnished, if readily available in current files.

SPECIAL PROCEDURES: SEX OFFENDER AND CRIMES AGAINST MINORS REGISTRY

692A.12 requires the County Sheriff to compile and maintain a sex offender registry. The registry exists to help law-enforcement agencies protect communities from repeat sex offenders, and to protect children from victimization by criminals. The law provides for the dissemination of certain criminal history information to law-enforcement or other criminal justice agencies, public and private schools, and day-care centers.

PROCEDURES FOR WORKING WITH THE NEWS MEDIA

- A. Normally, media representatives either visit the WCSO in person or call seeking information about newsworthy items. Routinely, they shall be referred to the Sheriff.



- B. Normally, media representatives shall not read the original offense reports as non-releasable information by be on the report (e.g., suspect of victim information.). Offense reports and accident reports shall be carefully scrutinized concerning involvement of juveniles before releasing information. Copies of offense reports with appropriate deletions may be released.
- C. At scenes of major fires, natural disasters, and other catastrophic events, or at crime scenes, members may establish perimeters and control access. As soon as possible after the evidence has been processed and removed, media representatives shall be assisted in gaining access to the scene when in doing so will not interfere with immediate operations. Members may only deny access for legitimate investigative or safety reasons.
- D. Members cannot authorize the press to trespass on private property. Media representatives are responsible for obtaining any permission necessary once the legitimate law-enforcement operation allows access to the scene on private property. Photography, filming, or videotaping on private property requires the owner's permission.



**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Insubordination	Policy Number: 022
Issue Date: 07-01-11	Revision Date: 07-15-14 Review Date: 07-01-15
Approval Authority	
Title and Signature:  Sheriff	

POLICY:

Members of the Woodbury County Sheriff's Office must understand the rank structure and carry out their duties and responsibilities as directed by their supervisors. Insubordination will not be tolerated and is subject to disciplinary action up to, and including, dismissal.

DEFINITION:

Insubordination: Any act of defiance, disobedience, dissension or resistance to authority.

PROCEDURES:

General Guidelines:

The organizational structure of the Woodbury County Sheriff's Office designates the Sheriff as the highest authority within the chain of command. This authority is delegated to various officers throughout the organization.

In maintaining the structural order of the Woodbury County Sheriff's Office, all officers and civilian employees must:

1. Follow the instructions and orders issued by supervisory personnel unless the order would jeopardize their health and safety, or violate federal, state, county, or municipal laws or Sheriff's Office procedures;
2. Not use profane or obscene language toward any supervisor or public official;
3. Be immediately relieved of duty and dealt with according to Sheriff's Office policy for any physical assault, attempt or threat of a physical assault of any supervisor or public official; &
4. Be provided an opportunity to discuss any situations with an administrative staff member, in private, which they believe do not comply with Sheriff's Office policy or federal, state, county, or municipal law.



Supervisor Responsibilities:

Any instance of insubordination is fully documented by the supervisor involved. Documentation consists of an incident report that must be submitted to the appropriate Division Major, depending on the division involved.



**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Internal Affairs	Policy Number: 023
Issue Date: 07-01-11	Revision Date: 07-15-14 Review Date: 07-01-15
Approval Authority	
Title and Signature: 	Sheriff

POLICY

Employees of the Woodbury County Sheriff's Office will thoroughly and expeditiously investigate all complaints from citizens, fellow officers, and administrators against department employees who are alleged to have violated criminal law, or breaches of this *policy and procedure* manual. Investigators assigned to inquire into these matters protect the rights of each employee during such investigations, and undertake investigations without prejudice.

DISCUSSION

Public confidence in the Sheriff's Office is vital to the continued accomplishment of our mission. Both reality and perception play a vital role in maintaining the public trust. As a result, the Sheriff's Office aggressively investigates allegations of wrongdoing made against any employee of this agency.

The Sheriff's Office strives to maintain an open channel of communication between the citizens we serve and our officers and civilian employees. A major part of this communication is constantly reassuring citizens with complaints that their voice will be heard, the Sheriff's Office seriously listens, and if a wrong has been done, it will be corrected. To do otherwise, invites other law enforcement agencies and citizens groups to conduct the inquiries and pass judgment, with or without the real facts being discovered.

The public needs to know and be reassured that we can be relied on to investigate ourselves, correct deficiencies, and punish violators when necessary. However, internal affairs investigations and processes, is not a substitute for good supervision and management, and nothing in this particular policy and procedure relieves a supervisor or manager from their responsibility to control employee conduct, and prevent injury or loss to others because of the acts of a few. Nor does it relieve fellow officers and civilian employees from their responsibility to prevent violations of the law, a citizen's Constitutional rights or this policy and procedure.

PROCEDURES

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Internal Affairs Function

Internal Affairs investigations are conducted with the authority of the Division Major. Usually, the most serious complaints are investigated on a priority basis. These complaints may come from the courts, individual citizens, government officials, or fellow officers. On occasion, State investigators may request the assistance of Sheriff's Office investigators to assist in their inquiries.

Internal affairs investigations are **Confidential**, and as such are maintained with limited distribution, and then only on a *need to know* basis. Internal affairs files will be maintained in secure offices, under lock and key, with access only to a select few.

Classification of Complaints

- A. **Class One:** Serious or criminal misconduct that allege needless or excessive force, brutality, violations of criminal law, corruption, breach of civil rights, abuse of authority, intentional discrimination, accepting a bribe, theft, and others so classified by the Sheriff.
- B. **Class Two:** Complaints that allege inadequate public service, discourtesy, improper procedure, falsify reports and other less serious and non-criminal conduct as directed by the Sheriff.
- C. **Class Three:** A use of deadly force by any officer of the Sheriff's Office is subject to an administrative investigation as a matter of policy, regardless of whether or not a formal complaint was filed.

Due Process

- A. The Sheriff's Office investigates both formal and informal complaints. Investigators will follow proper procedures when interviewing an accused officer or civilian employee and must uphold and defend the legal rights of officer or civilian employees as afforded by due process. If it is determined, that any accusations may be malicious and false, a Division Major may limit the investigation to substantiating a false report.
- B. A Division Major may authorize issuance of a written statement of allegations and employee rights and responsibilities to an officer or civilian employees that become the subject of an internal affairs investigation. At the discretion of the Division Major, this or any notice may be withheld based on the depth of the investigation, risk to others, coordination with other law enforcement agencies, or the nature of the alleged violations.
- C. When an officer or civilian employee has been issued a formal notice that they are the targets of an internal affairs investigation, they will be notified in writing of the disposition of the complaint.

Taking a Complaint

- A. Any officer or civilian employee who receives a complaint of substandard service or misconduct against them will provide the potential complainant with procedures to follow in initiating a complaint.



- B. No officer or civilian employee shall attempt to discourage a citizen from filing a complaint.
- C. When presented with a complaint, officers or civilian employees must:
 - i. Refer the citizen to the proper law enforcement agency to file the complaint with the appropriate department;
 - ii. If referred to the Sheriff's Office, a supervisor shall record complaints on a citizen's complaint form;
 - iii. Never advise a complainant to make the complaint at a later time;
 - iv. Make arrangements for the complainant to talk to a member of the Administration or designee, if the complainant so wishes;
 - v. Request identification, address and phone number from the complainant to be forwarded to the Division Major to facilitate a follow-up investigation;
 - vi. Advise the complainant that the report is forwarded to the Division Major or designee, who either investigates the complaint or assigns other personnel the responsibility
 - vii. Inform the complainant that they will be contacted within five [5] days concerning their allegation;
 - viii. Inform the complainant that a complainant found to be filed in a deliberate false content against an officer or civilian employee could bring charges of a false report by the Sheriff's Office, against the complainant.

Relief from Duty

- A. Officers or civilian employees who are the subject of internal affairs complaints may be immediately relieved from duty, with pay or without pay while the investigation is conducted.
- B. The highest-ranking supervisor on duty at the time a complaint is received has the authority to make the decision, about relieve from duty with pay. The Sheriff has the sole discretion to suspend pay.
- C. If the incident for which the officer or civilian employee is relieved of on duty status involves intoxication or impairment, an on duty deputy (preferably a supervisor) will provide transport for the officer or civilian employee.

Information on the Complaint

The Division Major or his designee shall record all complaints in a permanent record and assign a complaint number. Reports will include the following information:

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1. Name of complainant;
2. Name of accused;
3. Date received;
4. Type of complaint;
5. Complaint number; &
6. Final disposition.

Disposition of Complaints

Types of dispositions include:

- A. Unfounded - Allegation is false or not factual;
- B. Sustained - Enough evidence to prove allegation;
- C. Not Sustained - Not enough evidence to prove or disprove allegation;
- D. Exonerated - Incident happened, but employee's actions were lawful and proper.
- E. Sustained /Other - The investigation revealed that there was misconduct by the officer or civilian employee other than that which was alleged.

Reporting

The Division Major monitors complaints against officers and civilian employees to monitor trends or patterns of complaints which may indicate the need for officer assistance, discipline, remedial training, or changes to Sheriff's Office policies and procedures, or methods of operation.

Some complaints are called in by telephone or letter. When this occurs, the complainant will be invited to come to the Sheriff's Office to complete a written citizen's complaint form. The complaint form is completed in the privacy of an office.

Experience shows that in many cases, the actual complaint does not reflect adversely on the officer or civilian employee's professional conduct, courteous, or respect towards the complainant. Rather that the complainant is not satisfied with the results of the officer or civilian employees official action. In such instances, discussions with a supervisor, about the complainant's concerns may suffice. For example, a complaint about issuance of a traffic citation should be heard by a judge. The Sheriff's Office should only be concerned with the officer's demeanor or actions during the traffic stop. However all such complaints are filed by the officer's name. If an officer appears to be receiving a number of complaints for the same style of enforcement action, it may show a pattern of behavior or a lack of training in traffic enforcement techniques. Likewise, in cases where the complainant refuses to file an official written report of the complaint for *fear of retaliation*, documentation of the complaint is placed in the officer or civilian employee's personnel file. Whether it is investigated upon or not, the officer or civilian employee should be notified of the complaint and that documentation has been entered in their file for future reference.



**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Line and Staff Inspections	Policy Number: 024
Issue Date: 07-01-11	Revision Date: 07-15-14 Review Date: 07-01-15
Approval Authority	
Title and Signature:  Sheriff	

POLICY

The Sheriff is responsible for establishing and maintaining regular inspections to maintain high standards of performance. Although the ultimate responsibility of inspection and control rests with the Sheriff, inspections must be carried out continuously at all levels of command and supervision. The goal of inspection is operational efficiency and effectiveness. While an inspection may reveal infractions of WCSO orders, inspection is not solely a disciplinary process: it is a fair, impartial, and honest appraisal of efforts. The inspector must have a positive, constructive attitude and make every effort to instill respect for, and understanding of, the inspection process.

PURPOSE

To establish policy and procedures for continuous inspection of the WCSO personnel, assets, and operational effectiveness.

PROCEDURES

- A. Inspection objectives include the following;
1. To learn whether a task is being performed as outlined in office orders.
 2. To examine critical incidents to determine if the WCSO oral or written administrative guidance adequately guides members in performing their duties safely, legally, and to a professional standard.
 3. To learn whether WCSO goals and objectives have been achieved.



4. To discover whether WCSO assets are being used to the best advantage.
5. To identify and document needs, deficiencies, omissions, or problems.
6. To provide a means for recognizing, reporting, and rewarding exemplary performance and to institute disciplinary procedures for those who disobey or fail to comply with WCSO orders.
7. To gauge the WCSO success in achieving policing goals. These goals include the fostering of partnerships with citizens, law enforcement agencies, and governmental offices, enhancing community life through problem solving that reduces the incidence and fear of crime, and accountability for public safety strategies.

B. Inspection responsibilities

1. Inspection shall be an ongoing process conducted by those in direct command, i.e., those who have the authority to act or require immediate action of subordinates. Ongoing inspection is a duty of all supervisors and the Sheriff unless otherwise directed.
2. Inspection responsibilities shall include personal inspection of members and the types and condition of their issued equipment, how members perform their duties, and the results of their efforts.
3. Employees shall respond immediately to correct deficiencies identified during inspections. Inspections shall also recognize exemplary performance.
4. Formal inspections of line and staff functions shall be made at set intervals. Inspections may be announced or unannounced. Line inspections shall be conducted according to a list of observations to be made. Staff inspections, by contrast, evaluate not specific members but rather the entire organization.
5. The Sheriff shall record the dates and results of each inspection. When appropriate, as a result of an investigation, a supervisor shall prepare a record of counseling or commendation.
6. Supervisors shall daily inspect members and equipment. When discrepancies or deficiencies are discovered, the supervisor



shall notify the member, establish a reasonable time period for correcting the problem, and ensure that the correction is made.



**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Long Distance Telephone Calls	Policy Number: 025
Issue Date: 07-01-11	Revision Date: 07-15-14 Review Date: 07-01-15
Approval Authority	
Title and Signature:  Sheriff	

Policy

Long distance and cellular telephone communications are both necessary and expensive. The purpose of this directive is to establish procedures for their use. It is the policy of the Woodbury County Sheriff's Office that long distance telephone calls made from WCSO phones or charged to the WCSO, will be made for official business related reasons only.

Long Distance Calls

The WCSO utilizes a long distance service provider for both interstate and intrastate long distance telephone calls. The use of these services by members of the WCSO is limited to official use only. If a personal long distance call is necessary, such a call may be placed from a WCSO telephone. However, members making calls of a personal nature must arrange for these charges to be made to a personal credit card, to their home telephone number, or on a collect basis. An exception to this policy may be made, if a WCSO member needs to call home to their residence to speak with a member of their immediate family while traveling outside the county on official business. A limit of one telephone call per day to an immediate family member under the condition indicated above may be made. The duration of the call should be limited to the amount of time necessary for the member's family responsibilities. Such long distance calls should be documented on the travel expense form.

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**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: NCIC/CJIS Access	Policy Number: 026
Issue Date: 07-01-11	Revision Date: 07-15-14 Review Date: 07-01-15
Approval Authority	
Title and Signature:  Sheriff	

POLICY

It is the policy of the WCSO to ensure proper usage of the NCIC/CJIS terminals and that only authorized members are accessing such information.

PROCEDURES

The Sheriff shall establish the number and location of the NCIC terminals and that only authorized members are accessing such information.

- A. The placement of such terminals shall take into the following considerations;
 - 1. The frequency of use.
 - 2. The number of members in a division authorized to access the terminals.
- B. Each terminal shall have a logbook.
 - 1. The logbook shall have a place for the name of the authorized user, date and time accessed, and the justification for accessing the terminal.
- C. The Administrator of the Civil Division shall assign an NCIC controller.
 - 1. The controller shall check the logbook for compliance on a regular basis.
 - 2. If any violations are found, the controller shall forward a report to the Civil Division Administrator for investigation, and the member's supervisor.



3. The member shall immediately have their privilege to access the terminals suspended, pending the outcome of the investigation.
4. Any member who accesses, or has been authorized to access the NCIC/CJIS Iowa System, shall have received approved training and their commander's approval before access is allowed.
5. The controller shall set up and maintain a system for tracking all authorized members of the WCSO who are authorized NCIC/CJIS Iowa System Access users.

D. Members authorized.

1. Only members who attended approved training and certification shall have access to the terminals.
2. Each division commander shall submit a request to the Division Major before assigning a member to such training.
3. Members who have access to the terminals shall have supervisor authority or a job description that requires them to frequently access the NCIC/CJIS Iowa System.
4. NO member shall access a terminal for any other purpose other than official WCSO business.
5. NO member shall access a terminal under another members name or password, and no member shall allow another member to use their name and password to access NCIC/CJIS Iowa System.

E. Violations of the NCIC/CJIS Iowa System

Any usage violation of the NCIC/CJIS Iowa System shall be reported to appropriate Division Commander. The following violations (including but not limited to) shall be subject to disciplinary actions;

1. Disclosure of driver's license or vehicle information to an unauthorized recipient.
2. Accessing driver's license and or vehicle registration information for personal or non-law enforcement investigative purposes.
3. Disclosure of IOWA/NCIC warrants information to an unauthorized recipient.
4. Disclosure of CCH or NCIC III information to an unauthorized recipient.



5. Accessing Iowa CCH or NCIC III information for personal or non-law enforcement investigative purposes.
6. Unauthorized and intentional destruction or modification of system logs and/or any other storage medium.
7. Unauthorized modification or cancellation of IOWA/NCIC entries.
8. Theft of any computer system media including Chip, ROM memory, optical or magnetic storage medium, or hard copy printout.
9. Intentional activities or actions that result in the loss of the WCSO computer/IOWA System processing capabilities.

F. Rules and Regulations Employee Discipline

The following disciplinary actions shall be taken when an investigation determines a violation of this policy by a member of the WCSO.

1. Oral reprimands: counseling.
2. Written reprimand.
3. Demotion or suspensions without pay.
4. Dismissal from employment.



**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Oath of Office; Code of Conduct	Policy Number: 027
Issue Date: 07-01-11	Revision Date: 07-15-14 Review Date: 07-01-15
Approval Authority	
Title and Signature:  Sheriff	

Law Enforcement Code of Ethics

The Law Enforcement Code of Ethics is hereby adopted as the cornerstone standards of conduct for members of the Woodbury County Sheriff's Office.

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

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others, honest in thought and in deed in both my personal and official life; I will be exemplary in obeying the law and the regulations of my office. Whatever I see or hear of a confidential nature or that is entrusted to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

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

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

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I will constant strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession Law Enforcement.”

Oath of Office

The oath taken shall substantially be as follows:

“I, _____, do solemnly swear that I will, support the Constitution of the United States and the Constitution of the .State of Iowa and that I will faithfully and impartially, to the best of my ability, discharge all the duties of the Office of Deputy Sheriff in Woodbury County, as now or hereafter required by law.”

Woodbury County Sheriff’s Office Mission Statement

Mission

The mission of the Woodbury County Sheriff’s Office is to protect and maintain the rights of all residents, to enforce our laws while deterring the fear of criminal persecution, and to promote strong moral values.

Values

Our unselfishness, dedication and integrity shall be evident professionally and personally,

Vision

And our initiative and leadership shall be our reputation.



**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Orders and Instruction	Policy Number: 028
Issue Date: 07-01-11	Revision Date: 07-15-14 Review Date: 07-01-15
Approval Authority	
Title and Signature:  Sheriff	

POLICY

To achieve its objectives, the Woodbury County Sheriff's Office, hereafter referred to as (WCSO) must develop sound, written directives and govern all activities accordingly. Written directives include all written guidance issued by an appropriate authority. Written directives help WCSO members perform their jobs with confidence and that they meet the Sheriff's administration expectations. Through consistently applied and regularly revised orders, the Sheriff's administration promotes high standards of performance while reducing member's doubts, confusion, anxiety, and distrust. This order describes the formal process by which directives are devised and evaluated.

Purpose

One of the key responsibilities of proper administration is the creation of orderly lines of communication and defining authority and accountability within the WCSO. This responsibility is facilitated, in part, through the development and implementation of a series of written directives stating the WCSO policies, the procedures to be utilized in achieving the WCSO stated goals and objectives, and a code of conduct to provide behavioral guidelines for all members. It is this purpose that the Written Directives System for the WCSO is hereby established.

Types of Written Directives:

The following types of directives are established as the official forms of written communication for the WCSO:

A. Policy

Issued by the Sheriff, their purpose is to announce the permanent adoption or revision of a policy or establish a procedure on WCSO level issues. They are intended as a guiding document with an indefinite life expectancy, and are



binding until formally rescinded. Policy directives shall become a permanent portion of the WCSO Policy Manual. Each policy shall bear the name of the Sheriff in the top portion of the first page and shall become binding on the effective day indicated. They shall be numbered and filed based upon the article and chapter number assigned. The Sheriff provides this manual as a detailed guide to performance expectations. Each policy is published separately, and contains a statement of the policy and detailed procedures regarding how to carry it out. *Policies are the orders, and procedures are the instructions for carrying out the orders.*

Not every situation is foreseeable. It is important for members to know and understand these policies and procedures and apply them in a variety of situations. **When faced with a dilemma, ask and answer . . . what would the Sheriff want me to do in this case? Your** Confidence as a Sheriff's Office employee is built on experience, training, careful review, and practiced compliance with the policies and procedures, and other requirements in this manual.

B. General Order

Issued by the Sheriff, their purpose is to announce the temporary adoption or revision of a policy or to establish a procedure on WCSO Office level issues pending the time that the general order is rescinded or is incorporated into the permanent policy manual. They are intended as a guiding document with an automatic and specific cancellation date not to exceed one year from the initial effective date of the general order and binding until such time. General orders are sometimes referred to as the *Ten Commandments* of a law enforcement agency. There may not be exactly ten, and these rules are not religious in nature, but adherence to them is vital to successfully accomplishing our objectives. *General orders* are published in writing. You are expected to know these rules and follow them both in letter and spirit. No deviations should occur without the expressed personal authority of the Sheriff. You should immediately ask your supervisor if you have any questions about compliance. You have the duty to immediately report General Order violations.

General order directives shall become a temporary addition to the office policy manual, and shall be filed in the rear of the manual in consecutive numeric order. The numbering sequence for general orders shall consist of the year of issuance a dash, and the order its issuance represents for general orders in that calendar year (i.e. the first general order issued shall be 05-1.) In addition, they shall bear the name of the Sheriff.

C. Standard Operating Procedures

Issued by a division administrator, their purpose is to establish a contemporary document specifying the operational guidelines relating to a specific topic for a given organizational component. Standard Operating Procedures, sometimes referred to as *job descriptions or (SOP)*, are written and published for each job or division in the Sheriff's Office. Each job has a published set of procedures, which detail the



responsibilities and the job. When assuming an assignment for the first time, each officer and employee will read and understand the procedures for that position or division. The employee reporting for duty will not assume the duties of the position until Standard Operating Procedures are read, and fully understood.

During subsequent assignments to the division, the officer or employee will review the procedures immediately upon arrival at the place of assignment to determine if there have been changes in the duty instructions. In those cases where another employee or officer is being relieved of the duties at that post, the arriving officer or employee will review the procedures before the other officer is allowed to be relieved or depart the general area. Officers will discuss the activity at this particular assignment verbally before the relieved officer is free to depart. Officers being relieved will never leave a post until the newly arrived officer is fully apprised of prior events, any threats, or other conditions of interest.

If there are any questions about the performance of work required at this duty assignment, the officer or employee will notify the supervisor on duty for immediate help, instruction, or assistance. Employees will not assume or work a duty position without fully understanding the requirements of the position, and satisfying themselves that they are mentally and physically capable of carrying out the responsibilities of the assignment, except in *declared emergencies*. If an employee is incapable of carrying out the responsibilities of a particular post, the employee will ask their supervisor to be immediately relieved of duty.

The SOP shall bear the name of the Sheriff and shall be binding on the effective date indicated; it shall be the division administrator's responsibility to ensure the entire SOP manual for each section under their command is completely reviewed once annually, and that any deficiencies or inaccuracies be corrected by revising and issuing replacement SOP as required.

D. Personnel Order

Issued by a first line supervisor or higher, these directives are used to document personnel actions such as appointments, assignments, transfers, promotions, disciplinary measures, or letters of recognition/commendation and are considered internal office documentation.

E. Memorandum

Issued by any member of the WCSO memo and are generally issued to transmit information and do not reflect policy or procedure. Occasionally, the nature of the information may constitute an order and are official in nature. Memoranda shall be kept until the date of termination or when no longer relevant.

PROCEDURES



- A. The Sheriff is the WCSO policymaker. He may regularly consult with members of the Sheriff's Office administration. Sheriff's Office directives are embodied within general orders or rules and regulations
- B. When deemed a necessity, a policy committee may be formed with a member from each division and be chaired by a Division Major. Members shall be appointed by their division administrators.
 - 1. The policy committee may set a schedule of orders for review and evaluation by the Sheriff's Office administration. All orders should be reviewed before the expiration of three years (maximum) for most orders, or annually for recommended changes in high-risk areas, as determined by the Sheriff.
- C. General orders and rules and regulations shall be drafted with the following considerations.
 - 1. Determine the member's objective in performing tasks or activities covered by the order.
 - 2. Identify the problems members are likely to encounter when making decisions to reach the objective.
 - 3. Ensure that the order is positive, definitive, clear, and readily understood by all members.
 - 4. Aim for permanency while promoting flexibility.
 - 5. Endeavor to address all reasonably foreseeable conditions.
 - 6. Ensure that orders are founded upon facts and sound judgment.
 - 7. Ensure that orders are compatible with the public interest and conform to the law.
 - 8. Ensure that members understand that all orders provide a guide to action in recurring situations. Orders cannot possibly address every circumstance.
 - 9. Ensure that the components of a written order (policy statements, rules, procedures) follow the definitions given under RR 1-1, particularly in outlining the limits of officer's discretion.

County Board Policy



The Woodbury County Board of Supervisors has instituted a series of basic policies. The Woodbury County Sheriff is including those policies in this manual. In no way does the board's policy permit any member of this WCSO to disregard any policy instituted by the Sheriff. Where Sheriff's Office personnel feel there is a conflict between county and WCSO policy, they shall bring the conflict to the attention of their supervisor.



**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Pepperball Launcher	Policy Number: 029
Issue Date: 07-01-11	Revision Date: 12-11-15 Review Date: 07-01-15
Approval Authority	
Title and Signature:  Sheriff	

DEFINITIONS: All Pepperball projectiles are plastic spheres that are filled with PAVA powder. A high-pressure air launcher delivers the projectiles with enough kinetic energy to burst the projectiles on impact, releasing the PAVA powder. Pepperball projectiles subdue subjects with a combination of the kinetic energy impact and the irritation associated with inhalation of the PAVA.

PAVA powder: PAVA is one of six capsaicinoids founds in pepper plants. PAVA is one of the hottest capsaicinoids and is an amide of Pelargonic Acid and Vanillyamine (thus PAVA). Pepperball products contain only purified non-oil based PAVA which is produced at a pharmaceutical grade and is also used in Tabasco sauce, spice packs and cooking oils.

PURPOSE: The following guidelines have been established to define the scope of usage for the Pepperball System.

PROCEDURE:

- A. The Pepperball system is classified as a non-lethal device, **HOWEVER**, the potential exists for the projectiles to inflict injury when they strike the face, eyes, neck and groin. Those areas will be avoided when deploying the Pepperball system unless a life-threatening situation exists.
- B. Each use of the Pepperball system is considered a use of force incident.
- C. The Pepperball system should be used within the department Use of Force Options.
- D. **ONLY** certified users of this system are allowed to deploy and handle the Pepperball system.

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- E. Certification must come from a department certified instructor and be renewed at the discretion of the Pepperball instructor (s).

LAUNCHERS:

- A. SA-200
- B. Custom Carbine-TX

STORAGE:

- A. All Pepperball systems will be stored in ready condition which includes live or hot rounds in the hopper and 1 in the chamber and launcher (s) in the safe mode.
- B. The Pepperball launchers will be stored with the high pressure air bottles attached at all times.
- C. The launchers will also have hot rounds stored in the hopper, with inert rounds available if needed.
- D. Launchers and high pressure tanks will be inspected regularly to detect leaks or any repairs that might be needed.
- E. The high pressure SCUBA tank will be stored in an area that is accessible if needed.
- F. All extra Pepperball rounds will be stored in the RISC equipment room.

USAGE:

- A. Any deployment of the Pepperball system is considered a use of force incident and proper documentation should be completed for such incident.
- B. All deployments require a detailed report with dictation.
- C. Any video of the incident should be preserved and documented in the report that video exists.
- D. If a person is struck by a Pepperball round, that person should be given the opportunity to be seen by a medical professional.
- E. Photographs will be taken of any person (s) struck by a Pepperball projectile.



- F. Whenever the Pepperball system is used, the deploying officer will report the following:
- a. The distance between deploying officer and area of saturation (if applicable)
 - b. The distance between deploying officer and subject struck by projectiles (if applicable).
 - c. Number of projectiles fired
 - d. Number of hits on target
 - e. Area in which subject was hit with projectiles
 - f. Environmental conditions?

-Daytime	-Dusk/Dawn	-Night
-Calm	-Breezy	-Windy
-Dry	-Foggy	-Raining/Snowing
	-Cross Wind	-Tail Wind
- G. All deployments will be reviewed by a Pepperball instructor and a report will follow.
- H. When deploying the Pepperball system, the operator will not direct projectiles towards the suspects **HEAD, NECK or SPINE** unless a life threatening situation arises.
- I. Glass shattering rounds are available with the Pepperball system. At no time are these rounds to be used on humans. They should be used in accordance for how they are designed, unless a life threatening situation arises.
- J. Officer (s) will account for all Pepperball projectiles issued and expended.
- K. The following projectiles will be available for each launcher:
- a. 100 live or hot rounds
 - b. 100 inert rounds
 - c. 3 glass shattering rounds
- L. Pepperball projectiles will be the **ONLY** .68 caliber rounds launched through this system. No other ammunition or paint ball rounds or parts will be carried with or used in this system.
- M. The SCUBA tank and similar HPA bottles will only be filled with air by a reputable provider, i.e. Fire Dept. The Pepperball instructor(s) will be responsible for maintaining and keeping tanks full.
- N. If live or “hot” rounds are deployed within an enclosed facility, special attention should be addressed with the air circulation system. Inert rounds will not present a problem with deployed within a facility.



MAINTENANCE:

- A. If a user notices **ANY** problems with any launcher, they need to make contact with a Pepperball instructor and or armorer to report the problem(s).
- B. **ONLY** Pepperball certified armorer (s) will do repairs to any launcher, which includes disassembling any launcher and accompanying equipment.
- C. SCUBA tank(s) and HPA bottles will be inspected as per DOT regulations by a certified testing facility.



**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Policy & Procedure Management System	Policy Number: 030
Issue Date: 07-01-11	Revision Date: 07-15-14 Review Date: 07-01-15
Approval Authority	
Title and Signature:  Sheriff	

POLICY

The Woodbury County Sheriff's Office provides all employees with guidance regarding policy and operations issues through written directives.

DEFINITIONS

Policy: A written directive that is a broad statement of the WCSO's philosophy on a given issue. Policy statements may be characterized by such words as "may" or "should" and usually do not establish fixed rules or set procedures for conduct of a particular activity but rather provide a framework for development of procedures, rules, and regulations. Law enforcement agencies are obligated to provide essential services to citizens to foster safe communities through crime reduction and deterrence. Law enforcement administrators are obligated to train, supervise, and guide personnel in performing a variety of tasks which help create safe communities. At the same time, administrators seek to bolster employees' confidence and competence in performing tasks while reducing vulnerability to liability. To meet these obligations, agencies must manage themselves according to written orders. A manual of policies, rules, and procedures guides the day-to-day legal and ethical functioning of a law enforcement agency.

Rule: A rule is a specific prohibition or requirement governing the behavior of members.

A. Rules permit little, if any, deviation. Violations of rules normally result in administrative discipline.

B. Rules appear in both general orders and rules and regulations.

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Procedure: A written directive that is a guideline for carrying out agency activities. A procedure may be mandatory in tone through the use of “shall” rather than “should,” or “must” rather than “may.” Procedures sometimes allow some latitude and discretion in carrying out an activity.

- A. Unlike rules, a failure to follow a procedure may result in administrative discipline. Procedures constitute the agency - approved guide to performing tasks. Members may depart from procedures only when in their professional judgment, the situation warrants. Members must be prepared to justify their actions.
- B. Procedures appear mostly in general orders and to a lesser extent within rules and regulations.

PROCEDURES

Responsibility:

The Sheriff or designee has reviewed signed, and distributed this uniform body of *policies and procedures* to all employees that convey institutional philosophy, goals, and operational principles. The Sheriff or designee shall identify an agency employee responsible for overseeing the maintenance of these *policies and procedures*. The responsible individual maintains:

- A. A complete set of all *policies and procedures*;
- B. A record of policies deferred for further action;
- C. A record of review of each policy to assure compliance with applicable statutes;
&
- D. Documentation of annual reviews.

The Sheriff may form a committee of personnel to serve in a policy formulation role. Whether done by committee or by an individual, the following functions should be performed at least once a year:

- A. Review and evaluation of each policy;
- B. Consideration of proposals from departmental members for modification of existing policy, or for additional policies; &
- C. Preparation of recommended new policies and procedures to be forwarded to the Sheriff, or designee, for review and adoption.



Organization:

Policies and procedures are divided into topical sections [See Table of Contents]. These *policies and procedures* will be posted on the intranet.

Distribution and Local Implementation:

The Sheriff's Office *policy and procedures* manuals will be available for review by staff at the time of employment and at any time thereafter. All employees will have access to the online version for their review. Any new policy will be distributed in advance of its effective date to ensure all departmental members are able to implement the instructions in an orderly manner.

Policy Compliance and Maintenance:

The Division Majors are responsible for establishing a system to monitor compliance with *policies and procedures* through regular reviews and inspections. This includes dissemination of new or revised policies and procedures to staff or others concerned with operations.

Policy Review:

Subject to any other provisions of law, members of the public may not review *security related policies* and procedures as identified by the the Sheriff. The Sheriff makes the final determinations regarding any request for policies and procedures release that is not of a strict law enforcement nature The release of such law enforcement data into the public domain is prejudicial to the safety and security of departmental employees and the residents of Woodbury County. This manual is available to the public on-line.

Policy Formulation and Revision:

The Sheriff shall develop a *policy & procedure* review process. This process observes the distinction between *evaluation of the policy* and *evaluation of compliance* with the policy. Such review is a method of learning whether certain elements of the *policy or procedure* are dysfunctional or no longer needed. This evaluation process should be performed at least annually. Nothing in this provision should be construed as requiring a delay in initiating necessary and immediate change to a policy.

Each new and revised *policy or procedure* bears the signature of the Sheriff and the date approved. The review schedules for various policies are staggered to provide for an orderly review process throughout the year. The Sheriff may incorporate any significant audit findings that have accrued throughout the past year into the revision process.

All employees should participate actively in *policy and procedure* development through suggestions to their supervisor. Division Majors are the final point of collection for these suggestions, and may develop a process to include input from other concerned persons.



**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Post-Shooting Incident	Policy Number: 031
Issue Date: 07-01-11	Revision Date: 07-15-14 Review Date: 07-01-15
Approval Authority	
Title and Signature:  Sheriff	

POLICY

Law enforcement duties can often expose deputies and support personnel to mentally painful and highly stressful situations that cannot be resolved through normal stress coping techniques. Unless adequately treated, these situations can cause disabling emotional, mental, and/or physical problems. Officer-involved shootings resulting in death or serious bodily injury to citizens or fellow officers may trigger stress disorders. It is the responsibility of the Sheriff's Office to provide members with information on stress disorders, and to guide and assist in their prevention. It is the policy of the Sheriff's Office to take immediate action, after traumatic incidents, to safeguard the mental health of all involved members.

DEFINITIONS

Post-Traumatic Stress Disorder: An anxiety disorder that can result from exposure to short-term severe stress, or the long-term buildup of repetitive and prolonged milder stress.

Officer-Involved Shooting Incident: A line-of-duty incident where a shooting causes death or serious bodily injury to a member or other person.

PROCEDURES

Handling of Members at Scene of Shooting Incident:

The supervisor on the scene of the incident will:

1. Request necessary medical assistance;
2. Move the member(s) involved to a quiet location where a peer counselor may be available;
3. Prohibit use of caffeine, other stimulants, or depressants by the member(s) involved, unless directed by medical personnel;
4. Interview the member(s) involved regarding facts of the incident, although a more detailed debriefing will be conducted at a later time;

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5. Notify the officer(s) involved that an investigation will occur concerning the incident, and that they may seek legal counsel;
6. Advise the member(s) involved to refrain from discussing the incident with anyone, except a personal or Sheriff's Office attorney, union representative, or Sheriff's Office investigator, until the preliminary investigation is concluded;&
7. Determine whether the circumstances of the incident require the member's duty weapon be taken for laboratory analysis. When the duty weapon is taken, the supervisor will:
 - a. Discretely take custody of the member's weapon; &
 - b. Advise the member that it will be returned or replaced at a later time, as appropriate.
8. Allow the involved member(s) to notify their families about the incident as soon as possible. When the member(s) is unable to do so, a Sheriff's Office Administration member personally notifies the family, and arrange for their transportation to the hospital.

Post-Incident Procedures

All members directly involved in the shooting incident are required to contact an agency-designated specialist for counseling and evaluation as soon as practical after the incident. Involved support personnel are also encouraged to contact the specialists after shooting incidents. After the counseling sessions, the specialist advises the Sheriff's Office:

1. Whether it is in the members' best interest to be placed on administrative leave or light duty, and for how long;
2. When the member's duty weapon should be returned; &
3. The best-continued course of action going forward.

The Sheriff's Office will:

1. Remove involved members from their duties, pending evaluation, while maintaining their availability for any necessary administrative investigations;
2. Encourage the families of the involved members to take advantage of available counseling services;
3. Investigate the incident as soon as practical;
4. Brief other Sheriff's Office members concerning the incident to minimize rumors. Agency employees are encouraged to show the involved members their concern;
5. Respond to media inquiries, and release information regarding the incident; &
6. Require each member directly involved in the incident to re-qualify with their duty weapon prior to re-assignment to duty.
7. Will re-evaluate the member's demeanor and mental stability on a casual basis at least once a year or as deemed necessary,

Members should:

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8. Have phone calls answered by someone else for several days, if their names are released to the public.

Daily Stress Recognition

Post-traumatic stress disorders may not arise immediately, and members may attempt to hide problems. Supervisors are responsible for:

1. Monitoring the behavior of unit members for symptoms of the disorder; and
2. Ordering members to seek assistance or counseling from a mental health specialist upon a reasonable belief that stress may be disrupting job performance.
3. Other employees who work with a member that has been involved in an on duty shooting should be aware of any changes in their behavior. This behavior change should be relayed to that member's supervisor. Changes may be small and over a long period of time.

Reserved



Reserved



**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Prisoner Restraint	Policy Number: 032
Issue Date: 07-01-11	Revision Date: 07-15-14 Review Date: 07-01-15
Approval Authority	
Title and Signature: 	Sheriff

POLICY

The member's responsibility for the safe custody of prisoner permits some discretion in the use of handcuffs and restraining devices. The WCSO requires members to observe their own safety and that of the people they transport by carefully restraining most prisoners (except children) who must be taken to jail or other locations.

PURPOSE

The establishment of guidelines for the use of handcuffs and restraining devices.

PROCEDURES – Arrested Persons

A. General

1. Members shall handcuff or restrain all arrested or "in custody" adults.
2. The nature of the restraint chosen to control a suspect and the related method of transportation to jail or to court depends on the level of threat against the member. A minimal threat may require restraint administered through metal or plastic handcuffs. A threat of property damage or injury posed by the suspect may require restraint through a body belt, leg or ankle restraints, or a vehicle cage. The most severe threat may involve a full –body wrap or a straight jacket, and perhaps a vehicle equipped with specialized restraints.
3. Juveniles shall not be handcuffed unless they pose an escape risk, the juvenile has committed a crime of violence, or where the member reasonably believes handcuffing to be necessary for the safety of the juvenile or officer.



B. Handcuffs

1. Members shall handcuff a person with the hands in the back, palms facing outward, but may choose to handcuff hands in front if the prisoner meets any of the following conditions.
 - a. Is obviously pregnant.
 - b. Has a physical handicap.
 - c. Has injuries that may be aggravated by standard handcuffing procedures.
2. Members shall not handcuff a person to the transport vehicle or any part thereof, or to any other fixed object such as a door or supports.
3. Members shall double-lock handcuffs to help ensure prisoner and officer safety. Double locking reduces the chance of picking the lock or ratcheting tighter, which could further restrict circulation.

C. Body belt

The body belt allows the member to handcuff the prisoner in front yet restricts the movement of the prisoner's arms and hands. Normally, this device will be used when transporting prisoners considerable distances.

D. Ankle shackles

Ankle shackles shall be used by members when transporting any prisoner that they have reason to believe might be an escape risk.

E. Plastic handcuffs

Plastic handcuffs shall be used when members take into custody several prisoners or when a prisoner requires multiple restraints. Members must be aware that plastic handcuffs once applied, can only be removed with a knife or pair of shears. Typically, plastic handcuffs would be used by the tactical team.

PROCEDURES – Person not arrested

- A. If members have a reasonable suspicion that a suspect has been involved in a violent offense, then handcuffs may be applied while members investigate the possibility that criminal conduct occurred. Refer to field interviews for further discussion of the legal aspects of investigative detention.
- B. Persons not arrested but who are subject to investigative detention, may be restrained under the following circumstances.



1. Suspects shall be handcuffed only as long as necessary to accomplish the protective goal.
2. Members shall limit the number and type of restraints used on the suspect to what is reasonably necessary to accomplish the restraint.

SPECIAL CIRCUMSTANCES

A. Positional asphyxia

Members shall not “hog-tie” suspects by placing them in a prone position with the hands and ankles bound from behind with handcuffs, belts, or other devices. As soon as any suspect who is lying on their stomach has been handcuffed, members shall roll the suspect onto their side, or place the suspect in a sitting position.

1. Positional asphyxia occurs with the position of the body interferes with respiration. A prone, “hog—tied” suspect may suffocate. Intoxication, presence of a head injury, obesity, and physical disability are all circumstances that can increase the possibility of suffocation.
2. Ascertain if the suspect has used alcohol or drugs recently or suffers from any cardiac or respiratory problem. Monitor the suspect and obtain medical treatment if necessary.



**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Prisoner Transportation	Policy Number: 033
Issue Date: 07-01-11	Revision Date: 07-15-14 Review Date: 07-01-15
Approval Authority	
Title and Signature:  Sheriff	

POLICY

Transportation of person in custody is a constant requirement and a frequent activity. Transportation usually occurs in two instances; the first event is immediately after arrest has been made when the arrestee is transported to jail for booking and holding, or for transfer to another facility. The second event entails the movement of prisoners from a detention facility such as the county jail, to a hospital, doctor, dentist, or other medical facility. Transportation to court, attend a funeral, visit a seriously ill relative, to name a few. In all instances of transfer of persons in custody, members shall take care not to endanger themselves while ensuring the prisoner's safety, thus limiting opportunities for escape.

PURPOSE

The purpose of this policy is to establish procedures to ensure that prisoners are transported safely.

PROCEDURES

- A. General
 - 1. In certain cases, a juvenile known or believed to be under the age of 18 years may be transported with adults.
 - 2. When taking custody of a prisoner from any facility, the member shall verify the identity of the prisoner.
 - 3. The transporting officer shall obtain from the custodian of the prisoner any paperwork, property, or medical records that should accompany the transfer of the prisoner.



B. Searching the prisoner

1. The transporting officer shall always search a prisoner before placing them into their vehicle. Members must never assume that a prisoner does not possess a weapon or contraband, or that someone else has already searched the prisoner. The transporting officer shall conduct a search of the prisoner each and every time the prisoner is considered the responsibility of the officer.
2. When handling and searching prisoners, members shall remain mindful of the WCSO infectious diseases exposure control plan (see infectious disease) and shall use personal protective equipment when necessary.

C. Searching the vehicle

The transporting officer shall search the vehicle before each prisoner transport to ensure that no weapons or contraband are available to the prisoner. Furthermore, after delivering the prisoner to their destination, members shall again search the vehicle to ensure that the prisoner did not hide contraband or other evidence.

D. Transportation equipment

1. Most transport vehicles are equipped with a metal screen separating the front and rear compartments. Normally these vehicles will be used in all prisoner transportation requests in order to prevent prisoner access to the driver's compartment.
2. All vehicles equipped with metal screen barriers and used in transporting prisoners shall have the rear interior door and window handles removed in order to minimize the risk of escape by prisoners.

E. Positioning of prisoners in the transport vehicle

1. When a member transports a prisoner in a caged vehicle, the prisoner should be positioned in the rear seat and secured with seat-belts. Prisoners shall be handcuffed (unless belly chained & shackled) with their hands behind their backs, palms outward. Exceptions may be made for pregnant, handicapped, or injured prisoners, where belly chains & shackles will be utilized.
2. When a member transports a prisoner in a non-caged vehicle, the prisoner shall be placed in the right front seat and secured with a seat belt. The prisoner shall be handcuffed with their hands behind their back, palms outward. A lone transportation officer shall never



transport two or more suspects in a non-caged vehicle unless directed by the on-duty supervisor.

3. If more than one member transports prisoners in a non-caged vehicle, the following procedures shall be observed.
 - a. One member shall position themselves in the rear of the transporting vehicle behind the passenger seat with the prisoner (seat belted) on the opposite side.
 - b. In a situation where more than one prisoner is transported by two members in the same vehicle, the prisoners shall be positioned in the rear seat (seat belted) and the assisting officer should position themselves in the front seat in order to observe the prisoners at all times.
4. Members shall not transport prisoners who are restrained in a prone position. Doing so risks the onset of positional asphyxia, which is a form of suffocation concerning the restrained suspect that may cause death.

F. Control of prisoners while transporting

1. Observation
 - a. During transportation, members shall continually observe the prisoner, even when it becomes necessary to allow the prisoner the use of toilet facilities.
 - b. In a situation where observation is not possible (woman prisoner needing the use of toilet facilities, and having a male transporting member or vice versa), the member shall exercise as much control of the situation as possible. The prisoner shall not be allowed in the facility with another person present, and the member shall ensure that there are not possible escape routes within the facility. The member will also ensure that no weapons could be available to the prisoner.
 - c. If a prisoner appears lethargic, particularly after and active confrontation with members or appears unresponsive, consider the possibility that immediate medical help may be necessary. Observe the suspect carefully and if the member is in any doubt concerning the prisoner's health, summon medical assistance immediately. Members should ask an apparently sick prisoner if they wish medical assistance.



- d. The transporting officer shall advise the receiving detention officer of any medical conditions concerning the prisoner, or any suspicions or concerns about the prisoner's mental state.

2. Meals

If the transporting officer must stop while enroute for a meal, they should choose an unfamiliar place. This minimizes any chance of an arranged plan for someone to try to release the prisoner.

3. Stopping to provide law enforcement services while transporting

- a. When transporting a prisoner, the transporting officer shall provide law-enforcement services only when:

- (1) A need exists for the transporting officer to act immediately in order to stop or prevent a violent act and prevent further harm to a victim.
- (2) A person has been injured and immediate assistance is required.
- (3) A crime is in progress, thus creating an immediate need to apprehend the suspect.

- b. In all of the above situations, the transporting officer shall ensure at all times that their prisoner is secured and protected.

- c. Under no circumstances shall a member transporting a prisoner actively engage in a pursuit, however, after ensuring the safety of the prisoner a member already in a position to do so, may deploy stop sticks.

4. Escape

If a prisoner escapes while being transported, the transporting officer shall observe the following procedures.

- a. Request immediate assistance from the jurisdiction in which the escape was discovered. The transporting officer shall immediately provide dispatch with the following information:
 - (1) Location.
 - (2) Direction and method of travel, and means of escape.
 - (3) Name, physical description of escapee.
 - (4) Possible weapons possessed by the escapee.
 - (5) Pending charges.



- b. Try to recapture the escapee as soon as possible.
- c. The transporting officer shall submit a written report to the Sheriff as soon as practicable explaining the circumstances surrounding the escape.

5. Prisoner communication

The transporting officer shall not allow prisoners to communicate with other individuals while in transit unless the situation requires it. The member shall use their judgment when deciding whether to allow a conversation to take place between the transported prisoner and another party.

6. Arrival at destination.

When transporting prisoners from one facility to another and arriving at the requested destination, the transporting officer shall observe the following procedures:

- a. Firearms shall be secured in the designated place at the facility being entered. If there are none, secure all firearms inside the locked trunk of the Sheriff's Office vehicle.
- b. Restraining devices shall be removed only when directed by the receiving facility, or when the member is sure that the prisoner is properly controlled and secure.
- c. The proper paperwork (jail committal, property form, etc.) shall be submitted to the proper person at the receiving facility, and in situations that require it, the member shall ensure that proper signatures are obtained on the transportation paperwork that is to be returned to the Sheriff's Office.

G. Sick/injured prisoners and medical facilities

- 1. At any time before, during, or after the arrest a prisoner is injured or becomes sick, the member shall seek medical attention immediately. Medical attention shall be obtained before transporting the prisoner to the jail.
- 2. The transporting officer shall use discretion in applying restraining devices on sick or injured prisoners. Obviously, if a prisoner is injured or sick enough to be incapacitated, restraining devices may not be appropriate. As a rule, do not remove a prisoner's handcuffs at the hospital unless ordered to do so by the attending physician.



3. If the prisoner refuses treatment, the member shall document the refusal.
4. If the prisoner must be admitted to the hospital, the member shall release the prisoner only after consulting the on-duty supervisor. The supervisor, in turn, shall consult the magistrate or the county attorney. The supervisor shall observe the following procedures to ensure the continued control of the the prisoner:
 - a. If the prisoner is admitted, arrange for guards.
 - b. Until relieved by a supervisor, the supervisor shall brief every member on the duties of guards and shall ensure that guards have radios.
 - c. The supervisor shall ensure that guards are checked periodically and relieved as necessary. The prisoner shall be kept under observation at all times and as a rule, restraining devises shall be used. Members shall consult with medical personnel concerning the use of restraining devices.

H. Special transport problems

1. Transport of prisoner by members of the opposite sex
 - a. When transporting a prisoner of one sex by a member of the other sex, an additional member may be requested to accompany the transporting officer.
 - b. If using a second member is impractical, at a minimum the transporting officer shall:
 - (1) Contact the dispatcher by radio and request that the time and odometer mileage be logged.
 - (2) Go directly to the destination by using the shortest practical route.
 - (3) Upon arrival at the destination, contact the dispatcher by radio and request that the time and odometer reading again be logged.
2. Prisoner with disabilities
 - a. When transporting a prisoner with disabilities, the transporting officer shall request help when needed to complete the transport conveniently, comfortably, and safely for both the prisoner and the member. The member may request the dispatcher to contact a paramedic squad for assistance. The transporting officer shall take whatever



special equipment or medicine is deemed necessary for the prisoner.

- b. With a disabled person in custody, the transporting officer must use common sense. When the disability is such that no danger of escape or injury to the prisoner or deputy exists, then restraining devices may be inappropriate.
- c. Any wheelchairs, crutches, prosthetic devices, and medication shall be transported with, but not in the possession of the prisoner.

3. Transportation of dangerous/security-risk prisoners from one facility to another

- a. Transportation to court: When a prisoner is considered dangerous or a security hazard, the Sheriff's Courtroom Security Personnel shall be notified before the transport takes place in order to plan how best to minimize any chance of escape, or injury to the prisoner or anyone else.

I. Restraining devices

1. When prisoners must be restrained during transport, the following procedures shall be followed unless circumstances require an alternate method.

- a. A single prisoner shall be handcuffed with both hands behind their back, or with belly shackles and leg restraints.
- b. Multiple prisoners shall be restrained separately.
- c. Leg and waist belt restraints may also be used in order to minimize the risk of injury or escape.
- d. Under no circumstances shall a prisoner be handcuffed to a part of the transport vehicle itself, such as the floor post, protective screen barrier, etc.
- e. Members shall use ankle shackles or plastic handcuffs to immobilize legs when transporting any prisoner that might pose an escape risk.

J. Documentation

Members shall document all prisoner transports and shall note any unusual circumstances or events. Members shall document the circumstances of any apparently ill or injured prisoners and their medical treatment. Members shall provide the names of personnel to whom the prisoner was released or transferred.



**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Professional Conduct	Policy Number: 034
Issue Date: 07-01-11	Revision Date: 07-15-14 Review Date: 07-01-15
Approval Authority	
Title and Signature: 	Sheriff

POLICY

All members of the Woodbury County Sheriff's Office must conduct themselves honestly, efficiently, and with integrity. The public is entitled to courteous and competent responses to requests for law enforcement service.

PROCEDURES

- A. **Sworn or civilian members** are always courteous when interacting with the general public.
- B. Members must avoid behaviors and practices that cause the public to question individual member or agency integrity.
- C. Off-duty officers are required to conduct themselves as though they were on duty, while in uniform and are not to reveal, or make public, any order or information to any person unless the disclosure is authorized, and the intended receiver has a need to know.
- D. Officers are governed by ordinary and reasonable rules of good conduct and behavior whether on or off duty. Officers always demonstrate morals and values expected by the community and will not commit any act that could adversely affect the Sheriff's Office.
- E. Officers always remember that they are sworn to uphold the law, abide by the *policies and procedures* of the Sheriff's Office, and the law, while protecting the rights of all people as afforded by the Constitution of the United States of America and the State of Iowa.



**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Relationships	Policy Number: 035
Issue Date: 07-01-11	Revision Date: 07-15-14 Review Date: 07-01-15
Approval Authority	
Title and Signature:  Sheriff	

POLICY

The WCSO community-oriented policing philosophy involves a range of practical methods to control crime while relying on community involvement and support. The WCSO promotion of democratic values, accountability, and integrity require communication with the community. Without this communication, the WCSO cannot respond to the priorities of our citizens. Establishing and maintaining an effective liaison and open channels of communication between the WCSO, neighboring law enforcement, criminal justice, and social services agencies are essential first steps to sustaining cooperation and good will. This liaison can break down barriers and can result in financial savings and improved law-enforcement operations.

PURPOSE

To establish procedures and responsibilities for liaison and maintaining communication between the WCSO, neighboring law enforcement, and other criminal justice or social service agencies, both public and private.

PROCEDURES

- A. Relationships with other criminal justice agencies.
 - 1. All WCSO members shall maintain harmonious working relations and communication with the county attorney, public defender, all courts, court clerk's officers, the local probation and parole office, office divisions, juvenile detention homes, victim's advocacy shelters and organizations, and any other criminal justice agencies. The Sheriff's Office shall provide all possible information, assistance, and support to these agencies allowed by law.



a. Any serious policy or procedural problems or philosophical differences with another agency or its personnel shall be brought to the attention of the appropriate Division Commander who in turn will meet with the appropriate personnel of those agencies to resolve these problems.

b. During any investigation, questions of law or criminal procedure shall be addressed to the county attorney or assistant county attorney. Questions on law enforcement procedure shall be addressed to the member's appropriate supervisor.

c. Any criminal cases referred to the county attorney that result in a decision not to prosecute or to dismiss due to WCSO procedural issues, shall be carefully reviewed and appropriate corrective action taken.

2. All members of the WCSO shall assist and cooperate in every way possible allowed by law with all federal, state, and local law enforcement agencies.

B. Referrals

1. Members of the WCSO often encounter adult or juvenile citizens who require specialized assistance that the WCSO cannot give, e.g., marriage and mental health counseling, welfare assistance, or assistance in resolving civil matters. When, in the best judgment of a member, this situation arises, they shall refer the citizen to the most qualified agency to deal with the disputed point, or consult their supervisor.



**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Report Writing	Policy Number: 036
Issue Date: 05-10-11	Revision Date: 07-15-14 Review Date: 07-01-15
Approval Authority Title and Signature:  Sheriff	

POLICY

Woodbury County Sheriff's Office prepares written reports in order to better manage the affairs of the office, document events, and support the criminal justice process through effective communications.

Purpose

The offense report and accompanied documentation is the WCSO's most important tool in documenting all of the unusual and routine incidents that occur during the course of the employees duties. All employees should remember that documentation is a way to not only hold them accountable, but also release themselves and the WCSO from liability in the event that incidents are challenged in court. The documentation generated by Sheriff's Office employees is admissible in court and should be treated as a sworn statement. This means that purposely misrepresenting an incident could be grounds for legal action against the author. It should also be remembered that the majority of reports are available for public scrutiny.

PROCEDURES

Written reports:

WCSO employees are required to initiate, maintain, and safeguard written reports, in appropriate form, for the following situations:

1. Citizen Complaints
2. Citizen reports of crime
3. Follow-up investigations
4. Incidents involving arrests, citations, or summons
5. Situations where an officer is dispatched
6. Situations where an officer is assigned to take action at a later time
7. Criminal and non-criminal cases initiated by officers

In some instances the WCSO uses standard forms for the purpose of aiding officers and employees in preparing written communications. However, the failure to have a proper

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form does not relieve the officer or employee of the responsibility of producing the report. When in doubt, and no standardized form is available, a blank sheet of paper is used. The accepted Offense Report contains labeled information fields (boxes) to list factual information. Those fields are there for a purpose other than balancing the graphic design of the report. Investigators and Identification Technicians will use your gathered information and their success or failure of an investigation will depend largely on your preliminary report of the offense or incident.

Report Preparation

Reports prepared by employees and officers of WCSO:

1. Contain correct information based on accurate notes;
2. Are brief and explicit, including relevant information regarding the elements of the crime;
3. Clearly communicate ideas;
4. Answer the following questions:

a. **Who** was involved?

All persons involved are identified by their role, as suspects, victims, witnesses, etc. Obtain first, middle, last names, possible aliases, home and work address, telephone numbers, dates of birth, other identifiers and race.

b. **What** happened?

Exactly what type of offense was committed, what means of transportation, tools, or equipment was apparently used. What was the actor's *modus operandi*? Did the actor use direct attack, or were their tactics more indirect or crafty.

c. **When** did it occur?

Record the crime discovery time and the time witnesses and victims are contacted, and arrests made.

d. **Where** did it happen?

Location is to be as exact as possible. If unable to obtain an address, record the nearest intersection or permanent landmark. Describe the area as *business, residential, open country, apartment complex*, etc. Look for evidence that the crime could have started somewhere else, and ended up at the *reported location*.

e. **Why** did this incident occur?

Was the apparent motive or purpose of the crime *revenge, monetary or personal gain, thrill, drug-related, accidental*, etc.?

f. **How** did it happen?

Based on reasonable observations at the scene, and information provided by witnesses, explain *how entry was made, how property was obtained, or how the suspect chose and approached the victim*.

5. Avoid inappropriate language, such as slang or jargon, unless quoting a suspect, witness or victim;
6. Refrain from the use radio codes, numerical designations or other terms particular to law enforcement in report narratives;



7. Print or write legibly when not using a computer generated form.
8. Be objective and unbiased, recording information whether positive or negative;
9. Contain correct grammar and spelling;
10. Place events in chronological order; &

Report Style:

Good reports, even technical reports contain a lot of facts, but should be easy to read and understand. Remember, the reports you write today will be seen by a jury tomorrow, and you will be judged by the way you write, what you say, and the way it is stated.

1. Write the *way you talk* in a normal conversation. Add details, the way you speak. Avoid writing *Unit 16 approached the door and spoke to Suspect #2*. Instead use, *I walked to the door and spoke with Mr. Doe*.
2. Write in the *first person singular*. Use *I* or *me*, not *Officer Johnson*.
3. Write in the past tense, if it happened in the past not *Approaching the car I see the gun in the back seat*. Instead *I walked along the driver's side of the car and saw the gun in the back seat*.
4. Write the report without prejudice, and adhere to the facts. If, however the deputy feels their professional judgment is necessary, they shall label their opinion as such and present the facts that support their opinion of judgment.
5. Use everyday words and avoid unfamiliar wording.
6. Avoid using police jargon.
7. Lastly, read over your report when you are finished. Ask yourself, would a regular citizen clearly understand this report. If the answer is *no*, a jury will not understand it either. Redo it!

Offense Reports:

Offense reports are designed to:

1. Provide a means whereby officers can conduct and record a *preliminary investigation* of a criminal offense;
2. Provide complete and accurate information for follow-up investigation and prosecution;
3. Provide patrol deputies and investigators with certain decision-making points that enable them to identify follow-up investigative needs;
4. Improve control of the report flow process within the WCSO thereby improving report access and statistical recording; &
5. Aid other officers in the collection of *crime data, patterns, suspect information, and determine modus operandi*, etc.

An offense report must be completed for all complaint numbers that are generated. These reports clearly and concisely report elements of the crime or activity by answering critical *who, what, when, where, how, and why* questions. It is the responsibility of the first officer arriving on the scene to complete the initial report.

Offense reports are timely written, and will be forwarded to the records division electronically or by paper form before the reporting officer terminates their shift. If the



offense report may require a supplemental report or dictation, the supplemental report or dictation will be completed as time remaining on the shift permits. If the additional information cannot be completed without the requirement of overtime and the officer will be returning to duty the following day, it will not be required to complete the additional supplemental report or dictation before the officer's shift has been completed. However the dissemination of the additional information will be the first priority when the officer returns to duty, unless he or she receives an immediate call for service. If there will be a time element issue as described above, the officer will so note the anticipated delay within the narrative of the offense report. If the schedule indicates that the reporting officer will be absent from duty because of scheduled days off, vacation, etc. the additional information will be completed and the use of overtime is warranted.

Supplementary Reports:

Supplementary reports are used when additional information is discovered through an investigation. The officer who discovers this new data is responsible for the supplementary report. These supplemental reports contain the same level of detail as contained in the original *offense report*, but as observed by the officer completing each supplemental report.

Case Files:

Case files are primarily designed to assist investigators by collecting all documents relating to a criminal or intelligence case into one location. Case files often consist of the following items:

1. Contents sheet
2. Original offense reports
3. Investigator's field notes
4. Complaint reports
5. Supplementary reports
6. Arrest reports
7. Accident reports
8. Property receipts
9. Vehicle tow slips
10. Autopsy reports
11. Crime scene photos
12. Suspect photographs & data
13. Latent Prints
14. Criminal profiles
15. Statements
16. Record checks and NCIC inquiries
17. State reports



File Maintenance:

The Woodbury County Sheriff's Office maintains a comprehensive report filing system. This system includes:

1. Reports are filed and indexed as data is received and approved by supervisors.
2. Case files remain *opened*, until the case is solved by *arrest and accepted by the prosecutor for prosecution*; or, the *statute of limitations* has expired.
3. Some cases may not have enough information for further investigation. These cases may be placed in an inactive file or cold case file and may be reactivated at a later date.
4. When a case is closed, all unneeded copies are destroyed.

Confidentiality of Records:

Law enforcement records contain critical and potentially life threatening information. Such mundane information as *complainants address, location and phone number; trial and appearance dates; potential witness lists; and status of a case* if released into the wrong hands can cost an employee or resident their life.

Police reports and files are reported, collected, and disseminated on a need-to-know basis. Just because an officer or employee is an employee of the WCSO does not mean that he or she needs or should know vital information about an open case or a case pending for trial. As a result:

1. Case information may not be discussed or released outside of those officers and employees having a strict *need-to-know*.
2. An officer or employee may not release to non-law enforcement personnel case information until after verification of a *need-to-know* is established.

**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Ride Along & Internships	Policy Number: 037
Issue Date: 07-01-11	Revision Date: 07-15-14 Review Date: 07-01-15
Approval Authority	
Title and Signature:  Sheriff	

Civilian ride along program policy:

The Woodbury County Sheriff's Office understands that creating a better understanding of law enforcement, as well as allowing sincerely interested persons to see firsthand the functions performed by the members who serve the community. This interaction can produce dual benefits such as providing the citizens an insight into law enforcement activities, and the law enforcement member a chance to hear the concerns of the community members which they serve. It is therefore the policy of the Woodbury County Sheriff's Office to institute a ride along and intern program.

Ride along procedures:

- A. Persons eligible for the ride along program may include, but are not limited to; public officials, members of the concerned community groups, members of the news media, law enforcement oriented students, sworn members from other jurisdictions, adult relatives of members of the WCSO, visiting dignitaries and applicants or potential applicants. The minimum age requirement for the ride along program is 18 years.
- B. Rides shall be scheduled through the member's supervisor in advance of the ride along. Reservations may be filed by telephone and shall be forwarded to the appropriate supervisor. Riders must fill out the appropriate WCSO waiver form, and the waiver form must be on file with the supervisor prior to the ride along. Active Law Enforcement Officers from other agencies are exempt from this provision.
- C. All rides will normally start at the beginning of a shift with a duration approved by the supervisor. Designated pick-up points shall be approved by the supervisor. Riders are also expected to be neat and clean in appearance. Clothing should be discreetly selected, as riders will be in full view of the public.

Internship

- A. Internship requests will be made though and approved by Division Major. Interns shall be full or part time students who have course work related in the field of law enforcement, to include but not limited to, corrections, identification, patrol, investigations, DARE, or media.
- B. Internships will be for the duration required to fulfill the educational obligation. Interns will wear appropriate office attire.

Restrictions and prohibitions

- A. Members shall only be responsible for one intern or ride along individual at a time and will consider the safety of the intern or ride along at all times. Civilians will not leave the vehicle to accompany the member on any in progress call for service or building searches. All interns or ride along members shall follow the S.O.P. for each division of the WCSO or other law enforcement entity. Civilians may not carry firearms on their person during any internship or ride along. Media personnel shall not have greater, nor less, access to the scene of any crime or incident than would otherwise be permitted by ordinary citizens.
- B. The supervisor will request a record check so as to screen the applicant. Screening shall consist of a check of N.C.I.C., local criminal records, active warrants, or any previous contact with law enforcement. The division commander shall be notified if the applicant has been found to have warrants, prior contacts with law enforcement, or a concern by the member's supervisor.

**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Rules of Conduct	Policy Number: 038
Issue Date: 07-01-11	Revision Date: 07-15-14 Review Date: 07-01-15
Approval Authority	
Title and Signature:  Sheriff	

POLICY:

Employees of Woodbury County Sheriff's Office shall conduct themselves professionally and responsibly at all times in order to uphold the trust and confidence placed in them by the community.

DISCUSSION:

A key ingredient of this service is maintaining the trust and confidence of the citizens that we serve. We recognize that officers and employees of our department are *high profile* members of our community, and as such are subject to constant scrutiny. As a result, officers and employees must always strive to set an appropriate example. This often means using restraint, avoiding conflict, and working well with the public.

PROCEDURES:

General Guidelines:

Officers are expected to follow WCSO rules of personal conduct in both the spirit and content, and encourage compliance by fellow officers and employees. Command and supervisory level officers should be role models and are expected to demonstrate leadership and set exemplary standards.

Section One - Obedience to Orders, Rules And Laws:

1.1 Obedience to Rules of Conduct

All sworn and civilian employees will be governed by the following general rules of conduct. Violations of any of these rules are considered sufficient cause for disciplinary action up to and including dismissal.

1.2 Obedience to Laws

Officers and other employees must abide by the laws of the United States, the State of Iowa, and the ordinances of Sioux City, IA.

1.3 Adherence to Departmental Rules

Officers and other employees abide by the personnel policy and the general, special, and tactical orders, rules of conduct, and other properly issued internal directives of the Woodbury County Sheriff's Office.

1.4 Insubordination

Officers and employees must promptly obey all lawful orders and directions given by supervisors and radio dispatchers. The failure or deliberate refusal of officers and employees to obey such orders is deemed insubordination and is prohibited. Flouting the authority of a superior by displaying obvious disrespect or by disputing their orders is likewise deemed as insubordination.

1.5 Issuance of Unlawful Orders

No supervisory officer or employee will knowingly or willfully issue an order that violates a federal or state law, a city ordinance, or a WCSO rule or policy.

1.6 Obedience to Unjust or Improper Orders

If an officer or employee receives an order they believe is unjust or contrary to a WCSO order or rule, they must first obey the order to the best of their ability and then may appeal the order to the appropriate Division Major.

1.7 Obedience to Unlawful Orders

No officer or employee is required to obey an order that is contrary to the laws of the United States, the State of Iowa, the ordinances of Sioux City, or policies established by the Woodbury County Sheriff's Office. If an officer or employee receives an unlawful order, they will report in writing the full facts of the incident to the Division Major thru the chain of command.

1.8 Conflict of Orders

If an officer or employee receives an order that conflicts with one previously given by a superior officer or employee, the officer or employee receiving the order shall respectfully point this out to the superior officer or employee who gave the second order. If the superior officer or employee giving the second order does not change the order in a way that eliminates the conflict, the second order stands and is the responsibility of the second superior officer or employee. If the second superior officer or employee so directs, the second order is obeyed first. Orders are countermanded when necessary for the good of the WCSO, and accomplishment of the mission.

1.9 Duty to Read, Understand, and Comply With Orders

Failure to read and/or comply with laws, rules and regulations, general and special orders, policies and procedures of the WCSO, or written or verbal orders of a supervisor is prohibited. It *is neglect of duty* to fail to inquire of a supervisor the meaning or application of any directive or order that is not clearly understood.

1.10 Issuance of Orders

Orders from supervisors to subordinates are addressed in professional, clear, understandable English; civil in tone, and manner; and, issued in pursuit of WCSO business.

1.11 Conduct Unbecoming

Conduct that adversely affects efficiency, erodes public respect, or reduces confidence in government service is unbecoming and is prohibited. Examples of such conduct include, but are not limited to:

- a. Fraud in securing employment;
- b. Conviction of any felony or of a misdemeanor involving moral turpitude, or the entry of a plea of *no lo contendere* to either;
- c. Misuse of government funds or property;
- d. Falsification or misuse of government records, including application forms, time and financial records, incident reports, case files, or personnel;
- e. Reporting to work or working under the influence of alcohol or substances that significantly impair job performance, or the use of such unauthorized substances during working hours; except prescribed medication that does not adversely affect the ability to perform assigned work tasks;
- f. Instigation of, participation in, or leadership of a *strike, sit-down, stay-in, sympathy strike, walk-out, slow-down, sick-out*, or any other interference with normal, efficient workflow;
- g. Concealment or failure to report any employment, ownership interest, or personal activity in conflict with the legitimate interests of Woodbury County;
- h. Engaging in infamous, notorious, or disgraceful conduct that adversely affects Woodbury Counties legitimate interests;
- i. Insubordinate, rebellious, disruptive, harassment, or disrespectful behavior toward other employees or government officials; or
- j. Fighting.

Section Two - Attention to Duty:

2.1 Performance of Duty

Officers and employees are to be attentive to their duties at all times, and perform all duties assigned to them even if such duties are not specifically assigned to them in any WCSO rules or procedures manual.

2.2 Duty of Supervisors

Supervisors enforce the rules, regulations and policies of the Woodbury County Sheriff's Office. They do not permit or otherwise fail to prevent, violations of the law, WCSO rules, policies or procedures. They must report violations of WCSO rules, policies, or procedures to their immediate superiors without delay. When possible, they actively prevent such violations or interrupt them as necessary to ensure efficient, orderly operations.

2.3 Truthfulness

Officers and employees will not knowingly give any false or misleading information concerning the duties, responsibilities or actions of the WCSO or any member thereof, nor withhold any information that is their duty to report, nor falsify any WCSO documents.

2.4 Conduct and Behavior

Officers and employees, whether on-duty or off-duty, follow the ordinary and reasonable rules of good conduct and behavior and will not commit any act in an official or private capacity tending to bring reproach, discredit, or embarrassment to their profession or the Woodbury County Sheriff's Office. Officers and employees follow established procedures in carrying out their duties as law enforcement officers and employees of the WCSO.

2.5 Responsibility to Serve the Public

Officers and employees consider it their duty to be of service to the general public and to render that service in a kind, considerate, and patient manner. Officers and employees promptly serve the public by providing direction, counsel and other assistance that does not interfere with the discharge of more critical law enforcement duties.

2.6 Respecting the Rights of Others

Officers and employees respect the rights of others and do not engage in discrimination, oppression or favoritism. Officers and employees must maintain a strictly impartial attitude toward complainants and violators. Use of profane, demeaning, or insulting language will not be tolerated, nor will disrespect for the political or religious views of others be accepted.

2.7 Officers Always Subject to Call of Duty

Officers respond to lawful orders of supervisors and to the call of citizens in need of law enforcement assistance. Off-duty officers are expected to take prompt and proper action when life is endangered. Officers and Employees are subject to call twenty-four (24) hours a day and may be recalled from vacation leave or off day whenever necessity demands.

2.8 Reporting for Duty

Officers and employees must promptly report for duty properly prepared at the time and place required by assignments, subpoenas or orders. Officers and employees must remain at their posts or place of assignment until properly relieved by another officer or employee or until officially dismissed by a supervisor. It is the relieving officers and employees' responsibility to locate and meet with the officer or employee they are relieving. The officer or employee who is being relieved has the responsibility to pass onto their relief any and all pertinent information. The relieving officer or employee must assist the officer or employee that is being relieved in any way possible so as to expedite the relief and complete the officer or employee's tour of duty in a timely way.

2.9 Availability While on Duty

Officers and employees, while on duty, may not conceal themselves or maintain a hidden or low profile except for some assigned law enforcement purpose. Officers and employees must keep themselves immediately and readily available at all times while on duty.

2.10 Prompt Response to All Calls

Employees must respond to all dispatched assignments without argument and unnecessary delay. No officer will fail to aid, assist, or protect a fellow officer, employee, or citizen to the fullest extent of their professional capabilities. Calls are answered in compliance with policy and traffic laws.

2.11 Duty to Report All Crimes and Incidents

Officers and other employees must promptly report all serious crimes, emergencies, incidents, dangers, hazardous situations and relevant information that come to their attention. Officers and employees may not conceal, ignore or distort the facts of such crimes, emergencies, incidents and information.

2.12 Responsibility to Know Area of Jurisdiction

Officers and other employees know the boundaries of Woodbury County and must be familiar with the names of streets and highways within those boundaries. Officers and employees must also be familiar with the names and locations of businesses, public buildings, and as many residents as possible.

2.13 Sleeping on Duty

Officers and employees must be alert throughout their tour of duty. Sleeping while on duty is strictly forbidden.

2.14 Assisting Criminals

Officers and employees do not communicate in any manner, directly or indirectly, any information that may delay an arrest or enable persons suspected of criminal acts to escape arrest or punishment. Nor will officers or employees dispose of

property or goods seized or taken from a suspect, or destroy evidence of unlawful activity.

2.15 Reading on Duty

Officers and employees must not read newspapers, books, or magazines while on duty and in the public view unless authorized by a supervisor.

2.16 Studying on Duty

Officers and employees must not to engage in any studying activity during their regularly assigned working hours that are not directly related to their current job assignment.

2.17 Maintaining Communications

Officers must be directly available by normal means of communication while they are on duty or officially on-call, and will promptly respond when called. On-duty officers must maintain radio communications with the Communications Center while on-duty and radio equipped. Should an officer experience a technical malfunction with communications equipment, immediately report it and replace it with an operational unit.

2.18 Keeping Notes on Law Enforcement Activities

Officers and employees are required to maintain written notes on enforcement matters such as calls, arrests and other activities to the extent that they may later complete official reports and accurately testify in official proceedings.

2.19 Completing Official Reports

Unless otherwise directed, officers and employees must promptly submit all reports completed prior to going off duty. All reports, forms, memoranda, citations, or other papers utilized in the WCSO will be completed in black ink, computer printed, or via electronic means. Special projects may require deviation from this requirement.

2.20 Reporting Accidents and Injuries

Officers and employees must immediately report the following accidents and injuries:

- a. On-duty traffic accidents in which they are involved
- b. Personal injuries received in the line of duty no matter how small in nature.
- c. Personal injuries not received in the line of duty but which are likely to interfere with performance of law enforcement duties.
- d. Property damage or injuries to other persons that resulted from the performance of their enforcement duties.
- e. Discharge of weapon, except when engaged in department training exercise, firearms qualifications or sporting event.

2.21 Reporting Address and Telephone Number

Officers and employees must have a working telephone and must register their correct residence address and telephone number with the Sheriff's Office. Any change in address must be reported immediately.

2.22 Testifying in Sheriff's Office Investigations

Officers must make statements or furnish materials relevant to a WCSO investigation as required.

2.23 Overtime

Authorized supervisors must approve overtime requests.

2.24 Duty to be Prompt and Punctual

Employees must be prompt and punctual when reporting to their official duties or assignments.

2.25 Remaining at Duty Station

Employees and officers are required to remain at their duty assignment unless and until they are properly relieved. Absence from assigned workstation or duty without permission is prohibited.

2.26 Excessive Absenteeism

Habitual or patterned use of sick leave or leave without pay, not supported by competent medical evidence or other proof of necessity is prohibited.

2.27 Prohibited Association / Frequenting

Associating with people, organizations, or places known to be involved in criminal activity, or persons or organizations known to be subversive, support the violation of constitutional rights is prohibited, unless necessary for law enforcement business.

2.28 Subversive Organizations

Officers and employees may not knowingly be members of, or affiliated with, any subversive organization whose avowed purpose advocates the overthrow or disruption of the lawful function of any federal, state, county, or municipal government.

2.29 Duty With Regard to Civil Proceedings

Members who initiate a private civil action that stems from their employment with the Office will notify the Sheriff through their chain of command. Private civil actions that have no connection with a member's county employment position or official action are not within the scope of this rule.

2.30 Supplies or Services

Officers and other employees may not use agency supplies or resources for personal use. The use of time, facilities, equipment or supplies of the WCSO for private gain or advantage is prohibited. This does not apply to off-duty employment as outlined in Chapter 68B.2a.

2.31 Bulletin Boards

Employees are responsible for reading notices posted on official bulletin boards.

2.32 Refrained From Conducting Personal Business While On-Duty

Employees may not conduct personal business while on-duty without prior approval from their supervisor.

2.33 Use of Tobacco Products

While the use of tobacco products is a personal choice, the Office has a responsibility in maintaining a safe and desirable working environment for all members regardless of their personal choices.

SMOKING

A. All Office facilities and vehicles are smoke free.

1. There is no smoking permitted indoors at any time.
2. No smoking is permitted if the member is dealing with members of the public.
3. This policy shall be in compliance with, and governed by Iowa Code Chapter 142D; the Iowa Smoke-free Air Act.

NON SMOKING PRODUCTS

1. Members will not expectorate tobacco products in an offensive manner.
2. Members using a collection cup for tobacco juice will not discard the cup in any Office trash receptacle. Collection cups in assigned vehicles will not be in view of the public at any time and will be discarded in a legal and sanitary manner.
3. The use of any tobacco product on the firing range or in the range house is prohibited.

2.34 Confidentiality / Protection From Retaliation

The identity of persons reporting harassment must be protected to the extent allowed by law. Any employee reporting harassment or unwanted conduct may not be retaliated against. Any employee who engages in such retaliation shall be discharged.

Section Three - Cooperation with Fellow Employees and Agencies:

3.1 Respect for Fellow Officers and Employees

Employees treat other employees with respect, as they would prefer to be treated. They shall be courteous, civil, and respectful of their superiors and their associates.

Command and supervisory personnel supports subordinates in their actions and orders when they can do so reasonably. They avoid censuring subordinates in the presence of others and may not injure or discredit those under their authority by intentional or abusive conduct. This does not prohibit informal oral reprimands or constructive criticisms directed to a subordinate. Any acts of counseling, disciplining, complaining or criticizing must be done positively and constructively in an appropriate setting.

3.2 Supporting Fellow Employees

Employees must cooperate, support, and assist each other at every opportunity. Employees may not maliciously criticize the work or the manner of performance of another. It is the duty of every officer and employee to refrain from originating or circulating any malicious gossip to the intended detriment of the WCSO or any member thereof.

3.3 Case or Operations Interference

Officers and employees may not interfere with cases assigned to others without receiving clearance from the officer to which the case is assigned or as directed by a supervisor. Should interference occur, the assigned officer must submit a written report to their immediate supervisor.

3.4 Cooperation with Other Agencies

Officers and employees of the WCSO must cooperate with all governmental agencies by providing whatever aid or information such agencies are legally entitled to receive. Any doubts will be passed to a supervisor for approval, before cooperation is rendered.

3.5 Disclosing Information Relating to Law Enforcement Activities

Discussion of operations and official business of the WCSO is prohibited outside of those authorized individuals that have a *need to know*.

3.6 Misconduct Known to Personnel

Failure to report an employee's violation of a law, rule or regulation, policy or procedure, or a general or special order is prohibited.

Section Four - Restrictions on Behavior:

4.1 Interfering with Private Business

Employees of the Woodbury County Sheriff's Office will not interfere with the lawful business of any person.

4.2 Use of Intimidation

Officers and employees may not use their official positions to intimidate persons engaged in a civil controversy.

4.3 Soliciting and Accepting Gifts and Gratuities

Unless approved in writing by the Sheriff, officers and employees of the WCSO may not solicit or accept any *reward, gratuity, gift or compensation* for services performed as a result of their relationship with the Sheriff's Office. This *restriction applies regardless of whether the service was performed on-duty or off-duty*.

4.4 Soliciting and Accepting Gifts from Suspects and Prisoners

Officers and employees are strictly prohibited from soliciting or accepting any *gift, gratuity, loan, fee* or other item of value, or from *lending or borrowing*, or from *buying or selling* anything of value from or to any suspect, prisoner, defendant or other person involved in any case, or other persons of ill repute, or professional bondsmen, or other persons whose vocations may profit from information obtained from law enforcement.

4.5 Reporting Bribe Offers

If an officer or employee receives a bribe offer, they must immediately make a written report to their Division Major and inform their immediate supervisor.

4.5 Accepting Gifts from Subordinates

Without approval from their Division Major, employees may not receive or accept any gift or gratuity from subordinates.

4.6 Giving Testimonials and Seeking Publicity

As it may pertain to their employment with the WCSO, officers and employees will not give testimonials or permit their names or photographs to be used for commercial advertising purposes. Officers and employees will not seek personal publicity either directly or indirectly in the course of their employment.

4.7 Soliciting Business

Officers and employees will not solicit subscriptions, sell books, papers, tickets, merchandise or other items of value nor collect or receive money or items of value for any purpose while on duty unless specifically authorized by their Division Major.

4.8 Intoxication

Officers and employees will not be under the influence of any intoxicating beverage or substance during their tour of duty or immediately prior to their tour of duty. Nor will officers and employees be intoxicated off duty while in the public view. Officers and other employees will not use any intoxicating substance while off duty to such an extent that they become unfit to report for their assigned duty shift.

4.9 Drinking While in Uniform or On –Duty

Officers or other employees will not consume alcoholic beverages while in uniform, on duty, on government property, or in an official vehicle of the Woodbury County Sheriff's Office unless specifically authorized to do so in the course and scope of an investigation.

Liquor on Official Premises

Officers and employees will not bring open or unsealed containers of intoxicating beverages into a building or vehicle except as items that are evidence in a legal proceeding.

4.10 Entering Bars, Taverns and Liquor Stores

Other than for the purpose of performing their official duties, officers and employees on duty or in uniform will not enter or visit any bar, lounge, parlor, club, store or any other establishment whose primary purpose is the sale and on-premise consumption of alcoholic beverages. Officers and employees on duty or in uniform will not purchase alcoholic beverages.

4.11 Playing Games on Duty

Officers and employees on duty or in uniform will not engage in any game of cards, billiards, pool, chess, dominoes, electronic, or other games.

4.12 Political Activity

Officers and employees will not participate (e.g., make political speeches, pass out campaign or other political literature, write letters, sign petitions, actively and openly solicit votes) in political campaigns while on duty or in uniform.

4.13 Seeking Personal Preferment

Officers and employees will not solicit petitions, influence or seek the intervention of any person outside the department for purposes of personal preferment, advantage, transfer, advancement, promotion or change of duty for themselves or any other person.

Section Five - Identification and Recognition:

5.1 Giving Name and Badge Number

Officers and employees shall give their names, and other pertinent information to any person requesting such facts unless doing so would jeopardize a successful completion of a law enforcement assignment.

5.2 Carrying Official Identification

Officers must have official law enforcement identification available at all times unless involved in sanctioned covert activities, or engaged in athletic other activities that would preclude its possession.

5.3 Personal Cards

Business cards showing connection to the WCSO must be approved by the Sheriff.

5.4 Exchange, Alteration or Transfer of Badge, Patch or Logo

The official badge, patch, or logo of the agency will not be altered, transferred, or exchanged except as authorized by a Division Commander.

Section Six - Maintenance of Property:

6.1 Use of Woodbury County Property or Service

Officers and employees will not use or provide any Woodbury County equipment or service other than for official county business unless specifically authorized by a Division Commander.

6.2 Responsibility for Woodbury County Property

Each officer or other employee is responsible for keeping all WCSO equipment clean, in good working order, and protect it from loss, damage, or destruction. Employees deemed responsible for the loss or damage of issued items may, in

addition to any disciplinary action given, be required to compensate the WCSO for the loss or damage. Any equipment that becomes damaged or lost should be reported in writing immediately.

6.3 Reporting Needed Repairs

Officers and employees must promptly report the need for repair of county-owned property to their supervisor.

6.4 Responsibility for Private Property

Officers and employees are responsible for protecting private property or equipment that has come into their possession by reason of their office against loss, damage, or destruction.

6.5 Care of Quarters

Officers and employees keep their offices, vehicles, lockers, and desks neat, clean and orderly.

6.6 Property and Evidence

Officers and employees must tag and place all evidence in the custody of the evidence officer as soon as possible. Officers and employees will not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence held in connection with an investigation or other official action except in accordance with established procedures.

6.7 Alteration or Modification of Law Enforcement Equipment

Officers and employees may not use any equipment that does not conform to policy or specifications. All equipment must be carried and utilized only as issued and authorized, and no changes, alterations, modifications or substitutions will be made to such equipment unless approved by their Division Major.

6.8 Parking in Unauthorized or Reserved Parking Spaces

Parking in designated *handicap permit* spaces, *reserved or restricted* space, or *marked fire lanes*, unless responding to an actual or perceived emergency, is prohibited.

Section Seven: Relationships with Courts and Attorneys

7.1 Attendance in Court

Officers and other employees will arrive on time for all required court appearances and will be prepared to testify.

7.2 Recommending Attorneys or Bondsmen

Officers and other employees may not suggest, recommend, advise or counsel the retention of a specific attorney or bondsman to any person coming to their attention as a result of law enforcement business.

7.3 Testifying for a Defendant

Any officer or employee subpoenaed or requested to testify for a criminal defendant or against the county or against the interest of the agency in any hearing or trial will immediately notify their Division Major through the chain of command. Likewise, employees or officers subpoenaed to judicial hearings will honor said subpoena and notify their immediate supervisor in a timely manner.

7.4 Interviews with Attorneys

Interviews between an officer or employee and a complainant's [criminal] or Plaintiff's [civil] attorney about a case arising from the officer's employment by the WCSO is done only in the presence of or with the knowledge and consent of the Division Commander.

7.5 Assisting in Civil Cases

Officers and other employees will not volunteer to testify in any civil action arising from WCSO duties.

7.7 Notice of Lawsuits Against Officers and Employees

Officers and other employees who have had a suit filed against them because of an act performed in the line of duty will immediately notify their Division Commander and furnish a copy of the complaint as well as a full and accurate account of the circumstances in question.

7.8 Notice of Investigation, Arrest, or Citation

Officers and employees who become the subject of citations or arrest actions will immediately notify their Division Commander. Any officer or other employee who has reason to know they are the subject of a criminal or civil action will immediately notify their supervisor, who will in turn notify their Division Major.

**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Search Incident to Arrest	Policy Number: 039
Issue Date: 07-01-11	Revision Date: 07-15-14 Review Date: 07-01-15
Approval Authority	
Title and Signature:  Sheriff	

POLICY

Deputies who develop reasonable suspicion that a crime has been committed may make investigative stops of citizens and under probable cause, may make arrests or conduct searches. The WCSO encourages investigations and expect deputies to search competently and knowledgeably whenever the occasion requires. Deputies are reminded that when a search is made incidental to an arrest, the search must be based on the arrest and not the arrest on the outcome of the search. The deputy's authority to search without a warrant automatically comes from a lawful arrest.

PURPOSE

To establish guidelines for the search of person(s) who are placed under arrest and taken into custody.

DEFINITIONS

A. Strip search

A search of a person requiring the removal or rearrangement of some or all clothing items to permit the visual inspection of any or all skin surfaces and undergarments. A strip search shall only be conducted at the jail or holding facility and shall be witnessed only by officers or jail personnel of the same sex.

B. Body-cavity search

A search involving not only visual inspection of skin surfaces but the internal physical examination of body cavities and, in some instances, organs such as the stomach cavity. A body-cavity search shall only be performed by a medically qualified member of the same sex under sanitary conditions. A body-cavity search may take place at a jail or holding facility if the above criteria are satisfied.

PROCEDURE

A. General

Generally a reasonable search may follow a valid arrest. The deputy has the authority to make a search which may extend to articles carried by the suspect and to the suspect's immediate surroundings. Although an arrestee who is handcuffed at the time of the search cannot reasonably reach into the area being searched, the search of the area is still legally justified.

B. Time and place of search incident to an arrest

1. A search incident to an arrest must occur in such a way that the search and the arrest are part of a continuous, uninterrupted transaction. Two conditions are necessary for this to occur:
 - a. The search must be made as soon as practical after the arrest.
 - b. The search must be made at or near the place of the arrest.

C. To validate a search before and arrest, a search incident to an arrest will be mandatory following the arrest. A deputy cannot search a person without probable cause and then proceed to arrest the person if something incriminating is discovered. A search before an arrest is valid only if

1. Probable cause for the arrest existed before the search began.
and
2. The search and arrest occur almost at the same time.

D. Use of force

A deputy conducting a search incident to an arrest is permitted to use whatever degree of force is reasonable and necessary at the time of the arrest. If the deputy used an unreasonable amount of force under the existing circumstances, the search will be deemed unlawful.

1. Deputies are reminded that the use of deadly force merely to prevent the escape of a fleeing felon constitutes an unreasonable seizure under the Fourth Amendment. The same logic applies to any application of excessive force during a search.

E. Scope of search

A deputy making a search incident to an arrest may search only the following permissible places:

1. The entirety of the person being arrested.

2. The area within the immediate control of the person being arrested into which the suspect might reach for a weapon or for evidence. The purpose of this search must be to:
 - a. Protect the deputy.
 - b. Prevent escape.
 - c. Prevent the destruction of evidence.
3. Accessories carried by the suspect may be searched incident to a full custodial arrest if they are within the area in which the defendant might reach to grab a weapon or an item of evidence.
 - a. Cell phones seized incident to an arrest may not be searched without first securing a search warrant.
4. Vehicles may be searched contemporaneous with the arrest of the occupant or driver, provided that:
 - a. A contemporaneous search of the entire passenger compartment may be undertaken incident to the arrest of the occupant or driver, provided that the arrested party is unsecured and capable of reaching the area to be searched.
 - b. A search undertaken pursuant to (a) includes any container found within the passenger compartment. A container is any object capable of holding another object, and includes open or closed glove compartments, luggage, boxes, and bags.
 - c. The trunk of the vehicle shall not be searched incident to an arrest unless readily accessible to the suspect. The search of the trunk can only be undertaken pursuant to the conditions outlined in search by consent.

F. Strip searches

Strip and body-cavity searches

1. Strip searches shall not be conducted of persons arrested for traffic violations, simple misdemeanors, or violations of city or county ordinances which are punishable by less than 30 days in jail, unless the deputy has an articulable, reasonable suspicion to believe that the person is concealing a weapon. Reasonable suspicion may be based on, but is not limited to the following criteria.
 - a. Nature of the offense.
 - b. Arrestee's demeanor and appearance.
 - c. Circumstances of the arrest or evidence of major offense in plain view or during the course of the arrest.
 - d. Arrestee's criminal record, particularly a history of narcotics offenses or violence.

- e. Detection of suspicious objects beneath the suspect's clothing during the search incident to a arrest.
2. Strip searches shall be performed by a person of the same sex as the individual arrested, and carried out at the jail or holding facility where the search cannot be observed by persons not physically conducting the search. In any event, the on-duty supervisor must expressly authorize the strip search.
 - a. A strip search in the field shall only be conducted under exigent circumstances where the life to the deputy or others is at risk, and the on-duty supervisor has expressly authorized it.
 - b. When authorized, the strip search shall be performed in a room suited for the purpose, by the least number of same sex personnel present as necessary, in conformance with approved hygienic practices, and under circumstances that provide privacy from all but those authorized to conduct the search.

G. Body cavity searches

1. Body cavity searches other than the mouth shall be conducted only when there is probable cause to believe a particular prisoner may be concealing contraband within a body cavity or otherwise on the suspect's person. Body cavity searches shall only be conducted under the express direction of the Sheriff.
2. If appropriate, upon authority of the Sheriff, the deputy shall seek a search warrant and shall prepare the necessary affidavit. Body cavity searches shall be conducted without a warrant only in extreme emergencies to protect the lives of prisoners, or to prevent serious breaches of security within the jail setting.
3. The body cavity search shall be performed only by a licensed physician or other medically trained person as directed by the physician.
4. The process of conducting the body-cavity search shall involve the same safeguards for privacy and hygiene as for strip searches.
5. Body-cavity search procedures.
 - a. The member shall inform the prisoner of their intention to conduct a body cavity search thus giving the prisoner the opportunity to voluntarily surrender the suspected contraband.
 - b. The prisoner shall remove every article of clothing including wigs and dentures, and shall give them to the member for inspection.

- c. Should the prisoner resist the cavity search and become violent, additional members of the same sex (if available), as the prisoner shall restrain the prisoner and assist in completion of the strip search. Only sufficient force, necessary under the circumstances shall be applied to complete the search.
- d. Should a prisoner resist a cavity search and an insufficient number of same-sex members are available to restrain the prisoner, the following procedures shall be followed:
 - (1) Member of the opposite sex may assist in subduing the prisoner before the prisoner is stripped.
 - (2) Members shall subdue the prisoner and apply the necessary restraints (handcuffs, shackles, etc.) then leave the room.

H. What may be seized?

- 1. During a search incident to an arrest, a deputy may seize any of the following articles.
 - a. Anything in the permissible area that is evidence of the offense for which the deputy has probable cause to make the arrest.
 - b. Anything in the permissible area that is evidence of any other offense.
 - c. Anything else which is outside the permissible area that is evidence of the offense for which the deputy makes the arrest or of any other offense if the evidence is in plain view of the location where the deputy made the arrest.

SEARCHES OF PRISONERS – PROCEDURES

The WCSO advocates the following method of searching arrested persons:

A. Wall search

- 1. When feasible, have another member present before conducting the search to act as a cover officer.
- 2. Place the suspect with their hands extended vertically on a wall or other surface, the hands extended approximately three feet apart.
- 3. Do not allow the suspect to place their palms flat on a solid surface, and have the suspect extend their fingers.
- 4. The feet should be positioned one of two ways. The first method is to separate the feet wide apart; the other is to make the suspect

cross their legs. The suspect's legs should be far enough away from the wall so that the suspect would not have significant balance to push away from the wall with any force.

5. The suspect's back should be in a straight line with the legs and not be arched.
6. When searching the suspect's left side, the member's left leg should be placed in alignment with the middle of the suspect's back. With proper hand and foot location, the member maintains complete control. With this approach, the member searches with one hand.

B. Search the following

When searching a suspect incident to an arrest, search all of the following locations;

1. Hair
2. Open mouth (have suspect open mouth; officer makes visual inspection)
3. Collar
4. Back of neck, the ears, and behind the ears
5. Both arms
6. Armpits
7. Chest
8. Back
9. Waistline (feel inside the pants)
10. Inside belt
11. Crotch
12. Pat down on both legs
13. Cuffs
14. Socks
15. Inside of footwear

**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Sexual Harassment	Policy Number: 040
Issue Date: 07-01-11	Revision Date: 07-15-14 Review Date: 07-01-15
Approval Authority	
Title and Signature: 	Sheriff

POLICY

The Woodbury County Sheriff's Office is to provide a professional, businesslike work environment free from all forms of employee discrimination including incidents of sexual harassment. No employee shall be subjected to unsolicited and unwelcome sexual overtures or conduct either verbal or physical. Note that the conduct is measured against when an objective, reasonable man or woman (depending on the sex of the complainant) perceives as harassing behavior. The harassment may involve a man against a woman, a woman against a man, or a person against another person of the same sex. The harassing behavior, to be subject to this order, need not occur only during work hours on agency premises, but may occur before or after work at other locations. Sexual harassment is misconduct and the WCSO shall apply appropriate disciplinary sanctions.

PURPOSE

To define and give examples of sexual harassment, outline prohibited behavior, and describe reporting procedures.

DEFINITIONS

A. Sexual harassment

The civil Rights Act of 1964 prohibits discrimination based on color, race, religion, age, national origin, and sex. Sexual harassment is a form of sex discrimination, defined as unwelcome sexual advances, request for favors, and other verbal or physical conduct that enters into employment decisions or conduct that unreasonably interferes with an employee's work performance or which creates an intimidating, hostile, or offensive



working environment. Two kinds of sexual harassment apply quid pro quo harassment and hostile work environment harassment, defined below. The two forms of harassment may overlap.

B. Quid pro quo harassment

This form of harassment occurs when an employee is being pressured to engage in sexual conduct or else lose a tangible job benefit. (Quid pro quo means “something or something.”) This form of harassment usually occurs between a supervisor and subordinate where the harasser has power to control the employee’s work benefits or conditions. Note that this form of harassment is not limited to express demands for sexual favors, but may be implied by circumstances (e.g., offering an employee sexually explicit magazines).

1. Examples of this form of harassment include a request for sexual favors, accompanied by implied or overt threats concerning a person’s employment status, or promise of preferential treatment in terms of benefits or status; granting job favors to those who participate in consensual sexual activity while penalizing those who refuse to participate; unwanted, intentional touching (patting, massaging, rubbing, hugging, pinching); telephoning or following an employee, during work hours or not, and either harassing the employee or requesting sexual favors.

C. Hostile work environment harassment

This form of harassment is unwelcome conduct that is so severe or pervasive as to change the conditions of the victim’s employment, thus creating intimidating, hostile, or offensive work environment.

1. A hostile environment exists when the employer tolerates unwelcome, pervasive conduct including sexual comments of a provocative or suggestive nature; jokes or innuendos intended for and directed to another employee; leaving sexually explicit books, magazines, photographs where employees will find them; unwelcome demeaning comments (such as talking about physical attributes), ridicule, offensive language, propositions or other similar actions; unwanted, unwarranted, unsolicited off-duty telephone calls and contact; signed or anonymous notes or drawings placed on or in desks, bulletin boards, or in lockers; deliberately singling out women in front of men co-workers (or vice versa) and subjecting them to demeaning or derogatory remarks.

PROHIBITED CONDUCT

- A. The WCSO considers romantic relationships between supervisors and subordinates non-consensual. The WCSO may transfer or discipline one or both participants based on operational considerations.
- B. Supervisors shall ensure that pornographic or suggestive photographs, illustrations, or cartoons shall not be posted or kept in any work area. Material of this kind used for investigative purposes shall be properly secured according to evidentiary standards.
- C. Supervisors shall order employees on WCSO premises who are making sexually hostile comments, put-downs, or degrading remarks about other persons of the same or opposite sex to cease or face discipline.
- D. Employees shall avoid physical contact with one another unless required by a training situation or procedure. Kissing, back rubbing, embracing, and other unnecessary touching are prohibited on WCSO premises.
- E. Personnel shall not retaliate against any person for reporting sexual harassment, giving testimony, or participating in the investigation. Retaliation in any form shall result in discipline.

PROCEDURES

- A. An employee who believes he or she has been sexually harassed should first tell the offender to cease the inappropriate behavior, although circumstance may not always allow the complainant to make this request. If the conduct does not stop, or if the complainant is unable to confront the offender, the complainant shall contact his or her own immediate supervisor. The employee shall submit a memorandum to the Sheriff through the chain of command detailing circumstances. If a supervisor learns of an incident of harassment, they shall investigate the matter even if the victim did not submit a complaint.
 - 1. If the complainant is not an employee of the WCSO, the complaint itself is considered no less valid and shall be investigated according to the procedures set forth in this order.
 - 2. Employees must understand that sexual harassment can become a criminal matter. Allegations of stalking (708.11) and sexual abuse (709) shall be handled immediately as criminal investigations.
 - 3. If appropriate, the complaint may be resolved at the immediate supervisor level.
- B. When an employee reports an allegation of sexual harassment, a confidential internal investigation shall begin immediately.
 - 1. The Sheriff shall immediately take action to limit the concerned employees from any further work contact with the alleged offender.
 - 2. The Sheriff shall conduct an investigation into the allegation(s).

3. If the sexual harassment allegation is not resolved to the satisfaction of the complainant, eligible employees may invoke the WCSO grievance procedure (see contract).
- C. If the Allegation involves the Sheriff, the complainant shall present the allegation without delay to their Division Major.

Inquiries into off-duty conduct

Employers often feel the need to inquire into employee's off-duty conduct in the context of sexual harassment investigations. Those inquiries are usually upheld by the court, as long as the employer has not investigated matters unrelated to the sexual harassment claims.

In one case, for example, the court dismissed allegations against a city arising from the investigation of a police officer accused of sexual harassment, finding no violation of the officer's constitutional rights to privacy. The police officer was accused of sexual harassment against a co-worker, and the police lieutenant responsible for the investigation interviewed the officer and, on separate occasions, the police officer's wife, to ascertain whether the police officer's prior statements were truthful. The investigator also interviewed co-workers to determine if they had any relevant information about the allegations. The court found the investigation reasonable, in light of the accusation against the police officer and the department's duty to investigate claims of sexual misconduct on the job.

In another case, a former federal employee sued the United States Treasury for violating the federal privacy act when it reviewed the employee's personnel file and interviewed his supervisor in an effort to ascertain the facts regarding the employee's romantic relationship with a subordinate employee. The court found no Privacy Act violation, because the employer's staff clearly needed to know the information, the employee had to be identified in order to investigate his job-related misconduct, the employee admitted that he had discussed the details of his termination and relationship with several of his co-workers, and that he had suffered no adverse effect from any disclosure.

Employers are well advised to keep their employees' privacy interests in mind when conducting inquiries into employees' conduct. If employers make their legitimate interest known to employees in advance, and announce specifically the measures they intend to take to effectuate those interests, employers may be able to reduce employees' expectations of privacy in the workplace, thereby protecting employers against accusations of invasion of privacy the employees.

Associations may impact negatively on an employee's ability to perform their tasks and further may significantly impair the employee's ability to effectively and efficiently conduct their job assignments. Factors that may determine if the association adversely affects the WCSO are:

1. Employee morale
2. The need for personal loyalty between supervisor and / or subordinates
3. Officer integrity
4. Potential conflict of interest in operations matters
5. Potential for favoritism in supervision and management

6. The need to minimize corruptive influences
7. The need for public trust.

Woodbury County Sexual Harassment Policy

“If you believe that you have been a victim of sexual harassment, you must immediately report the incident. You can report the incident to any of the following:

- (1) Your supervisor;
- (2) Your department head or elected official;
- (3) Any member of the board of supervisors;
- (4) The department of human resources. You should pick the person from the above list to report the incident that you feel most comfortable talking to. You must understand that if you fail to report the incident and subsequently make a legal claim, Woodbury County will take the position that the county is not liable because you failed to give the county notice and an opportunity to protect you from sexual harassment. All complaints of sexual harassment will be promptly investigated and resolved. The county will not allow anyone to retaliate against you for filing an appropriate sexual harassment claim. Sexual harassment is a serious offense and will be dealt with by discipline appropriate to the circumstance, up to and including termination.”

In order to comply with certain legal requirements and to insure a non-hostile working environment, free from sexual harassment for employees and the exposure to liability in those areas; the WCSO shall require notification of any personal associations between employees of sexual, romantic nature or affinity. Further, the WCSO shall require notification on associations between employees and convicted felons, drug users, persons under investigation of any criminal activity or person known to be of immoral character.

Employees shall immediately notify their commanders of such relationships orally in writing. The commanders shall notify their Division Major and the WCSO shall derive the appropriate course of action. The WCSO shall be immune from liability in any action where the employee does not follow this general order and further, the Office may take disciplinary action against any employee who violates said directive.

**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Sheriff's Authority	Policy Number: 041
Issue Date: 07-01-11	Revision Date: 07-15-14 Review Date: 07-01-15
Approval Authority	
Title and Signature:  Sheriff	

Policy:

It is the purpose of this policy to disclose the legally mandated authority vested in sworn agency personnel and their prohibited involvement.

Sheriff:

A. General 331.651

The general power of the sheriff which also encompasses his deputies is found in the Code of Iowa, Chapter 331.652. The duties of the sheriff and his deputies are enumerated within Chapter 331.653 of the Iowa Code and Chapters 331.654, titled prohibited actions having to do with the limitation of authority issue.

B. Qualifications 331.651

1. A person elected or appointed sheriff shall meet all the following qualifications:
 - i. Have no felony convictions.
 - ii. Be age twenty-one or over at the time of assuming the office of sheriff.
 - iii. Be a certified peace officer recognized by the Iowa Law Enforcement Academy Council under chapter 80B or complete the basic training course provided at the Iowa Law Enforcement Academy's central training facility or a location other than the central training facility within one year of taking office. A person shall be deemed to have completed

the basic training course if the person meets all course requirements except the physical training requirements.

2. A person elected or appointed to the office of sheriff shall qualify by taking the oath of office as provided in section 63.10 and give bond as provided in section 64.8.
3. The office of sheriff is an elective office. However, if a vacancy occurs in the office, the first deputy shall assume the office after qualifying as provided in this section, The first deputy shall hold the office until a successor is appointed or elected to the unexpired term as provided 'n chapter 69. If a sheriff is suspended from office, the district court may appoint a sheriff until a temporary appointment is made by the board as provided in section. 66.19.

C. General Powers 331 ~652

1. The sheriff may call upon any person for assistance to:
 - a. Keep the peace or prevent the commitment of crime.
 - b. Arrest a person who is liable to arrest.
 - c. Execute a process of law.
2. The sheriff when necessary may summon the power of the county to carry out the responsibilities of office.
3. The sheriff may use the services of the department of public safety in the apprehension of criminals and detection of crime,
4. The sheriff, with the cooperation of the commissioner of public safety, may hold an annual conference and school of instruction for all peace officers within the county, including regularly organized reserve peace officers under the sheriff's jurisdiction, at which time instruction may be given in all matters relating to the duties of peace officers.
5. The sheriff may administer oaths and take affirmations on matters relating to the business of the office of sheriff as provided in section 63A.2.
6. The sheriff may serve a subpoena or order issued under authority of the department of revenue as provided in section 421.22.
7. Subject to the requirements of chapter 341A and section 331.903, the sheriff may appoint remove deputies, assistants, and clerks.
8. The sheriff may appoint one or more civil process servers, subject to the provisions of section 331.903.

- a. A person appointed by the sheriff as a civil process server may, under the direction of the sheriff, execute and return all writs and other legal process issued to the sheriff by legal authority.
- b. The court shall take judicial notice of a civil process server's signature.
- c. All costs for service of writs and other legal process by civil process server shall be collected in accordance with the provisions of section 331.655. A civil process server shall not be considered to be a sheriff or a deputy sheriff for purposes of this chapter or chapter 9713 or 341A.

9. The sheriff may dispose of personal property under section 80.39.

D, General duties of the sheriff 331.653
The sheriff shall:

1. Execute and return all writs and other legal process issued to the sheriff by legal authority. The sheriff shall execute and return any legal process in the sheriff's possession at the expiration of the sheriff's term of office and if a vacancy occurs in the office of sheriff, the sheriff's deputies shall execute and return the legal processes in their possession as if the sheriff had continued in office. The sheriff's successor or other officer authorized to discharge the duties of the office of sheriff may execute and return the legal processes on behalf of the outgoing sheriff and the sheriff's deputies, but the outgoing sheriff and the sheriff's deputies remain liable for the execution and return of the legal processes in their possession when the sheriff leaves office or the vacancy occurs.
2. Upon written order of the county attorney, make a special investigation of any alleged infraction of the law within the county and report the findings to the county attorney within a reasonable time. Upon completion of the investigation the sheriff shall file with the auditor a detailed sworn statement of the expenses of the investigation accompanied by the written order of the county attorney. The board shall audit and pay the reasonable and necessary expenses of the investigation.
3. Upon leaving office, deliver to the sheriff's successor and take the successor's receipt for all books and papers pertaining to the office except as provided in subsection 1, property attached and levied upon, and prisoners in the county jail. The receipt is sufficient indemnity to the outgoing sheriff.
4. Provide bailiff and other law enforcement service to the district judges, district associate judges, and associate juvenile judges, and judicial magistrates of the county upon request.

5. Serve as a member of the joint emergency management commission as provided in section 29C.9.
6. Enforce the provisions of chapter 718A relating to the desecration of flags and insignia.
7. Carry out duties relating to election contests as provided in sections 57.6, 62.4, and 62.19.
8. Carry out duties relating to the seizure and disposition of illegal oil and gas supplies as provided in section 458A.15.
9. Serve a notice or subpoena received from a board of arbitration as provided, in section 679B.10.
10. Cooperate with the division of labor services of the department of workforce development in the enforcement of child labor laws as provided in section 92.22.
11. Carry out duties relating to the seizure and forfeiture of cigarettes, vehicles, and other property used in violation of cigarette tax laws as provided in section 453A.32.
12. Observe and inspect any licensed premise for gambling devices and report findings to the license issuing authority as provided in section 99A.4. 1-3.4
13. Carry out duties relating to the issuance of permits for the possession, transportation and detonation of explosive materials as provided in sections 101A.3, 101A5, 101A.7, and 101A.8.
14. Seize fish and game taken, possessed, or transported in violation of the state fish and game laws as provided in section 481A.12.
15. Carry out duties relating to the enforcement of state liquor and beer laws as provided in sections 123.14, 123.117, and 123.118.
16. Reserved
17. Enforce the payment of the manufactured or mobile home tax as provided in section 435.24.
18. Carry out duties relating to the reporting of persons injured in the commission of a crime, either as perpetrators or victims, as provided in sections 147.111 and 147.112.
19. Carry out duties relating to the enforcement of livestock transportation laws as provided in chapter 172B.

20. Investigate disputes in the ownership or custody of branded animals as provided in section 169A.10.
21. Reserved.
22. Reserved,
23. Carry out duties relating to the involuntary hospitalization of persons with, mental illness as provided in sections 229.7 and 229.11.
- 23A. Carry out duties related to service of a summons, notice, subpoena pursuant to sections 232.35, 232.37, and 232.88.
24. Carry out duties relating to the assessment of reported if d abuse cases and the protection of abused children as provided in section 232.71B.
25. Remove, upon court order, an indigent person to the county or state of the person's legal settlement as provided in section 252.18.
26. File a complaint upon receiving knowledge of an indigent person who is ill and may be improved, cured or advantageously treated by medical or surgical treatment or hospital care as provided in section 255.2.
27. Give notice of the time and place of making an appraisalment of unneeded school land as provided in sections 297.17 and 297.28.
28. Cooperate with the state department of transportation, the department of public safety, and other law enforcement agencies in the enforcement of local and state traffic laws and inspections as provided in sections 321.5 and 321.6.
29. Report the theft and recovery of a registered motor vehicle as provided in section 321.72.
30. Collect unpaid motor vehicle fees and penalties as provided in sections 321.133 to 321.135.
31. Reserved.
32. Enforce sections 321.372 to 321.379 relating to school buses.
33. Carry out duties relating to the enforcement of laws prohibiting the operation of a motor vehicle while under the influence of an alcoholic beverage as provided in chapter 321J.

34. Upon request, assist the department of revenue and the state department of transportation in the enforcement of motor fuel tax laws as provided in section 452A.76.
35. Have charge of the county jails in the county and custody of the prisoners committed to the jails as provided in chapter 356.
36. Reserved
37. Reserved.
38. Notify the department of natural resources of hazardous conditions of which the sheriff is notified as provided in section 455B.386.
39. Carry out duties relating to condemnation of private property as provided under chapter 6 B.
40. Carry out duties relating to the removal and disposition of abandoned motor vehicles as provided in section 556B.1.
41. Carry out duties relating to the determination of what is included in a homestead as provided in section 561.8.
42. Carry out duties relating to liens for services of animals as provided in chapter 580.
43. Carry out duties relating to the service of notice on a jury commissioner or jury manager as provided in section 607A.44.
44. Reserved.
45. Designate the newspapers in which notices pertaining to the sheriff's office are published as provided in section 618.7.
46. Carry out duties relating to the execution of judgments and orders of the court as provided in chapter 626.
47. Add the amount of an advancement made by the holder of the sheriffs sale certificate to the execution, upon verification by the clerk as provided by section 629.3.
48. Upon appointment of the court, serve as a receiver of property of a judgment debtor as provided in sections 630.7 and 630.9.
49. Carry out duties relating to the attachment of property as provided in chapters 639, 640, and 641.
50. Carry out duties relating to garnishment under chapter 642.

51. Carry out duties relating to an action of replevin as provided in chapter 643.
52. Carry out orders of the court or a judge relating to the service or execution of a writ of habeas corpus as provided under chapter 663.
53. Carry out duties relating to the disposition of lost property as provided in chapter 5561F
54. Carry out orders of the court requiring the sheriff to take custody and deposit or deliver trust funds as provided in section 636.30.
55. Carry out legal processes directed by an appellate court as provided in section 625A.14.
56. Furnish the bureau of criminal identification with the criminal identification records and other information upon direction by the commissioner of public safety as provided in section 690.1.
57. Take the fingerprints of all persons specified under section 690.2 and forward the fingerprint records to the commissioner of public safety.
58. Report information on crimes committed and delinquent acts committed, which would be a serious or aggravated misdemeanor or felony if committed by an adult, and furnish disposition reports on persons arrested and juveniles taken into custody, for a delinquent act which would be a serious, or aggravated misdemeanor or felony if committed by an adult, and criminal complaints or information or juvenile delinquency petitions, alleging a delinquent act which would be a serious or aggravated misdemeanor or felony if committed by an adult, filed in any court as provided in section 692.15.
59. Carry out duties relating to firearm training and the issuance and revocation of firearm permits as provided in chapter 724.
60. Accept custody of persons handed over to the sheriff by the department of public safety as provided in section 804.28.
61. Carry out duties relating to the forfeiture and judgment of bail as provided in section 811.6.
62. Resume custody of a defendant who is recommitted after bail by order of a magistrate as provided in section 811.7.
63. Carry out duties relating to the confinement of persons with mental illness or dangerous persons as provided in section 812.5.

- 64. Release a defendant in custody upon receipt of a certificate of release as provided in section 814.14.
- 65. Upon call of the governor or attorney general, render assistance in the enforcement of the law as provided in section 817.2.
- 65A. Carry out the duties imposed under sections 915.11 and 915.16.
- 66. Upon court order, take an accused person into custody from the warden of a penal institution and convey the person to the place of trial as provided in rule of criminal procedure 2.7.
- 67. Receive and detain a defendant transferred from another county under a change of venue as provided in rule of criminal procedure 2.11(10).
- 68. Carry out duties relating to the execution of a judgment for confinement or other execution as provided in rule of criminal procedure 2.26.
- 69. Carry out duties relating to the return of service in civil cases as provided in rule of civil procedure 1.308.
- 70. Serve a writ of certiorari as provided in rule of civil procedure 1.1407.
- 71. Carry out other duties required by law and duties assigned pursuant to section 331.323.

D Faithful discharge of duties -- penalty for disobedience. 331.654 .

- 1. The provisions of section 331.652, subsections 1 and 2, and section 331.653 subsections 1 and 2, do not relieve a sheriff or deputy sheriff from the full and faithful discharge of all duties required of the officer by law.
- 2. The disobedience of a sheriff or deputy sheriff to the command of a legal process is contempt of the court from which the process is issued and is punishable as provided in chapter 665. The sheriff or deputy sheriff is also liable to action by any person injured by the disobedience.

Sheriff's Deputy

A. Classifications. 341A.7

“The classified civil service positions covered by this chapter include persons actually serving as deputy sheriffs who are salaried pursuant to section 331.904

subsection 2, but do not include a chief deputy sheriff two second deputy sheriffs in counties with a population of more than one hundred thousand, and four second deputy sheriffs in counties with a population of more than two hundred thousand.

However, a chief deputy sheriff or second deputy sheriff who becomes a candidate for a partisan elective office for remuneration is subject to section 341A.18. A deputy sheriff serving with permanent rank under this chapter may be designated chief deputy sheriff or second deputy sheriff and retain that rank during the period of service as chief deputy sheriff or second deputy sheriff and shall, upon termination of the duties as chief deputy sheriff or second deputy sheriff, revert to the permanent rank. If the positions of two second deputy sheriffs of a county were exempt from classified civil service coverage under this chapter based on the 1980 decennial census, the two second deputy positions shall remain exempt from classified civil service coverage under this chapter.”

B. Bases of appointments and promotions. 341A.8

“All appointments to and promotions to classified civil service positions in the office of county sheriff shall be made solely on merit, efficiency, and fitness, which shall be ascertained by open competitive examinations and impartial investigations and no person in the classified civil service shall be reinstated in or transferred suspended, or discharged from any such place, position, or employment on to the provisions of this chapter. Whenever possible, vacancies shall be filled by promotion. Promotion shall be made from among deputy sheriffs qualified by competitive examination, training and experience to fill the vacancies and whose length of service entitles them to consideration. The commission shall for the purpose of certifying to the sheriff the list of deputy sheriffs eligible for promotion, rate the qualified deputy sheriffs on the basis of their service record, experience in the work, seniority and military service ratings. Seniority shall be controlling only when other factors are equal. The names of not more than the ten highest on the list of ratings shall be certified. The certified eligible list for promotion shall hold preference for promotion until the beginning of a new examination, but in no case shall such preference continue longer than two years following the date of certification, after which said list shall be canceled and no promotion to such grade shall be made until a new list has been certified eligible for promotion. The sheriff shall appoint one of the ten certified persons.”

C. Probationary period — permanent status, 341.A.11

The provisions of this chapter shall be conditional upon a probationary period. If the employee has successfully completed training at the Iowa Law Enforcement Academy or a regional training facility certified by the director of the Iowa law enforcement academy prior to initial appointment as a deputy sheriff; the probationary period shall be for a period of up to nine months and shall commence with the date of initial appointment as a deputy sheriff.

If the employee has not successfully completed training at the Iowa law enforcement academy or a regional training facility certified by the director

of the Iowa law enforcement academy prior to initial appointment as a deputy officer, the probationary period shall commence with the date of employment as a deputy sheriff and shall continue for a period of up to nine months following the date of successful completion of training at the Iowa law enforcement academy or a regional training facility certified by the director of the Iowa law enforcement academy. During the probationary period, the appointee may be removed or discharged by the sheriff without the right of appeal to the commission. Each deputy sheriff who transfers from one jurisdiction to another shall be employed subject to a probationary period of up to nine months. After the probationary period, the deputy sheriff may be removed or discharged, suspended without pay, demoted, or reduced in rank or deprived of vacation privileges or other privileges for any of the following reasons:

1. Incompetency, inefficiency, or inattention to or dereliction of duty.
2. Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public or a fellow employee, or any other act of omission or commission tending to injure the public, or any other willful violation of the provisions of this chapter or the rules to be adopted hereunder.
3. Mental or physical unfitness for the position held.
4. Dishonest, disgraceful, or prejudicial conduct.
5. Drunkenness or habitual use of intoxicating liquor, or use of narcotics, or any other habit-forming drug, liquid, preparation or controlled substance.
6. Conviction of a felony or a misdemeanor involving moral turpitude.
7. Any other act or failure to act or to follow reasonable regulations prescribed by the sheriff who in the judgment of the commission is sufficient to show the offender to be unsuitable or unfit for employment.

D. Discipline – hearing. 341A.12

No person in the classified civil service who has been permanently appointed or inducted into civil service under provisions of this chapter shall be removed, suspended, or demoted except for cause, and only upon written accusation of the county sheriff, which shall be served upon the accused, and a duplicate filed with the commission.

Any person so removed, suspended, or reduced in rank or grade may, within ten days after presentation to the person of the order of removal, suspension or reduction, appeal to the commission from such order. The commission shall, within two weeks from the filing of such appeal, hold a hearing thereon, and fully hear and determine the matter, and either affirm, modify, or revoke such order. The appellant shall be entitled to appeal personally, produce evidence, and to have counsel. The finding and decision of the commission shall be certified to the sheriff and shall be enforced and followed by the sheriff but under no condition shall the employee who has appealed to the commission be permanently removed, suspended, or reduced in rank until such finding and decision of the commission is certified to the sheriff pursuant to the rules of civil procedure. If the order of removal, suspension, or demotion is concurred in by a majority of the commission the accused may appeal therefore to the district court of the county where

the accused resides. Such appeal shall be taken by serving upon the commission within thirty days after the entry of its order, a written notice of appeal, stating the grounds thereof and demanding that a certified transcript of the record and of all papers on file in the office of the commission affecting or relating to its order, be filed by the commission with the court. The commission shall, within ten days after the filing of the notice make, certify, and file such transcript with the court. The court shall proceed to hear and determine the appeal in a summary manner. Such hearing shall be confined to the determination of whether the order of removal, suspension, or demotion made by the commission was made in good faith and for cause, and no appeal shall be taken except upon such grounds. The decision of the district court may be appealed to the Supreme Court.

**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Strikes & Labor Disputes	Policy Number: 042
Issue Date: 07-01-11	Revision Date: 07-15-14 Review Date: 07-01-15
Approval Authority	
Title and Signature: 	Sheriff

POLICY:

Woodbury County Sheriff's Office Deputies assigned to strikes and labor disputes must deal fairly with the involved parties, while upholding their sworn responsibilities to protect life, property, and the rights of those involved. The parties involved in a labor dispute have responsibilities as well as rights. Strikers may assemble and demonstrate peacefully to bring attention to their cause, but they do not have the right to intimidate non-strikers, or to impede business and public passageways. Employers have the right to keep their businesses open and free from undue interference, intimidation, damage, or destruction.

PROCEDURES:

Command Authority:

Operational control of officers assigned to a labor strike is the responsibility of the Sheriff or his designee. The Officer-In-Charge (OIC) of the strike detail contacts the business and labor unions involved to:

1. Inform them the Sheriff's Office is aware of the strike (or impending strike), and advise them of agency policy relating to the enforcement of law and protection of personal and corporate rights;
2. Emphasize to the union the importance of a peaceful demonstration, that their right to legally assemble and protest will not be interfered with, so long as it does not interfere with the legal right of the company to transact business; &
3. State the agency's position on warning and arresting demonstrators, and the need to maintain communication at all times between police personnel and strike leaders.

If an insufficient number of deputies are available to man the strike detail, permission may be sought from the Division Major, or designee, to request additional officers under this agency's mutual assistance agreement.



In determining manpower and equipment needs, the OIC must consider:

1. The number of pickets, their attitude, and organization;
2. The number of non-strikers, anti-strikers, and bystanders;
3. Whether the striking company will attempt to stay open, and whether non-striking employees will attempt to enter the premises; &
4. The cooperation demonstrated by all parties involved in the strike.

Duties and Responsibilities of Assigned Personnel:

It is the responsibility of deputies assigned to labor strikes to:

1. Protect life and prevent personal injury;
2. Protect the statutory and constitutional rights of all parties involved;
3. Protect personal and public property;
4. Maintain public peace;
5. Refrain from fraternizing or engaging in any unnecessary conversation with picketers, management personnel, or bystanders;
6. Refrain from entering the company property except to conduct necessary law enforcement acts;
7. Keep arrests for minor law violations to a minimum, controlling such conduct through conversation with picket captains, union representatives, or management personnel;
8. Warn picket captains or management representatives that violations of the law will result in arrest;
9. Refrain from arresting picketers for verbal abuse, if unaccompanied by threats against deputies. Language that incites violence or other unlawful acts will form the basis for physical removal and/or arrest of those responsible; &
10. Discourage picketers from drinking alcoholic beverages, and seek supervisory approval prior to arresting persons who fail to abide with open container, public consumption, public inebriation, or related laws.

Operation of Picket Lines:

1. Deputies are obligated to protect persons engaged in expressing their right to peacefully picket and persuade others to honor their picket line, as long as such persons do not violate statutes such as trespass, disturbance of the peace, or disorderly conduct.
2. Non-striking employees, customers, and members of the public have the right to enter and leave the site of the strike.

3. Deputies take all reasonable measures to protect the rights of the parties. Attempts by either labor or management personnel to prevent the free exercise of these rights will first be brought to the attention of the appropriate strike captain or management supervisor.
4. Deputies advise persons attempting to cross hostile or potentially hostile picket lines of the possible danger involved, and if appropriate, attempt to dissuade them of such action, advising they must follow police instruction, if they choose to cross.
5. Deputies provide necessary breaches in picket lines to allow interested parties to cross, and personally escort pedestrian traffic across the line to a safe distance.
6. Vehicular traffic is provided access through picket lines after having been given appropriate warnings. The volume, rate of passage, and speed of vehicles crossing picket lines is determined by the OIC.

**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Temporary Light Duty & Modified Duty	Policy Number: 043
Issue Date: 07-01-11	Revision Date: 07-15-14 Review Date: 07-01-15
Approval Authority	
Title and Signature:  Sheriff	

PURPOSE:

The purpose of this policy is to establish the authority for granting temporary light duty assignments, and to establish procedures for granting temporary light duty to eligible members of the Woodbury County Sheriff's Office.

POLICY:

Temporary light duty assignments, when available, are for members of the Sheriff's Office who, because of work-related injuries or illnesses that are covered by Worker's Compensation, that are temporarily unable to perform their regular assignments but are capable of performing alternative duty assignments. Use of temporary light duty can provide members with an opportunity to remain productive while convalescing as well as provide a work option for members who may otherwise risk their health and safety or the safety of others by remaining on duty when physically or mentally unfit for their regular job assignment. Therefore, it is the policy of the Woodbury County Sheriff's Office that eligible personnel be given a reasonable opportunity to work in temporary light duty assignments when available and consistent with this policy.

DEFINITIONS:

For purposes of this policy, a member of the Woodbury County Sheriff's Office, suffering from a work related medically certified illness, injury, or condition that would be covered by Worker's Compensation, who is temporarily unable to perform their regular assignment but is capable of performing alternative assignments. Members in light duty positions are permitted to supplement their Workers Compensation benefits by using accrued vacation, personal leave, or sick leave.

Family Medical Leave Act (FMLA): Federal law providing for up to twelve (12) weeks of leave for eligible workers, for their own serious health condition or other situations as outlined in the law and the county's FMLA policy.

PROCEDURE for Temporary Light Duty

A. General Provisions

A member who may have been injured or became ill in the line of duty or appears to be eligible for Workers' Compensation coverage may be placed on temporary light duty status if:

1. The member has a written physician's statement which states that the member is physically eligible for light duty, and there is a favorable prognosis of returning to full duty status in the near future, and
2. If there is a position, job or duty available within the Sheriff's Office which they may have the ability to perform and which qualifies as light duty pursuant to the member's physician's statement.
3. In the event that the provisions and requirements listed above have been met, the Sheriff may then direct the member to a light duty assignment. A member who refuses a light duty assignment which meets the requirements of the physician's statement may have their Workers Compensation pay terminated, and may be subject to termination.
4. Light duty assignments are strictly temporary and will not exceed 960 hours. Light duty may be provided for a total of 960 hours in a one year period, with a year being defined as beginning on the first light duty day and ending 12 calendar months after the first light duty day. After 960 hours, members on light duty who are not capable of returning to their original duty assignment may pursue other options as provided by employment provisions under federal or state statute, or collective bargaining agreement.
5. Temporary light duty status will be initially granted for a maximum period of ninety (90) days with an evaluation done monthly. After the initial 90 day period, the member's situation will be reviewed primarily in light of the following two factors:
 - a. Continuation of a favorable prognosis for full duty, based upon the physician's periodic examination and statement thereof, and
 - b. The continuation of availability of an appropriate position, job or duty within the Sheriff's Office.
 - c. Assignments may be changed at any time, with concurrence of the treating physician, if deemed in the best interest of the member or Sheriff's Office.
6. This policy in no way affects the privileges of members under provisions of the Family and Medical Leave Act, Fair Labor Standards Act, Americans with Disabilities Act, collective bargaining agreement, or other federal or state law.
7. No specific position within the Sheriff's Office shall be established for the use as a temporary light duty assignment, nor shall any existing position be designated as regular assignments utilized exclusively for members on temporary light duty.

8. Assignment to temporary light duty shall not affect a member's pay classification, pay increases, promotions, retirement benefits or other Sheriff's Office member benefits.

9. Deputies on temporary light duty are strictly prohibited from engaging in outside employment in which the deputy may reasonably be expected to perform law enforcement functions which they have been determined physically or mentally unable to perform on behalf of the Sheriff's Office.

10. Members who are medically prohibited from performing their regularly assigned duties may not engage in outside or "off-duty" employment until approved by the Sheriff. Members shall provide the Sheriff documentation from their attending physician stating that the outside "off-duty" employment is medically permitted.

11. Depending upon the nature and extent of the injury or illness, a member on temporary light duty may be prohibited or restricted from wearing their uniform, carrying a weapon or otherwise limited in employing law enforcement powers as determined by the Sheriff so long as such limitations are consistent with this policy.

12. Light duty assignments shall not be made for disciplinary purposes.

B. Temporary Light Duty Assignments

1. Temporary light duty assignments may be drawn from a range of technical and administrative areas that include but are not limited to the following:

- a. Administrative functions (i.e. report review, special projects)
- b. Clerical functions (i.e. filing)
- c. Report taking (i.e. telephone & "walk-in" reports)
- d. Jail duty assignments

2. Decisions on temporary light duty assignments shall be made based upon the availability of an appropriate assignment given the member's skills, knowledge and abilities; availability of light duty assignments; and the physical limitations imposed on the member via medical certification.

3. Where it is deemed appropriate and necessary, members may be assigned to temporary light duty positions designated for members of lower rank or pay classification. Members thus assigned shall:

- a. Retain the privileges of their rank but shall answer to the supervisory personnel of the division to which they are assigned with regard to work responsibilities and performance, and;
- b. Retain the pay classification and related benefits of the position held prior to their assignment to temporary light duty.

C. Requests For and Assignment to Temporary Light Duty

1. Requests for temporary light duty assignments shall be submitted to the member's immediate supervisor. Requests shall be accompanied by a statement of medical certification to support a requested reassignment, which must be signed by the treating physician. The certificate must include an assessment of the nature and probable duration of the injury or illness, prognosis for recovery, nature of work restrictions and an acknowledgement by the health care provider in light of the temporary light duty assignment, a statement that the member can physically assume the duties involved.

2. The request for temporary light duty and the physician's statement shall be forwarded to the Sheriff. The Sheriff or designee may consult with the county's Human Resources Department prior to making a determination regarding the assignment to temporary light duty.

a. The Sheriff's Office may require the member to submit to an independent medical examination by a health care provider of the Sheriff's Office choosing. In the event the opinion of this second health care provider differs from for foregoing health provider, the member may request a third opinion at the member's expense.

b. The member and representative of the Sheriff's Office shall cooperate and act in good faith in selecting any third health care provider, and both parties shall be bound by that medical decision.

3. As a condition of assignment to temporary light duty, members may be required to submit to monthly physical assessments of their condition. Additionally, a complete medical evaluation and physician's statement will be required prior to any member returning to full duty status after having been on temporary light duty status.

PROCEDURE for Modified Duty (Excerpt from County Handbook)

MODIFIED DUTY FOR A PERSONAL NON-WORK RELATED INJURY

Eligibility

Temporary or modified duty assignments may be made by the County for employees with non-work-related injuries. Modified duty is limited to employees for whom the assignment would be a progressive step in their return to work.

An employee who refuses a modified duty assignment will be placed on Family and Medical Leave Act (FMLA) leave status, if the employee's condition qualifies as a serious health condition as defined by FMLA and the employee is eligible for leave under that policy. The employee will utilize appropriate accrued paid leave and/or compensatory time.

Medical Certification

Before assigning temporary modified duty, the County requires medical certification from the County-designated physician that the employee is able to perform the

proposed modified duty assignment. At the conclusion of the modified duty assignment, the County will require fitness-for-duty medical certification to determine whether the employee is able to return to his or her normal job duties (return to work slip from the physician).

Duration of Modified Duty Assignments

Assignment of modified duty tasks within an employee's medical restrictions is intended to be for a temporary duration, determined by the respective Elected Official or department head and Human Resources. Modified duty assignments will normally not exceed 6 weeks. At the end of the 6 weeks, the employee will be re-evaluated by the County-designated physician to determine if additional time on modified duty will continue to see improvement for the employee. Modified duty assignments will be documented with a list of the functions assigned and the duration of the assignment. Temporary modified duty assignments shall not become regular assignments. Employees on modified duty are expected to comply with all restrictions, such as lifting, bending, etc. placed on them by the physician.

Medical Certification

Before assigning temporary modified duty, the County will require medical certification, from the County-designated physician, that the employee is unable to perform his or her normal job duties within medical restrictions, and that the employee is able to perform the proposed modified duty assignment within medical restrictions. At the conclusion of the modified duty assignment, the County will require fitness-for-duty medical certification to determine whether the employee is able to return to his or her normal job duties (return to work slip from the physician).

Return to Work after Modified Duty

If, at the end of the temporary modified duty assignment, the employee is able to perform his or her normal job duties without posing significant risk of harm to his or her health, or the safety or health of others, the employee may return to his or her normal position. If, at the end of the temporary modified duty assignment, the employee is not able to perform his or her normal job duties, without posing significant risk of harm to his or her health or the health or safety of others, the County will review the employee's medical condition and determine whether the individual is a qualified individual with a disability and whether the employee's work restrictions can be reasonably accommodated to allow the employee to return to work. If no reasonable accommodation is available to return the employee to his or her previous position, the County will then consider transferring the employee to a vacant position for which the employee is qualified. If nothing suitable is available, the employee may be terminated.

**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Uniforms	Policy Number: 044
Issue Date: 07-01-11	Revision Date: 07-15-14 Review Date: 07-01-15
Approval Authority	
Title and Signature: 	Sheriff

POLICY:

All members present a professional image to the public by consistently maintaining a neat and clean appearance during the performance of official duties or at any time that they are representing the Sheriff's Office in any manner.

Uniform- Certified Deputies:

Deputies are expected at all times to be dressed in complete and proper uniform. They receive regulation uniforms consisting of the following items:

1. Hat;
2. Jacket;
3. Short-sleeved or long-sleeved shirt for both summer and winter as appropriate;
4. Pants;
5. Badge; &
6. Identification plate.

Additional required items that are considered components of the uniform are:

1. Body Armor Vest;
2. Service weapon;
3. Impact weapon;
4. Holster;
5. Flashlight;
6. Footwear;
7. Handcuffs;
8. Handcuff pouch;
9. Cartridge pouch or Magazine holder;
10. Ammunition.

Uniform- Civilian members:

Civilian employees, new employees, and detention personnel wear a similar uniform consisting of:

1. Hat;
2. Jacket;
3. Short-sleeved or long-sleeved shirt for both summer and winter as appropriate;
4. Pants;
5. Identification plate or embroidered patches; &
6. Badge.

Uniform-Plain Clothes Personnel:

Plain clothes members dress conservatively. Male employees wear slacks, a dress shirt, suit or sport jacket, dress shoes, and a tie when appropriate. Female personnel wear conservative type business suits or ensembles. "Business Casual" attire is appropriate for certain functions. Members must use discretion and dress according to the anticipated audience and the environment.

Uniform Requirements:

1. All uniform clothing items must be clean and pressed.
2. No uniform clothing items may be excessively worn, faded, torn, frayed or patched.
3. All leather items, belt, holster, handcuff case, etc. must be the appropriate color and style as determined by the Sheriff.
4. All silver or brass items must be clean and properly polished.
5. When in uniform, all pieces of the uniform and all uniform equipment must be worn.
6. Shoes or boots must be the appropriate color and styles as determined by the Sheriff and must be shined/polished appropriately on a regular basis.
7. Socks that are exposed must be an appropriate color that matches the uniform.
8. All members are held accountable for the return of all Sheriff's Office issued uniform items.
9. No issued item is to become the property of any individual.
10. Items lost or damaged during law enforcement activities must be reported to the member's supervisor.
11. Replacement of items of personal purchase, which are lost or damaged in law enforcement activities, must be determined on a case-by-case basis, and in accordance with contract language.

12. Property lost or damaged as a result of law enforcement activities must be promptly reported, and replacement costs determined so the officer involved may request to the courts that prosecution of the individual include reimbursement costs to the department.

Uniform for special details:

Special patrol details and assignments such as K-9 patrol or jail staff require corresponding uniform requirements. The unit supervisors of such special units or staff must develop uniform guidelines as necessary.

Uniform for Court Appearances:

Male officers wear suits including dress shirts, slacks, suit or sport jackets, dress shoes, and ties, or the class A or uniform for jury trials. Class B uniforms may be worn for non-jury trials and other court proceedings. Ties will be worn with long sleeve Class A shirts. Female officers will wear dresses or slacks, coordinated blouse and skirt, or a conservative business suit, or the appropriate WCSO uniforms. Uniforms are prohibited in Federal Court as well as the possession of firearms.

**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Use of Discretion	Policy Number: 045
Issue Date: 07-01-11	Revision Date: 07-15-14 Review Date: 07-01-15
Approval Authority	
Title and Signature:  Sheriff	

Policy:

The exercise of discretion in interpreting the legislative mandate is necessary because no legislature has succeeded in formulating a substantive criminal code which clearly encompasses all conduct intended to be made criminal, and which clearly excludes all other conduct. Discretion is not simply the decision to arrest or not to arrest; it is the choice between two or more possible means of disposing of a situation confronting law enforcement, with emphasis on choice and de-emphasis on judgment.

Purpose:

The purpose of this policy is to address discretionary action in accordance with Sheriff's Office policies.

Procedure:

- A. Discretionary action is correct only when:
 - 1. It follows procedures set by Sheriff's Office policies and not mandated by the member's personal attitudes toward the victim or the complainant; and
 - 2. It is systematic, articulate, and is not illegal or against the interests of the Sheriff's Office or the public, while establishing the means of regulating the situation.

- B. A deputy has a number of options to utilize when dealing with a traffic violator including a warning, a citation for the charge they deem appropriate, or an arrest. A deputy may reduce the charge if they deem it appropriate, but will not use this discretion by threatening to increase the charge. Tactics that infer or imply a threat will not be tolerated by the Woodbury County Sheriff's Office. As a reminder, the deputy has a year to file charges.

C. Specific Responsibilities

1. Members shall severely limit the use of discretion involving a criminal violation, particularly when the offense is more serious than a simple misdemeanor.
2. A member's enforcement action, inaction, or degree of severity, must not be influenced by malice, vengeance or prejudice based upon race, sex, ethnic background, religious belief, economic status, political affiliation, or driven by the demeanor of the violator.

**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Use of Force	Policy Number: 046
Issue Date: 07-01-11	Revision Date: 07-15-14 Review Date: 07-01-15
Approval Authority	
Title and Signature:  Sheriff	

POLICY

Deputies are confronted daily with situations requiring the use of force to affect an arrest or ensure public safety. The degree of force used depends on what the deputy perceives as reasonable and necessary under the circumstances at the time they decide to use force. Except for deadly force, the application of any degree of force is justified only when the deputy reasonable believes that it is necessary:

- A. To prevent the escape from custody, make an arrest or an investigative detention of a person the deputy believes has committed a crime,
- B. To defend themselves or another from what the deputy believes is the use of force while attempting to arrest another, prevent the suspects escape, or otherwise lawfully take the person into custody.
- C. To disperse persons participating in an unlawful assembly. Facts or circumstances unknown to the deputy shall not be considered in later determining whether the force was justified. The WCSO expects deputies to observe the following two guidelines in all applications of force:
 - 1. Employ the force reasonably necessary to accomplish a legal purpose.
 - 2. Deputies may resort to more severe methods of force to overcome either increasing resistance or an increasingly dangerous threat to public safety. The escalation in the use of force typically follows a pattern: verbal control, compliance techniques (control holds), chemical weapons, defensive acts (including impact weapons such as an ASP or straight baton), and finally deadly force. Deputies must understand how to recognize increasing or decreasing levels of threat and respond appropriately. When applying deadly force,

the deputy's objective shall be to stop the threat. The objective of use of any force is to overcome the suspect's resistance to a deputy's lawful purpose; deputies shall avoid unnecessary or excessive applications of force. Deputies shall not unreasonably or unnecessarily endanger themselves or the public

PURPOSE

To establish guidelines governing the use of force and its limitations, and to describe prohibited activities. The rules of engagement will not preclude the appropriate lawful use of force, deadly or otherwise, by members in protecting themselves or others from serious bodily injury or death.

DEFINITIONS

A. Deadly force

1. The firing of a firearm, even though no intent exists to kill or inflict bodily harm.
2. Any force applied in any manner by any means that could reasonably be expected to cause death or serious physical injury.
 - a. "Serious physical injury" means bodily injury which creates a substantial risk of death or which is likely to cause serious permanent disfigurement or loss, or extended impairment of the function of a body member or organ.

B. Non-deadly force

Force employed which is neither likely nor intended to cause death or serious physical injury.

C. Firearms

Any weapon from which a projectile is forcibly ejected by an explosive.

D. Reasonable belief

When facts or circumstances the deputy knows, or should know, are such as to cause an ordinary and prudent person to act or think reasonably in a similar way under similar circumstances.

E. Serious physical injury

A physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, or impairment of the function of any bodily organ or limb.

704.1 Reasonable force.

“Reasonable force” is that force and no more which a reasonable person, in like circumstances, would judge to be necessary to prevent an injury or loss and can include deadly force if it is reasonable to believe that such force is necessary to avoid injury or risk to one’s live or safety or the life or safety of another, or it is reasonable to believe that such force is necessary to resist a like force or threat. Reasonable force, including deadly force, may be used even if an alternative course of action is available if the alternative entails a risk to life or safety, or the life or safety of a third party, or requires one to abandon or retreat from one’s dwelling or place of business or employment.”

F. Unreasonable force

Force is unreasonable when its application is inappropriate to the circumstances, resulting in serious physical injury or death to a suspect. In determining whether force has been unreasonably applied, the primary concern is whether the on-scene officer reasonably believes that its application was necessary and appropriate. Based on the reasonableness standard, unreasonable force may be determined based on:

2. The severity of the crime.
3. The nature and extent of the threat posed by the suspect.
4. The degree to which the suspect resists arrest or detention.
5. Any attempts by the suspect to evade arrest by flight or fight.

In evaluating the reasonable application of force, deputies must consider their own age, size, strength and skill level with WCSO weapons, state of health, and the number of deputies opposing the number of suspects.

PROCEDURES – Non-deadly force

The WCSO trains deputies in the use of tactical and available force which emphasizes the recognition of and response to increasing levels of threat. Most instances in which force is applied are less than lethal. Deputies shall assess the incident to determine which technique will best bring the situation under control. Following the application of any method of force, once the situation is contained, deputies shall provide or arrange to provide medical help as necessary. The following discussion reinforces key principles from training.

A. Verbal control

Verbal control refers to the manner in which the deputy speaks to a person, which alone can manage a situation. Verbal control includes advice, persuasion, admonitions, or orders. The volume and tone of the deputy’s speech may also contribute to control without having to resort to another method of force. The WCSO urges the use of verbal commands without the use of profanity or disrespectful or argumentative behavior.

B. Compliance techniques

At times, uncooperative people who refuse to be taken into custody may only respond to a combination of strength, leverage, take-downs, control holds, or come along with sufficient force to make the lawful arrest without aggravating a suspect's combativeness. The object of this level of force is to gain control and enforce the suspect's compliance while minimizing the risk of injury to deputies, bystanders, or the person being placed in custody. Where lesser levels of force appear ineffective, deputies may employ hands, fists, feet, knees, and so on in striking adversary, according to methods sanctioned through training.

C. Chemical agents

The use of chemical agents is restricted to situations where higher levels of force are unnecessary and lesser levels are inappropriate or ineffective. The only chemical weapon authorized for patrol personnel is the oleoresin capsicum (OC) or "pepper spray." Chemical agents shall be used only to the extent necessary to overcome the resistance of the suspect within training standards. Specialized chemical agents such as light/sound devices, distraction devices, or tear gas shall be used only by personnel training in their application, and then only under direct orders of the on-scene supervisor upon consultation with the Sheriff.

1. Chemical sprays shall not be used in a threatening manner so as to elicit information.
2. Do not use on persons who are visibly sick or who are not in possession of their normal protective reflex (such as being able to turn away from the applied spray). NOTE: Applying a chemical agent to such persons can result in injury out of proportion to the threat they may present.
3. If the use of tear gas is authorized by the on-scene tactical supervisor, observe the following:
 - a. These chemical agents are used primarily in dealing with unruly crowds and armed barricade subjects.
 - b. Gas canisters or projectiles are used to disperse unruly crowds and induce the surrender of barricaded subjects when negotiations have failed.
 - c. Tear gas gun is used to fire projectiles into the area of an armed, barricaded suspect when the use of a hand-tossed canister(s) is unsafe or impractical.

D. Defensive tactics

The WCSO authorizes the carrying and use of the PR-24, Crowd Control Baton, Straight Baton or ASP as the preferred striking weapons for deputies. This in no

way prohibits the use of any item as a striking instrument including a weapon of last resort, or a weapon of opportunity to protect a person from assault. Deputies who carry the PR-24 or ASP shall be trained and certified in its use. The weapon may be used in quelling confrontations involving physical violence where higher levels of force are unnecessary or inappropriate and lesser levels are inappropriate or ineffective. The use of a K-9 is considered the same level of force as an impact or striking weapon.

1. An impact weapon will not normally be used to strike handcuffed individuals.
2. An impact weapon is may useful as an instrument to manage various control holds, not as a club or prod. Deputies shall not intentionally raise the impact weapon so as to strike a blow to a person's head. Deputies shall not intentionally strike a person's head with any non-deadly impact weapon unless their intent is to use deadly force.

NOTE: The use of trade names such as PR-24 or ASP does not imply endorsement of any product. Rather, this general order refers to trade names to convey the degree of specificity required by written policy. Many different kinds of baton/asps are commercially available, from collapsible to side handled varieties.

DEADLY FORCE

704.2 Deadly force.

The term "deadly force" means any of the following:

1. Force used for the purpose of causing serious injury.
 2. Force which the actor knows or reasonably should know will create a strong probability that serious injury will result.
 3. The discharge of a firearm, other than a firearm loaded with less lethal munitions and discharged by a peace officer, corrections officer, or corrections official in the line of duty, in the direction of some person with the knowledge of the person's presence there, even though no intention to inflict serious physical injury can be shown.
 4. The discharge of a firearm, other than a firearm loaded with less lethal munitions and discharged by a peace officer, corrections officer, or corrections official in the line of duty, at a vehicle in which a person is known to be. As used in this section, "less lethal munitions" means projectiles which are designed to stun, temporarily incapacitate, or cause temporary discomfort to a person without penetrating the person's body.
- A. Firearms –general
1. Firearms may be used:

- a. In defense of the deputy or others from what is reasonable believed to be an immediate threat of death or serious bodily harm.
- b. To prevent the escape of a fleeing forcible felon whom the deputy has probable cause to believe will pose a significant, immediate threat to human life should escape occur.

No other reasonable means of capture must be available to the deputy in this case without, endangering the deputy's life or the life of another person.

- (1) In evaluating a "significant threat," the deputy must reasonably believe that the person has either used deadly force in the commission of a crime or may inflict death or serious harm to the deputy or others if apprehension is delayed.
- (2) Where feasible, deputies shall identify themselves before shooting and provide a warning.

B. Shotgun/Rifle

1. The shotgun/rifle should be used when a possibility exists that the deputy will be dealing with an armed suspect, e.g., armed robbery in progress, searching for armed suspects, answering calls when the complainant has indicated that a person is armed.
2. The Sheriff may approve the use of shotguns/rifles on raids and stakeouts when a belief that a threat to human life exists.
3. Shotguns/rifles shall be secured and carried in patrol units when not in preparation for use. The shotgun/rifle will be carried with the safety on at all times until there is an immediate need to fire the weapon, cased or uncased.
4. Shotguns/rifle shall be removed from vehicles before leaving them at any garage or service department. Weapons not secured in the trunk or by a secure holding device that prohibits access to the weapon, shall be removed from the vehicle and secured at the member's residence when not on-duty.
5. During regular firearms qualification, each deputy authorized to use a shotgun/rifle shall be required to demonstrate proficiency with it.

6. The range deputy or armorer shall develop a shotgun/rifle maintenance schedule. The armorer shall clean and inspect shotguns/rifle according to said schedule.
7. The general rules for the use of firearms above apply to shotguns.

LIMITATIONS ON FORCE

The following acts associated with the use of force are prohibited.

- A. Firing a warning shot: It is prohibited to fire warning shots to stop fleeing suspects or into crowds where suspects have fled.
 - (1) Firing into buildings, through doors, windows, openings and the like is prohibited if the shooting is not clearly justified. However, this policy does not prohibit the use of deadly force where, under the circumstances, the threat to a deputy's life or that of another's is imminent and the threat must be neutralized. The decision to use deadly force where target identification or background safety are not totally known, must also take into consideration the imminent threat to life. This policy does not prohibit the proper use of gas and other projectile that are designed to create a distraction or divergence.
- B. Firing into a building or through doors when the person fired at is not clearly visible unless deputies are being fired upon from such building or through such door.
- C. Firing at a suspect when lesser force could be used and the deputy believes that the suspect can be apprehended reasonably soon thereafter without the use of deadly force, or when there is any substantial danger to innocent bystanders.
- D. Application of choke hold or carotid control holds, except when the deputy reasonably believes such holds are the only means of protecting themselves or another person from an imminent threat of serious physical injury or death.
- E. Use of Streamlites or Kel-lites or other flashlights as batons. A deputy may use a flashlight or other object designed for a use other than as a weapon only to defend him/herself or another from imminent serious physical injury or death.
- F. Carrying or use of a second back-up firearm unless authorized by the armorer and the deputy has proven they are proficient with such weapon.
- G. The carrying nun-chucks or brass knuckles.

- H. Use of deadly force against unarmed, non-dangerous fleeing felons, fleeing misdemeanants, or traffic offenders.
- I. Any use of force not reasonably necessary in the light of the circumstances confronting the deputy.

FIREARMS

A. Duty weapon

While on duty, a deputy shall carry an approved firearm. The WCSO shall issue ammunition for the weapon.

1. Weapons shall be inspected and approved by the range instructor/armorer. In addition, the weapon shall fire WCSO issued ammunition and the deputy shall qualify with the weapon as well as with any WCSO issued weapons.
2. The armorer shall maintain a record of all weapons used by deputies either on or off duty. The record lists weapon descriptions, ammunition type issued, date of issue, and information pertaining to qualifications. Deputies shall annually review the records to ensure that they are up to date.

B. Off-duty weapons

Sworn deputies are encouraged, but not required, to carry a handgun when off duty. A deputy who elects not to carry a handgun while off duty shall not be subject to disciplinary action if an occasion should arise in which they could have taken law enforcement action if they were armed.

1. Exception: While operation a county vehicle, off-duty deputies shall be armed with an approved weapon.
2. Deputies who carry off duty weapons must understand that in some social situations the carrying of a firearm is inappropriate.
3. Deputies who have consumed alcoholic beverages to the point of intoxication may not carry an off-duty weapon.
4. All deputies shall submit off-duty weapons to the range instructor for inspection and firing before carrying them.
5. Off duty deputies who carry firearms while in plain clothes shall attempt to conceal them in a way that prevents the public from seeing them.
6. Non-sworn deputies who obtain a concealed weapon permit by the Sheriff shall comply with the requirements of this general order.

7. Although the WCSO requires deputies to carry official identification at all times, any time that deputies carry a firearm off duty they shall carry their official identification.
- C. Qualification
- No deputy shall carry or use any firearm, chemical agent, or any other force instrument unless he or she has received training and demonstrated proficiency in its use.
1. Deputies who fail to pass the qualification shall be relieved of the weapon requiring qualification. They may be relieved of their duties and immediately reassigned to other functions up to and including non-enforcement duties.
 2. Deputies who have taken extensive leave or suffered an illness or injury that could affect the use of firearms or non-deadly weapons shall re-qualify before returning to enforcement duties.

REPORTING USE OF FORCE

- A. Deputies shall document any application of physical force in the performance of their duties.
- B. If a deputy has employed chemical weapons or any higher degree of force, they shall first render medical aid and then:
 1. Immediately notify the on-duty supervisor or the division commander (if the on-duty supervisor is unavailable) of any use of physical force.

OFFICE RESPONSE

- A. Assignment

Pending administrative review, any deputy who has taken the life of or seriously injured another person shall be removed from line-duty assignment. This action protects both the deputy's and the community's interest until the situation is resolved.
- B. Review
 1. The appropriate Division Major shall review all reported uses of force to determine whether:
 - a. Office orders were violated.
 - b. Relevant WCSO policy was clearly understandable and effective to cover the situation.
 - c. Official training was adequate.

- d. The Division Major will ascertain training and policy needs and forward them to the Sheriff.

C. Psychological services

Psychological follow-up of post-shooting trauma will be directed by the Sheriff whenever deemed appropriate. Following a shooting resulting in a death, the deputy shall not return to non-office related duties until a psychological evaluation has been completed, and the deputy has received any necessary counseling the Sheriff or deputy has requested.

It is well established that there are other traumatic incidents that may trigger a need for psychological services or critical incident debriefings. The Sheriff may after such events encourage members to take advantage of such service and encourage the members of this WCSO and its supervisors to request such services when the need arises.

NOTICE: Our Use-of-Force policy shall only be used for administrative purposes only and shall not be considered as an establishment of a higher legal standard of conduct for members in third party claims.

Physical force may only be used to accomplish a lawful objective (e.g., control a situation, effect an arrest, for self-defense and the defense of others). The level of force used must be necessary and proportional (i.e. reasonable) to the degree of threat and resistance under the circumstances existing at the time of its use.

The degree threat and suspect's level resistance varies from:

1. Non-physical Resistance –verbal expressions, physical gestures, behaviors and the like that would reasonably convey an intent to not comply with a lawful order.
2. Passive Resistance – halted movement (e.g., sags, drags feet, goes limp creating dead weight) with no overt act that would reasonably convey an intent to cause physical harm or damage.
3. Dynamic Resistance – action taken to break away, escape, evade control with no overt act that would reasonably convey intent to cause physical harm or damage.

4. Offensive Resistance – mounting a physical attack that would reasonably convey intent to cause more than de minimus harm or damage, but less than life threatening.

5. Imminently Life Threatening Resistance – a physical attack with a high probability of rendering another incapable of defending him/herself or would likely result in life threatening injuries or death.

When persons resist lawful authority, a proportional level of force is necessary to overcome and control the resistance.

The level of force used must be objectively reasonable as judged by a reasonable officer under the particular circumstances existing at the moment of its use.

Reasonable force is force that is both imminently necessary and proportional to the levels of threat and resistance.

Force includes verbal commands, escort techniques, joint manipulation/pain compliance, chemical weapons, conducted energy weapons, hard empty hand control, impact weapons and/or methods and instruments likely to cause severe injury or death.

Members carry the burden to justify the level of force they use. Multiple factors must be taken into consideration, to include:

- a. an armed subject
- b. officer/subject size, gender and age
- c. officer/subject fitness
- d. relative strength
- e. officer/subject skill level
- f. presence of multiple members or subjects
- g. subject's mental condition
- h. close proximity to a firearm/weapon
- i. special knowledge of the subject
- j. injury or exhaustion
- k. ground position
- l. imminent danger (e.g., environmental conditions, close confined areas)

PROCEDURES

The Use of Force is governed by Iowa Code Chapter 704 and Iowa Code Chapter 804

When resistance is anticipated and when practicable:

1. call and wait for backup before engaging;
2. tell subjects what you want them to do to comply;
3. delayed and/or disengagement when faced with overwhelming odds or resistance;
4. if necessary contain the area, conduct surveillance, wait the subject out, summoning reinforcements or calling in specialized units to assist;
5. give and continue giving clear, repetitive, verbal commands ordering the subject to stop resisting and to comply with orders. Keep calm, avoid conflicting orders, and allow reasonable time for the subject to comprehension and response to orders.

RESISTANCE – RESPONSE CORRELATION

As the threat level and resistance increases or decreases so must the level of force permitted. The following describes this dynamic relationship (i.e., correlation) :

A. Level of Resistance: Imminently Life Threatening

Level of Perceived Threat: An objectively reasonable fear of death or serious life-threatening injury.

Response: Any tactic or device readily available (firearms, Muscle Disruption Devices, batons, flashlights, strikes and/or blows to any area of the body (e.g., center of mass, throat, head, eyes, groin) that will likely stop the threat.

B. Level of Resistance: Offensive Resistance

Level of Officer's Perceived Threat: An objectively reasonable fear of more than de minimus injury or damage.

Response: Strikes, Blows, Kicks, Impact Devices (e.g., ASPs, Bean Bags, uses of Electro-muscular Disruption Devices, K-9 bites) directed at non-life-threatening body areas.

C. Level of Resistance: Dynamic Resistance

Level of Perceived Threat – Escape

Response: Chemical Sprays, Pain Compliance Control Tactics/Devices, Electro-muscular Disruption Devices

D. Level of Resistance - Passive

Level of Perceived Threat – Loss of control

Response: Verbal persuasion and commands, chemical spray, come along holds and tactics

E. Level of Resistance: Non-physical

Level of Officer's Perceived Threat: Loss of control

Response: Verbal persuasion and commands, hands-on physical control (e.g. handcuffing maneuvers.)

Reserved

Woodbury County Sheriff's Office

Law Enforcement Policies and Procedures

Subject: Vehicle Operations	Policy Number: 047
Issue Date: 07-01-11	Revision Date: 07-15-14 Review Date: 07-01-15
Approval Authority	
Title and Signature:  Sheriff	

POLICY

All personnel operating WCSO vehicles shall exercise due regard for the safety of all persons; protection of life is the paramount goal of the WCSO. No task, call, or incident justifies disregard of public safety. Further, the public expects its law enforcement members to demonstrate exemplary driving skills. All WCSO personnel who operate WCSO vehicles will comply with safe driving procedures outlined herein with particular attention to responding to calls for service or engage in pursuits. Emergency warning devices shall be used consistent with both legal requirements, the safety of the public and WCSO personnel. Pursuits represent dangerous and difficult tasks that receive much public and legal scrutiny when accidents, injuries, or death result. Pursuing deputies and supervisors must justify their actions and, once they have decided to pursue, continuously evaluate the safety of their actions. Additionally, forcible measures to stop a fleeing driver as detailed below, are prohibited except where deadly force is appropriate.

PURPOSE

To establish procedures governing the operation of emergency vehicles, with special attention to emergencies and pursuits.

DEFINITIONS

A. Boxing in

A deliberate tactic by two or more pursuit vehicles to force a pursued vehicle in a specific direction, to force it to reduce speed or stop by maneuvering the pursuit vehicles in front of, behind, or beside the pursued vehicle.

B. Caravanning

Direct participation in a pursuit by WCSO vehicles other than the primary and authorized support vehicles.

C. Crime involving violence

An offense involving violence or the threat of violence to another person, or the use or threat of physical force to another person.

Examples;

1. Murder
2. Robbery
3. Rape.
4. Felonious assault.
5. Felonious sex offense.
6. Abduction.
7. Arson involving death or serious injury.
8. Any property crime coupled with life-threatening acts.
9. Any crime involving the display or use of a firearm, including misdemeanors involving firearms.

D. Emergency driving

Manner of driving in response to a life-threatening or other serious incident (based on available information) which requires emergency equipment in operation. (321.231)

E. Emergency equipment

Flickering, blinking, or alternating emergency lights and a siren, whistle, or air horn designed to give intermittent signals automatically. All marked Sheriff's Office vehicles have distinctive, reflective decals for additional visibility. Per this order an authorized emergency vehicle is one that is equipped with emergency equipment. (321.433)

F. Normal or routine driving

The manner of driving which dictates vehicle speed consistent with the normal flow of traffic, obedience to the vehicle laws and posted signs, adherence to commonly understood "rules of the road."

G. Primary pursuit vehicle

Normally will be the WCSO vehicle that initiates the pursuit or the vehicle closest vehicle to the fleeing suspect. The primary pursuit vehicle may be re-designated by order of the on-duty supervisor.

H. Pursuit driving

An active attempt by a deputy in an authorized emergency vehicle to apprehend a suspect who is fleeing or evading apprehension, provided the deputy reasonably believes that the suspect is refusing to stop and is willfully fleeing capture by high speed driving or other evasive maneuvers.

Pursuits shall be conducted only with activated emergency equipment as defined in 321.231(4), and under circumstances outlined in this order. An attempt to stop a vehicle that is not fleeing, or attempts to stop a vehicle that is refusing to stop while still obeying traffic control devices and not exceeding the speed limit by more than ten miles per hour is not considered a pursuit.

I. Risk

Involves the degree of danger or hazard to the public or Sheriff's Office employee.

J. Road block

Any method, restriction, or obstruction used to prevent free passage of vehicles on a roadway in order to stop a suspect.

K. Support vehicles

The second or additional vehicles participating in the pursuit, which follows the primary pursuit vehicle at a safe distance and assists once the suspect vehicle has stopped, or which can assume the primary role if circumstances dictate.

L. Pursuit Immobilization Technique (P.I.T.) – is the intentional act of using a Sheriff's Office vehicle to physically force a fleeing vehicle from a course of travel in order to stop it. The pursued vehicle is immobilized by causing it to spin and stop by momentarily pushing its rear quarter panel with the corresponding front quarter panel of a Sheriff's Office vehicle.

GENERAL PROCEDURES FOR ALL RESPONSES

A. General

1. All WCSO vehicles shall be driven safely in full compliance with all traffic laws and regulations. Sheriff's Office vehicles are conspicuous symbols of authority and many citizens do observe a member's driving habits. Each member must set an example of good driving behavior and habits.
2. Under certain emergencies as defined below, the Code of Iowa authorizes members to disregard traffic regulations. Both the operator and the WCSO, however, are not released from civil liability for failure to use reasonable care in such operation.

C. Routine operation.

1. In case of an accident or damage to any WCSO vehicle, the driver shall immediately request the on-duty supervisor to conduct an

investigation.

- a. Drivers shall report accidents and also compose a dictation detailing the circumstances surrounding the accident.
 - b. Drivers shall report any found damage or other non-accident damage based on their required vehicle inspection via an incident report.
 - c. The Sheriff shall review all accident or damage reports and take appropriate action which may include coordination with the county's attorney.
2. Unmarked vehicles shall not be used in a pursuit unless authorized by a supervisor.
 3. Standard lighting equipment on marked vehicles shall include hazardous warning lights, spotlights and alley (side) lights on the roof top light bar (if so equipped). Hazardous warning lights may be used at any time the WCSO vehicle is parked where other moving vehicles may be endangered.
 4. Seat belts and shoulder straps shall be worn by all personnel during vehicle operations. Prisoners shall be secured with seat belts whenever possible.
 5. Exception: When approaching an incident scene or a call where the deputy believes that a rapid exit from the vehicle may be required, the deputy may release the seat belt before exiting.

C. Inspection

1. Before each duty assignment, members shall check their vehicles for cleanliness and operability of all equipment. Members shall also ensure that vehicles have adequate levels of oil, brake fluid, power steering fluid, and gasoline.
2. Members shall check the safety features of the vehicle before assuming their duty. This check shall include (but not be limited to) all lights, brakes, siren, horn, and steering.
3. Members shall examine their vehicles at the beginning and end of their respective shifts for damage. Members shall report any damage immediately to the on-duty supervisor.
4. Members shall also examine their vehicles at the beginning and end of their respective shifts to search for evidence, contraband, or property possibly discarded by prisoners or passengers. Rear seats shall be thoroughly checked.
5. Members who discover a WCSO vehicle in need of extensive repairs shall immediately inform the on-duty supervisor.

6. If in the opinion of the Sheriff, vehicle damage resulted from abuse or neglect caused by a member, disciplinary action may result.
7. No driver shall modify, remove, de-activate, or otherwise tamper with the vehicle safety belts, emission control device, or any part of the vehicle which affects its operation. In addition, no member will modify installed equipment without prior approval from the Fleet Manager.
8. During periods of inclement weather when WCSO vehicles cannot be washed regularly, the member must ensure that headlight and tail light lenses are kept clean, insofar as circumstances permit.
9. NO member or employee shall operate any WCSO vehicle which they believe to be unsafe.

D. Driving rules

1. The driver shall carefully observe the surrounding conditions before turning or backing any Sheriff's Office vehicle.
2. A WCSO vehicle shall not be left unattended and unlocked with the engine running, nor shall the vehicle be left unlocked when the member exited to take care of other business.
3. The driver must recognize the variable factors of weather, road surface conditions, road contour, and traffic congestion, all of which directly affect the safe operation of any motor vehicle, and shall govern the operation of their vehicle accordingly.
4. Deputies responding to certain crimes-in progress may discontinue the use of the siren upon approaching the location of the occurrence. Deputies shall consider the safety of other motorists when electing to operate in this manner.
5. Emergency type driving to a scene of a motor vehicle accident is permissible only when an emergency actually exists, when specific information indicates that conditions at the scene require an emergency response, or when directed to do so by a supervisor.
6. Upon approaching a controlled intersection or other location where there is a good possibility of collision because of traffic congestion, the driver shall reduce the speed of the vehicle, stopping completely, if necessary, before entering and traversing the intersection (321.231 3a). When faced with a red traffic signal or stop sign however, the deputy shall stop their vehicle and ensure by careful observation that the way is clear before proceeding through the intersection.

7. Regardless of the seriousness of the situation to which the member is responding, and exceptional circumstances that are clearly beyond the member's control, the driver shall be held accountable for the manner in which they operate their vehicle.
8. At the scene of a crime, a motor vehicle crash, or other incident, a WCSO vehicle shall be parked in such a manner so as not to create an obstacle or hazard to other traffic, unless necessary for the protection of an incident scene or injured person. If traffic hazards exist, the emergency lights and four-way flashing lights shall be used to warn other drivers approaching the incident locations.
9. Operators of WCSO vehicles must bear in mind that traffic regulations requiring other vehicles to yield the right of way (321.229) to any emergency vehicle do not relieve the emergency vehicle operator from the duty to drive with due regard for the safety of all persons using the highways, nor shall they protect the driver from the consequences of an arbitrary exercise of such right of way.

PROCEDURES FOR EMERGENCY DRIVING

A. General

1. No fixed rule can apply to every circumstance that may arise governing emergency driving. Although a member may receive information that leads them to respond to a call with emergency lights and siren activated, in the majority of such cases a member discovers, upon arrival, that an emergency response was not justified.
2. Iowa Code Section 321.231 states that the exemptions to driving laws granted to emergency vehicle operators "shall not, however protect the operator of any vehicle from criminal prosecution for conduct constituting reckless disregard of the safety of persons and property" and that the law does not "release the operator of any such vehicle for failure to use reasonable care in such operation." Recognizing that protection of human life is paramount, the responding member must remember that their objective is to arrive at the location of the occurrence as soon as safely possible without danger to themselves or to others.

C. Officer's response to calls for service

1. Upon arrival at the scene of a call for service, the responding deputy shall rapidly evaluate the situation and determine whether additional personnel are needed, or whether other personnel responding in an emergency fashion can be slowed or cancelled.

2. Before arriving within hearing distance, all personnel responding to robbery and burglary in progress calls should discontinue the use of emergency warning lights. Before coming within sight of the location, deputies should also discontinue the use of the emergency warning lights.
3. In situations requiring a silent response, e.g., alarms and prowler calls, deputies shall respond as rapidly and safely as is possible.

Deputy-initiated response.

When, in the opinion of the deputy, an emergency is imminent or exists, or that activation of emergency warning devices is deemed necessary to protect life or render the necessary enforcement or service, the WCSO authorizes an emergency response.

Examples include:

- a. Any incident where the use of emergency lights constitutes a necessary warning for the safety of life (such as scenes of fires, accidents, or disasters).
- b. As a visual signal to attract the attention of motorists being stopped for traffic violations or to warn motorists of imminent danger.
- c. Where because of location, distance to be traveled, or traffic conditions, the deputy determines that emergency operating conditions are essential in order to provide an appropriate response.
- d. In response to an emergency request for assistance.

E. Use of emergency warning devices in non-emergencies

1. Members shall activate emergency equipment to notify drivers that they must stop so as to provide a safe environment for the driver, member, and the public.
2. Members may activate emergency equipment in non-emergencies when expediency is required to eliminate a potential hazard to the public or other officers, such as using emergency lights to protect disabled motorists or when WCSO vehicles are used as protective barriers.

Pursuit & Control:

It is important to understand that the degree of risk of public harm can be classified at three levels, as can the techniques and tactics employed to control pursuits. Pursuits at

a certain level reasonably justify use of control techniques from the corresponding control level or lower [i.e., *Level Two Pursuit = Level Two & Level One Controls*].

The various control techniques can be grouped as to their general traits and common elements. These are:

1. **Initial Interaction** – Techniques that represent a relatively low risk of injury to the deputy and the public. Often naturally occurring, these techniques do not require any special resources or personnel.
2. **Active Intervention** – Techniques that require additional personnel, specialized equipment or training, and/or advanced planning. These tactics represent a greater degree of risk to officers and the public. Additionally, these techniques usually constitute *seizures* under the Fourth Amendment of the U.S. Constitution.
3. **Critical interdiction** – Techniques that represent the greatest degree of risk to deputies. These techniques approach and contemplate the use of deadly force, and should only be undertaken when high levels of control are necessary.

Control Levels:

1. **Level 1 Pursuit/Level 1 Control** – A pursuit initiated to apprehend an individual fleeing after committing a simple traffic offense or less serious crime. Pursuit for these offenses can be justified, yet many of the more hazardous pursuit tactics should not be used, due to the minimal potential for public harm. Techniques and tactics that are generally acceptable in these instances are:
 - a. Relaxed interval;
 - b. Offset position;
 - c. Reduced interval;
 - d. Controlled deflation devices; &/or
 - e. Stationary roadblocks.
2. **Level 2 Pursuit/Level 2 Control** – Pursuits that are initiated or continued for very hazardous traffic offenses such as driving while intoxicated, reckless driving, or felonies. Either the originating offense or an offense that occurs during the pursuit, present a high level of danger to the public, but not so high that deadly force is routinely justified in the apprehension attempt. Level 2 control techniques are more aggressive in nature, and call for officer vehicles to move in front of a fleeing suspect. Techniques and tactics that are generally acceptable in these instances include Level 1 approaches, and:
 - a. Rolling roadblocks;
 - b. Boxing-in; &/or
 - c. Controlled contact.
3. **Level 3 Pursuit/Level 3 Control** – These pursuits are initiated or continued following a deputies' perception that a life-threatening felony has just occurred that justifies the use of deadly force in the apprehension of the fleeing suspect. Examples include armed robbery, assault with a deadly weapon, attempted or actual assault with a motor vehicle, aggravated kidnapping, murder, etc. The offense may be the initiating cause for the chase or an observed suspect

behavior during the chase. Level 3 control techniques can be extremely hazardous to the officers that attempt them, and the general public, and should only be utilized in emergency situations where a human life is already at great risk. In essence, Level 3 control techniques are almost indistinguishable from the use of deadly force; therefore, officers considering their use should ask themselves if the death of the violator is acceptable as an outcome to the event. Techniques and tactics that are generally acceptable in these instances include Level 1 and Level 2 tactics, and:

- a. Uncontrolled contact; &
- b. Use of firearms.

The following objective risk factors define the levels/control categories in the matrix above. During a pursuit, deputies must continuously evaluate the risk to the pursuing deputy, the suspect, and the public, and be prepared to end a pursuit when the risk factors so require.

Risk factors may change during the pursuit.

1. High risk factors

- a. High density of intersecting streets (e.g., business district).
- b. Poor weather, slippery streets, low visibility.
- c. Blind curves, intersections, and narrow roads.
- d. Numerous pedestrians.
- e. Heavy, congested traffic.
- f. Speeds twice the posted limit, or greater than 80 mph.
- g. Unmarked vehicles, motorcycles, or non-patrol vehicles involved in the pursuit.
- h. Extremely hazardous maneuvers by the violator (e.g., driving against oncoming traffic, running red lights).
- i. Pursuing deputy is excited and not in full control of emotions.
- j. Numerous pursuit vehicles involved, above authorized number.
- k. No supervisor participating in the pursuit, or ineffective supervision.
- l. Special circumstances (e.g., a school district).

2. Moderate risk factors

- a. Unmarked vehicles, motorcycles, or non-patrol vehicles involved in the pursuit.
- b. Moderate density of intersecting streets (e.g., a residential area).
- c. Light pedestrian traffic.
- d. Moderate traffic, little congestion.
- e. Speeds 20 mph greater than the posted limit.
- f. Pursuing deputy is generally calm with emotions under control.

- g. Some hazardous but not extreme maneuvers by the violator (e.g., crossing the center line to pass vehicles, sudden lane changes).
- h. Supervisor is involved or provides effective oversight.
- i. Authorized number of office vehicles involved in the pursuit.

3. Low risk factors

- a. Only patrol vehicles involved.
- b. Pursuit takes place on a straight road, good surface, and clear visibility.
- c. Low density of intersecting streets
- d. Few or no pedestrians.
- e. Clear, calm weather.
- f. No hazardous maneuvers by the violator.
- g. Speeds at less than 20 mph over the speed limit.
- h. Supervisor is involved or provides effective oversight.
- i. Authorized number of law enforcement vehicles involved in the pursuit.
- j. Deputy is calm and in full control.

B. Primary deputy's responsibilities

- 1. The deputy's primary responsibility in a pursuit is the safe operation of their Sheriff's Office vehicle.

Only authorized vehicles with emergency equipment shall pursue.

The deputy shall notify the dispatcher of the following:

- a. The location of the deputy and the suspect's vehicle.
- b. The direction of travel.
- c. The license number (and state) of the suspect's vehicle.
- d. The description of the suspect's vehicle.
- e. The reason for the pursuit.

C. Supervisor's responsibilities

- 1. The on-duty supervisor shall monitor the pursuit by ensuring compliance with Sheriff's Office policy, directing deputies to join or abandon pursuit, re-designating primary and support pursuit vehicles if necessary, approving or directing pursuit tactics, and terminating the pursuit.
- 2. The on-duty patrol supervisor shall monitor the pursuit and may respond to the location of the suspect after they have been stopped. The supervisor may end the pursuit at any time that they feel the circumstances warrant.

3. No more than two vehicles may pursue a fleeing suspect without the specific authorization of the on-duty supervisor. In authorizing additional WCSO vehicles to pursue, the supervisor shall consider:
 - a. The nature of the offense.
 - b. The number of suspects.
 - c. The number of deputies currently participating as primary or support vehicles.
 - d. Any injuries or property damage already sustained as a result of the pursuit.
 - e. Any other clear, articulated facts that would justify the assignment of additional WCSO vehicles.
4. After the incident, the supervisor shall critique the pursuit with all of the members involved, and direct participants to submit reports.
5. The on-duty supervisor at the time the pursuit was initiated will retain authority over the pursuing members of the WCSO for the duration of the pursuit.
6. The supervisor may direct the use of tire-deflation devices, if appropriate.

D. Supporting deputy's responsibilities

1. Normally the first back-up unit to respond shall assist the primary deputy in pursuing the suspect and making the arrest. The secondary pursuing deputy is responsible for broadcasting the progress of the pursuit and controlling the pursuit tactics. By addressing these communications responsibilities, the primary deputy can focus attention on their pursuit driving.
2. Tire-deflation devices may be deemed appropriate to stop a pursuit and may be deployed by supporting officers. These devices shall be used only by members trained in their use.

E. Dispatcher's responsibilities

1. Record all pertinent information about the pursued vehicle.
2. Notify all appropriate on-duty supervisors when a pursuit has been initiated.
3. Advise all other officers of the pursuit and the information relayed by the pursuing officer. Assist in directing back-up units to strategic locations.
4. Order the radio cleared of all but emergency traffic.

5. Alert all other nearby law enforcement agencies of the pursuit and information relayed by pursuing deputies when continuing beyond the borders of Woodbury County.
6. Query IDOT and NCIC for license data and the possibility of any outstanding arrest warrants.

F. Considerations for engaging in pursuit.

1. Deputies shall not operate a vehicle at a rate of speed that may cause loss of control: The WCSO expects the deputy to terminate the pursuit when the level of risk, measured against the seriousness of the violation, so requires.
2. The decision to begin, responsibility for continuing, and the choice of which method of pursuit to utilize rests primarily, if not solely, with the individual deputy(s) involved. Deputies should be aware that the courts may hold them criminally and civilly responsible for a pursuit conducted in a negligent manner. Therefore, deputies must exercise sound judgment and carefully consider the seriousness of the offense, the possible consequences, and the safety of citizens.

G. Rules of pursuits

1. The decision to initiate a Pursuit Immobilization Technique (P.I.T.) must be based on the pursuing deputy's conclusion that the immediate danger to the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large. The Pursuit Intervention Technique (P.I.T.) shall only be used as a last resort to stop a fleeing vehicle, and only under the following circumstances:
 - a. The occupant(s) of the vehicle are reasonably believed to have been involved in the commission of a dangerous felony involving the use or threatened use of deadly force; or
 - b. The continuing manner of operation of the fleeing vehicle is creating a substantial risk of death or great bodily harm to the public that would not be alleviated by terminating the pursuit; or
 - c. The occupant(s) of the fleeing vehicle pose a significant threat of death or great bodily harm to the public for reasons unrelated to the pursuit, if not immediately apprehended.
 - d. Use of the Pursuit Immobilization Technique (P.I.T.) technique at speeds greater than 35 miles per hour is considered deadly force and shall only be used under authorized deadly force circumstances.
 - e. Use of any other ramming technique to contact a suspect vehicle and/or force it off a road is considered deadly force.

- f. Use of the Pursuit Immobilization Technique (P.I.T.) technique would not create an unreasonable risk of harm to an uninvolved motorist, pedestrians or incur significant property damage to residential property or businesses.
 - g. Prior to the use of the Pursuit Immobilization Technique (P.I.T.), officers shall have authorization from the on-duty supervisor.
 - h. The Pursuit Immobilization Technique (P.I.T.) will only be utilized by deputies who have received Sheriff's Office approved training.
2. Should the person(s) attempting to avoid apprehension stop the fleeing vehicle and proceed on foot, the deputy should attempt to give their location, and continue efforts to apprehend on foot. Circumstances may dictate, however, a continued pursuit in a vehicle. Support vehicles shall be dispatched in close proximity to offer assistance. The pursuing deputy should be cautious, however, that the pursued vehicle may carry other persons who might assault the pursuing deputies.
 3. Boxing-in shall be performed only at low speeds and then only if the participating deputies have been trained in the technique.
 4. Supervisors shall determine the number of vehicles in a pursuit.
 5. Deputies shall refrain from firing their weapons from a moving WCSO vehicle unless authorized by the on-duty supervisor.
 6. If the on-duty supervisor orders the pursuit to end, the primary and supporting pursuing deputies shall cease **immediately**.
 7. Stationary roadblocks are defined in this policy as roadblocks that have no avenues of escape and deadly force has been authorized. Whenever possible, the on-duty supervisor shall request permission from the field operations commander to use this maneuver. The supervisor's decision to erect a road block should consider:
 - a. The safety of law enforcement members.
 - b. The risk of physical injury to the occupants of the pursued vehicle.
 - c. The protection of citizens and their property.
 - d. The nature and severity of the offense(s) involved.
 8. A roadblock is defined in this policy as a means to stop a vehicle that allows for avenues of escape. In either a stationary roadblock or a rolling roadblock, the following shall be adhered to: the roadblock must be clearly visible at a distance sufficient to enable approaching vehicles to stop safely or use an offered avenue of escape. The deputy in charge of the roadblock shall notify the

dispatcher of its precise location. All participating officers must be aware of the roadblock. Furthermore, no personnel shall remain in vehicles being used for blocking purposes.

9. When accompanied by civilian passengers, deputies shall not pursue. If a civilian is assigned to a WCSO vehicle at the beginning of a pursuit, that deputy shall relinquish the responsibility of the pursuit over to another deputy, or deposit the civilian at an appropriate, safe location and notify dispatch to have the civilian picked up. AT NO TIME SHALL A DEPUTY PURSUE WITH A CIVILIAN OR IN CUSTODY PERSON IN THE OFFICE VEHICLE.
10. When two vehicles are involved in pursuit, each unit shall maintain at a safe distance, especially when traversing intersections.
11. During the pursuit, should the suspect drive in a direction opposite to the flow of traffic, the pursuing deputy shall not follow the suspect in the wrong direction but transmit via radio, detailed observations about the suspect vehicle's location, speed, and direction of travel. A pursuing deputy may be able to follow the suspect on a parallel roadway.
12. Deputies involved in a pursuit should not try to overtake or pass the suspect's vehicle. (Note: Deputies who have been trained to box-in a fleeing suspect (a "running roadblock") may have to overtake or pass in order to apply the technique.)
13. Intersections are a particular source of danger. When approaching an intersection where signal lights or stop signs control the flow of traffic, deputies shall:
 - a. Enter the intersection at a reduced speed and only when all other vehicles are aware of the deputy's presence and intentions.
 - b. Resume pursuit speed only when it is deemed safe. When using emergency lights, siren, and headlamp, the deputy is **requesting** the right of way and does not indiscriminately have the right to run a red traffic light or stop sign.

Out-of-jurisdiction pursuits

1. Pursuits beyond the local jurisdiction require the direct approval of the on duty supervisor and, if approved, shall be conducted according to this order. The dispatcher shall notify the appropriate jurisdiction of the pursuit and request assistance.
2. Once the pursuit has entered another jurisdiction and deputies from that jurisdiction enter the pursuit, the shift supervisor and deputy should evaluate the necessity of WCSO units to continue in the pursuit. Deputies should keep in mind the unknown territory,

amount of other vehicles in the pursuit, the number of occupants of the vehicle and the danger to the public.

3. If deputies from another jurisdiction pursues a suspect into Woodbury County, WCSO deputies shall enter the pursuit only if the other agency specifically requests help and the on-duty supervisor approves any Sheriff's Office participation. Any non-pursuit assistance (including apprehension of a stopped suspect) may be provided as the circumstances dictate.

TERMINATING PURSUITS

- A. This order has taken into consideration the necessity for a pursuing deputy to continuously evaluate the risks and goals of a pursuit. Under some conditions, abandoning a pursuit may prove the most intelligent decision the deputy can make.
 1. Discontinuing a pursuit does not mean that the deputy cannot follow the vehicle at a safe speed, or remain in the vicinity ready to resume the pursuit if the opportunity presents itself and circumstances warrant. No deputy shall be disciplined for discontinuing a pursuit.
- B. Deputies shall discontinue a pursuit under the following circumstances:
 1. The on-duty supervisor orders it.
 2. The pursuing vehicle experiences an equipment or mechanical failure that renders the vehicle unsafe for emergency driving.
 3. The pursued vehicle has outdistanced the pursuing deputy in such a fashion that its location is not known.
 4. A person has been injured during the pursuit and no medical or WCSO personnel are able to provide assistance.
 5. The pursuing deputy perceives a clear, inordinate danger to officers, the fleeing suspect, or the public coupled with the danger created by continuing the pursuit outweighs the value of apprehending the suspect at the time.

FOLLOW-UP REQUIREMENTS

- A. The on-duty supervisor shall ensure that all participating deputies document their involvement in the pursuit within 24 hours of the event regardless whether or not the suspect was stopped. The supervisor shall prepare a summary report which includes:
 1. The names of participating deputies.

2. A narrative description of where the pursuit began and under what circumstances (including the weather conditions and road description), where it ended and under what circumstances, at what speeds, and the duration of the pursuit.
3. A description of the tactics used to stop the suspect's vehicle, including the use of tire-deflation devices, and an evaluation of their effectiveness.
4. Any observations on the behavior or actions of the fleeing driver that may support additional criminal charges.
5. A description of how the suspect was apprehended and the use of force measures employed.
6. A description of property damaged or an account of injuries sustained during the pursuit.
7. The offenses for which the suspect was charged.

**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Workplace Harassment	Policy Number: 048
Issue Date: 07-01-11	Revision Date: 07-15-14 Review Date: 07-01-15
Approval Authority	
Title and Signature:  Sheriff	

POLICY:

All Sheriff's Office employees are expected to maintain and promote a productive working environment free of harassing or disruptive conduct, and will report to management any harassment.

No form of harassment will be tolerated, including harassment because of an individual's *race, national origin, religion, disability, pregnancy, age, military status, gender, or sex.*

Definitions:

ARBITRARY DISCRIMINATION: Any action or activity that unlawfully or unjustly results in unequal treatment of persons or groups based on age, gender, national origin, race or religion for which distinctions are not supported by legal or rational considerations. Arbitrary discrimination is prohibited conduct by members of the Woodbury County Sheriff's Office.

QUID PRO QUO HARASSMENT: This form of harassment occurs when an employee is being pressured to engage in sexual conduct or else lose a tangible job benefit. (Quid pro quo means "something for something.") This form of harassment usually occurs between a supervisor and a subordinate where the harasser has power to control the employee's work benefits or conditions. Note that this form of harassment is not limited to express demands for sexual favors, but may be implied by circumstances (e.g., offering an employee sexually explicit magazines).

HOSTILE WORK ENVIRONMENT HARASSMENT: This form of harassment is unwelcome conduct that is so severe or pervasive as to change the conditions of the victim's employment, thus creating an intimidating, hostile, or offensive work environment.

DISPARAGING TERMS: These are used to degrade or infer negative attitudes regarding age, race, national origin, gender or religion. Such terms may include slurs, insults, printed materials, visual materials, signs, symbols, posters or insignia. The mere usage of disparaging terms constitutes arbitrary discrimination.

PERSONAL DISCRIMINATION: Any action taken by an individual to deprive a person or a group of a right because of age, race, national origin, gender or religion. Such discrimination can occur overtly, covertly, intentionally, unintentionally, by an act or an omission and constitutes a form of arbitrary discrimination.

SEXUAL HARASSMENT: A subcategory of gender-based discrimination and as such may result in civil rights violation suits. It may involve different forms of activities including utilization of sexually explicit language or gestures, the presence of sexually suggestive or explicit pictures, drawing, or unsolicited, unwanted or unusual touching or closeness by or from any member or related conduct, activities, actions, mannerisms or suggestions, with sexual inferences or overtones. Sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute harassments when the conduct is unwelcome in the sense that the employee did not solicit or incite it and the employee regarded the conduct as undesirable or offensive.

Sexual harassment may also involve explicit or implicit conduct that infers that there exists a requirement to submit to sexual favors as a term or condition of a person's job, pay or career and that submitting to or rejecting such conduct by a person is or may be used as a basis for career or employment decisions affecting the person. Such conduct may have the purpose or effect of unreasonably interfering with the individual's performance or creating an intimidating, hostile, or offensive working environment.

PROCEDURE:

Notification Responsibilities:

- A. This directive covers a wide spectrum of behavior, some of which includes casual remarks or activities which the WCSO members may not realize are offensive. The Sheriff is committed to a work environment free from hostility and harassment and each member is responsible for assisting in the prevention of harassment.
- B. Supervisors shall be responsible for preventing acts of harassment by:
 1. Monitoring the work environment.
 2. Counseling all subordinates on the types of behavior prohibited and the WCSO procedures for reporting and resolving complaints of harassment.
 3. Stopping any observed acts that may be considered harassment and taking appropriate steps to intervene.
 4. Taking immediate action to limit the work contract between to members where there has been a complaint of harassment, pending an investigation.
 5. Will assist any member of the WCSO who comes to that supervisor with a complaint of harassment. All complaints shall be kept confidential.

Complaint Procedure:

- A. Members encountering harassment shall tell the person that their actions are unwelcome and offensive.
- B. The member shall document all incidents of harassment to the best of their abilities.
- C. Report the incident to their immediate supervisor as soon as possible so steps may be taken to protect the member from further harassment.
- D. Where the immediate supervisors involved, the division commander shall be notified and continue in the chain of command.

Reporting Requirement:

Any Sheriff's Office employee, who believes that they have been subjected to unlawful harassment, *must* immediately report the incident to their supervisor. If the supervisor is the subject of the alleged complaint, or if for any reason the employee does not wish to report such an incident to their supervisor, the employee will immediately report the matter directly to the Division Major. In the event the employee alleges that the Division Major is the subject of the complaint, the report will be made directly to the Sheriff. In the case the Sheriff is the object of the complaint, and the employee does not feel comfortable to report the incident to the Division Major, the report will be made to the Woodbury County Human Resources Division.

Investigation of Complaints:

All reported incidents of harassment alleged against an officer, employee, or authorized visitor to the Sheriff's Office will be immediately investigated by the Division Major or designee. Complaints against fellow employees will be treated *confidentially* to the extent that a thorough investigation reasonably allows. Officers of the department trained and experienced in investigation techniques will conduct these investigations. Statements of the complaining party, and key witnesses will be completed on official *witness statement* forms, signed, and witnessed. Prior to any signing, each complainant, witness or subject of an investigation will be reminded of the perjury laws contained in the State Code of Iowa. Any individual suspected or accused of an offense will be read their *Miranda Warning*, prior to any interview or interrogation.

Disciplinary Action:

Any violation of this harassment policy is grounds for disciplinary action, including but not limited to *warning, suspension, discharge, demotion, transfer, or probation*. The Sheriff may also impose other remedial actions in appropriate circumstances, including but not limited to counseling, training, treatment, placing of conditions on continued employment, and criminal referral.

If it is concluded that a complaint or report of harassment was intentionally or knowingly false, or that information provided in an investigation was intentionally or knowingly false, the individual(s) providing such false complaint, report, or information are subject to disciplinary action, and possible criminal charges for *filing a false or misleading police report or official document*.

**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: K-9 Unit	Policy Number: 049
Issue Date: 04-11-14	Revision Date: 07-15-14 Review Date: 07-01-15
Approval Authority	
Title and Signature:  Sheriff	

Canine use requires adherence to procedures that properly control their use of force potential and that channel their specialized capabilities into legally acceptable crime prevention and control activities.

PROCEDURES

The following procedures govern the use and deployment of the canine units.

- A. The canine handler will evaluate the situation to determine if utilization of the canine is feasible.

- B. Canines are the responsibility of their handlers, and will be under their direct supervision at all times. The canine will not be permitted to roam at will.

- C. Canine handlers have the authority to deploy their canines in crowd control situations as outlined in the subsection Crowd Control.

- D. Canine handlers taking part in any activity that might bring discredit upon the canine unit will be subject to disciplinary action and/or removal from the canine program.

- E. Canine handlers will be responsible for the following.

NORMAL PATROL DUTIES

1. Field and building searches, crowd control, tracking, evidence recovery, narcotics and explosive detection.
2. Assisting outside agencies upon request and when authorized.
3. Assisting in the apprehension of persons suspected of a crime.
4. Decision making regarding the tactical deployment of the canine and its ability to accomplish a given assignment.
5. Maintaining familiarity with all up-to-date training information and techniques in canine use.
6. Canine handlers and their canines are required to attend a minimum of eight-hours of training per month.
7. Completion of monthly and yearly reports, indicating all bites, building searches, tracks, crowd control deployments, and article searches.
8. Ensuring that proper attention is given to the canine's health and wellbeing.
9. Liaison with the veterinarian approved by the Office.
10. All canine handlers will be required to carry their canines while on duty, unless job assignments, weather conditions dictate otherwise, or due to illness or injury to the canine. In such cases the handler will inform the communications center he/she will be without the canine.
11. The canine will have a yearly examination to include proper inoculations and other care as directed by the veterinarian.
 - a. If emergency treatment is required, the approved veterinarian will be contacted by the handler. In cases of emergency treatment that cannot be rendered by that approved veterinarian, the handler may utilize any available veterinarian.
 - b. The handler is responsible for carrying out treatment as recommended by the veterinarian.

c. The Handler will house the canine at the handler's home and will be responsible for the care and control of the canine.

d. The handler will be responsible for general grooming of the canine.

MAINTENANCE OF K-9 RELATED EQUIPMENT

Developing methods and techniques to ensure the use of canines to their fullest potential and proper tactical deployment will be the responsibility of the Canine supervisor.

Canine handlers will be responsible for maintaining necessary licenses, certifications and/or qualifications through the United States Police Canine Association (USPCA). Any additional certifications will be in addition to the USPCA certifications.

DEPLOYMENT

The Office canine may be deployed when it is determined that the canine's deployment would properly resolve the situation.

SEARCHES

1. Upon finding evidence of forced entry or other illegal access to a building or attached fenced storage area, the member on the scene will request the use of the canine unit if entry is suspected. If no canine officer is on duty, one may be summoned to the scene at the discretion of an acting supervisor.

2. The canine unit will enter the building and the handler will announce that the canine will be utilized for the search.

3. After a sufficient time for any intruders or others in the building or area to surrender to police, and if the canine handler is reasonably certain no innocent persons are in the building, the canine will be unleashed to initiate the building search.

4. The canine handler will advise assisting members that the canine is being deployed.

5. The handler will be accompanied by a second officer to provide cover and assistance as necessary.

6. Any apprehended suspect will be turned over to the assisting officer.

AREA SEARCHES

1. Members arriving at the scene that suspects were observed in should avoid contaminating the area until the arrival of the canine unit.
2. When a suspect is known to be in an area, a perimeter should be set to prevent escape or unauthorized persons from entering the area.
3. The canine handler will advise assisting members that the canine is being deployed.
4. During the search, assisting members should stay in their units to prevent interference with the search.
5. The handler will be accompanied by a second officer to provide cover and assistance as necessary.
6. Any apprehended suspect will be turned over to the assisting officer.

EVIDENCE SEARCHES

1. Members arriving at the scene that may contain discarded or dropped evidence should avoid contaminating the area until the arrival of the canine unit.
2. A perimeter should be set to prevent unauthorized persons from entering the area.

TRACKING

1. Responding members will maintain a perimeter around the area to prevent escape of suspects or entrance by other persons.
2. While awaiting the arrival of the canine unit, the area will be secured and articles or evidence shall not be contaminated.

3. On arrival of the canine unit, advise the canine handler the last place that the suspect was seen.
4. The handler will be accompanied by a second officer to provide cover and assistance to the handler.
5. Any apprehended suspect's, or located persons will be turned over to the second officer.

CROWD CONTROL

1. Canine handlers have the authority to deploy their canines in crowd control situations, being mindful that the use of a canine during crowd control situations should be handled with discretion and sound judgment. The canine may be deployed in these situations if the handler feels that the presence of the canine outside of the cruiser will serve as a calming agent or cause the crowd to disperse without further action. Restraint is the key.
2. If deployed, the canine will be kept on its lead.
3. The canine shall not be used to purposely incite the crowd.
4. Canine units at crowd control situations will be under the supervision of the supervisor or highest ranking officer on scene.
5. If a canine unit is needed for crowd control and none are on duty, an on-duty supervisor may call in an off duty canine unit to respond.

DUTIES OF ASSISTING OFFICER

1. Secure the scene and avoid contamination of the area.
2. Assisting members will follow the directions of the canine handler.
3. Do not enter the building or areas to be searched unless directed to by the canine handler.

4. Exit the building if entrance was made prior to the start of the building search by the canine unit. The handler will be advised if the area has been contaminated as a result of a search by responding members.
5. Maintain a perimeter around the location to prevent escape of suspects or entrance by other persons.
6. Noise must be eliminated and the use of spotlights or flashlights around the building must be kept to a minimum.
7. Assisting members will stay away from windows, doors and keep the area clear of spectators.
8. Members accompanying the canine team will observe the area for possible threats, as the handler will be focusing his attention primarily on the canine.

DRUG DETECTION

1. Canines trained in drug detection will be utilized to determine probable cause for search warrants, in execution of search warrants, searches of vehicles, or in any other instance where the presence of illegal substances are suspected.
2. Before a canine is sent into a location all occupants will be removed, and unauthorized unnecessary persons will be kept out of the area.

REQUESTS FROM OTHER JURISDICTIONS

The Woodbury County Sheriff's Office canine teams can be summoned by other police agencies as per the Mutual Aid Policy and Procedure of this manual.

CANINE COORDINATOR

In order to determine possible trends, necessary corrective actions, or future training needs, a Canine Coordinator shall be appointed by the Sheriff. Monthly Canine Reports will be forwarded to the Canine Coordinator by the Canine Supervisor for his review. The Canine Coordinator shall also be responsible to ensure that adequate on-going training, care, and equipment needs are met, and that training is documented with the Canine Supervisor.

INJURY TO HANDLER OR CANINE

The following procedures shall be followed in the event the canine handler or canine is injured.

1. In non-life-threatening situations, deputies will not approach the handler or attempt to render first aid. An attempt will be made to have the canine handler control the canine. If this is not possible, another canine handler or household member of the handler will be contacted to remove or control the canine.
2. In life-threatening injury situations, members shall take whatever action is necessary to save the handler's life, up to and as a last resort destruction of the canine.
3. An on-duty supervisor shall be called to the scene.
4. The Canine Coordinator shall be called to the scene.
5. If injured, the canine should be transported immediately to the Office approved veterinarian, or any other available veterinarian.

RESTRICTIONS

Canine vehicles will not normally be used for prisoner or mental transports. No prisoner will be conveyed in that part of a vehicle set aside for the canine, whether or not the canine is in the vehicle.

Canine teams will not normally be sent to traffic accident investigations, unless there is an injury and all other units are unavailable.

USE-OF-FORCE

1. Canine handlers will function in accordance with our Use of Force policies and procedures. Any instance when the handler knowingly permits his canine to make or continue to make an unjustified attack upon any person, will be considered as unnecessary and excessive use of force.

2. Whenever a canine bites any person, the person will be provided with proper medical attention in accordance Office procedures.

PUBLIC DEMONSTRATIONS

1. Demonstrations will not be conducted without approval of the K-9 Supervisor, or Sheriff.

2. The safety of the audience will always be the first priority throughout the demonstration.

3. Any demonstration should be structured so as to make a positive impression on the public.

4. Canine members participating in the demonstration will be in uniform unless approved by the canine supervisor.

5. No person other than members of this Office will be allowed to participate in a canine demonstration unless prior approval has been received from the Sheriff.

6. It will be the responsibility of the Canine supervisor to coordinate the demonstrations with their patrol shift supervisors so that they do not interfere with shift operations.

OTHER MEMBERS' RESPONSIBILITIES

1. Members will not pet canines without the permission of the handler.

2. Members will not feed, attempt to feed, tease, agitate, or abuse canines.

3. Except in emergency circumstances or with prior approval of the handler, personnel other than canine handlers will not give commands to canines.

FINANCIAL RESPONSIBILITIES

The Woodbury County Sheriff's Office will assume certain financial responsibilities involving the care and use of canines, to include: medical expenses, licensing,

necessary equipment, food/biscuits, handler training as needed, necessary insurance, and other material needed to facilitate the operation of the canine unit. The length of the canine's work life and their subsequent disposition will be determined by the Sheriff after consultation with the Canine Coordinator.

Canine handlers will confer with the canine coordinator to arrange all necessary food and supplies.

USE OF DRUGS FOR CANINE TRAINING

Drugs being used for narcotics training must be approved by canine supervisor, and canine coordinator for use as a training aid.

The drug training aids will be stored in a designed secured area.

1. Training Procedures

a. All drug detection dog training shall be documented and will include:

i. Date, time and location of training.

ii. The types and amounts of training aids that were used.

iii. Description of the location of the hidden training aids.

b. Upon completion of the training session, return the training aids to the canine drug storage locker located in the designated secure area.

c. When training out of town, the training aids shall be stored in a container in the trunk of the police vehicle.

2. Damage/Destruction Documentation

If any training aid is damaged/destroyed by the drug detection canine or by any other means, the following procedures shall be followed.

- a. The drug detection canine handler shall recover as much of the spilled/dropped drugs as possible.
- b. The canine supervisor will immediately be notified.

EXPLOSIVE DETECTION

- a. An explosive detection canine is a locating device, not an assessment tool.
- b. A dog should not be used to sniff suspicious packages or objects deemed unsafe by the handler.
- c. It is not necessary that a bomb dog respond automatically to places of business or schools who received a bomb threat. If the caller says that a bomb will explode at a designated time, it should be left to the place of business or school to determine if they want to evacuate or not.
- d. Custodial staff and employees are most familiar with the places of business or schools where threats are often received. They should be advised to conduct a search of the premises for unusual objects.
- e. Depending on the circumstances, a secondary search may be conducted using a dog.
- f. Duties include but not limited to, sweeping areas and automobiles used by visiting dignitaries, to include convention areas and arenas for large business gatherings.
- g. After conducting a search with negative results, the proper response should be, "I am not guaranteeing that there is no bomb in this facility, my dog did not indicate on any explosive odor."

CANINES IN TRAINING

1. After a successful review by the canine coordinator, supervisor, and approval by the Sheriff, a canine may be labeled "in training". The "in training" period will not exceed six months. After the review and approval of the Sheriff, the canine team will be allowed to work as a unit with the following restrictions:
 - a. Article searches: No restrictions.
 - b. Vehicle protection: Windows must be up at all times, unless K9 screen is in place.
 - c. Drug search: Any indications by a canine in training must be verified with a certified canine.
 - d. Friendly trails: No restrictions.
 - e. Criminal trails: Forbidden for the safety of the handler.
 - f. Handler protection: The canine will only be allowed to protect its handler if the handler can release the canine from the vehicle when needed. The windows

on the patrol vehicle will be in a position so that the canine cannot exit the vehicle on its own.

- g. Crowd control: Only in emergency situations, such as a riot or a potential riot, and then only on lead.

UNIT QUALIFICATIONS AND TRAINING

1. Applicants for the canine unit must have:
 - a. At least two years of uniform patrol experience with satisfactory work performance, disciplinary, and medical records.
 - b. Willingness (together with family members) to care for and house the canine at the deputy's residence with a secure outdoor area for the canine that conforms to the Sheriff's Office requirements.
 - c. Have the ability to provide the proper motivation for the canine both verbally and physically.
 - d. Have an enthusiastic and positive attitude, high energy, and good physical condition.
 - e. Be self-motivated and be able to work with minimum supervision.
 - f. Be willing to devote personal time to maintenance, training, care, and socialization of the canine.
 - g. Demonstrate a willingness to assist, support, and cooperate with other agencies and personnel.
 - h. Make a commitment to remain the handler of the canine for the remainder of the canine's working life.
 - i. Have a sincere love and understanding of canines as the reason for application for the position. Also, have a sincere desire to utilize the canine's abilities to enhance investigations and increase apprehensions.

**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: In Car Video Recording	Policy Number: 050
Issue Date: 06-01-12	Revision Date: 07-15-14 Review Date: 07-01-15
Approval Authority	
Title and Signature: 	Sheriff

General Considerations:

The use of a mobile digital recording system provides persuasive documentary evidence and helps defend against civil litigation and allegations of deputy misconduct. The goal of the Sheriff's Office in-car camera program is to ensure that audio/video recordings provide as true and accurate a depiction of events as is reasonably possible, in order to provide the best possible evidence and documentation of events. Experience has shown that those agencies using mobile audio/video recording equipment in patrol vehicles have much higher conviction rates and substantial reductions in the amount of time deputies spend in court.

In many cases, accurate and reliable recordings can help defend deputies and the Sheriff's Office against false accusations and unjustified litigation. The use of mobile digital recording equipment in patrol vehicles can also give patrol deputies added protection against false accusations of law enforcement misconduct during traffic stops and calls for service.

Purpose:

The purpose of this policy is to provide deputies with guidelines for the use, management, storage, and retrieval of audio/video media recorded by in-car recording systems.

Policy:

It is the policy of the Sheriff's Office to provide deputies with mobile digital recording devices in an effort to enhance the deputy's ability to detect and prosecute criminals by recording vehicle stops, pursuits and responses requiring law enforcement intervention.

Procedure:

It is the intent of this policy that all deputies who will be using a vehicle outfitted with a mobile digital recording device shall be trained on the manner in which the device shall be tested, maintained and used.

A. It shall be the responsibility of each deputy to test the mobile digital recording equipment at the beginning of each tour of duty. In the event any of the equipment is functioning improperly, the deputy shall report the problem immediately to their shift supervisor so that arrangements can be made for repair.

B. All motor vehicle stops, calls for service and self initiated contacts conducted by deputies using patrol vehicles with recording capabilities shall be recorded.

C. The recording shall begin no later than when:

1. The deputy first signals a vehicle to stop.
2. Arrives at the scene of an ongoing motor vehicle stop initiated by another law enforcement officer.
3. When the deputy initiates a call for service.
4. Arrives at a call for service initiated by another officer.
5. Is dispatched or responds to a call for service.

D. The recording shall continue until the motor vehicle stop or call for service is completed, and the citizen(s) involved in the vehicle stop or call for service has departed, or until the deputy discontinues his/her participation in the stop or call for service.

E. The recording shall include searches of any kind, to include; K-9 searches of vehicles, arrests of any persons, operators or occupants of vehicles, and the issuance of violations.

F. Shift Supervisors shall conduct periodic reviews of officer-generated media in order to:

1. Assess officer performance and compliance with this policy.
2. Assure proper functioning of mobile digital recording equipment.
3. Determine if mobile digital recording equipment is being operated properly.
4. Identify captured incidents that may be appropriate for training.

G. Uploading of audio/video digital recording from the patrol vehicles to the server, via the three wireless access points at the Woodbury County LEC, will be the responsibility of the deputy. Two access points are located on the northeast corner of the LEC and the third is located in the vehicle sally port of the LEC. The two access points on the northeast corner of the LEC are positioned to cover the back parking lot, 8th Street from the alley west to Douglas Street, the alley from 8th Street south to 7th Street, and a portion of the Pioneer Bank parking and driveway. The wireless connection is a line-of-sight system. There cannot be any obstacles between the access point on the building and the antennas on the patrol vehicles. If the unit does not upload, first try moving the patrol vehicle closer to one of the access points before reporting any issues with the system.

During uploading, the patrol vehicle must remain running. There does not need to be any intervention between the deputy and the digital recording system in the patrol vehicle to upload. The DVR will indicate on the monitor when a connection and file transfer to the server has been achieved. It will be the responsibility of the deputy to upload and maintain adequate space on the compact flash card and prevent the card from filling to maximum capacity.

The DVR units in the patrol vehicles will remain locked for chain of evidence integrity. Only system administrators will access the DVR set-up and compact flash card when necessary. A log will be kept of each manual access of the DVR and compact flash card for each patrol unit.

The system is designed to allow each deputy to view their uploaded audio/video recording(s) via a web based program at <http://10.2.17.251/flashback/web.jsp>. The

system can be accessed by typing the deputy's county user id and password when prompted at the above web address.

Never change the password in the web based program.

H. When charging the body mics in the home chargers, it is necessary to leave the body mic turned on. Once the body mic has been charged in the home charger, it is necessary at the beginning of your shift to place the body mic in the car charger until the sync light has stopped blinking. This will insure the body mic will continue to communicate with the DVR in the patrol car.

**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Body Worn Video Cameras TASER AXON FLEX	Policy Number: 051
Issue Date: 09-01-15	Revision Date: None Review Date: 07-01-15
Approval Authority	
Title and Signature:  Sheriff	

I. PURPOSE:

The purpose of this policy is to establish guidelines and limitations for the use and management of body worn audio/video camera systems.

II. POLICY:

The Woodbury County Sheriff's shall utilize the TASER AXON FLEX, body worn audio/visual recording system, to videotape and audio-record incidents involving law enforcement activity.

The use of body worn audio/visual recording systems will accomplish several objectives to include:

- Enhance deputy safety
- Document statements and events
- Affords the deputy the ability to review statements and actions for documentation/reporting purposes and for courtroom preparation/presentation
- To preserve visual and audio information for use in current and future investigations
- To provide an impartial measurement for self-critique and evaluation for training purposes
- Enhance public trust by preserving factual representations of deputy-citizen contacts in the form of audio/visual recordings
- Provide additional evidence for court and administrative proceedings • Impact violent crime

III. DEFINITIONS:

TASER AXON FLEX: A body worn audio/video recording system primarily consisting of a camera and a controller/battery pack.

Evidence.com: Online web-based digital media storage facility accessed at www.evidence.com. The virtual warehouse stores digitally encrypted data in a highly secure environment that is accessible to police personnel. Accessibility is limited based upon the level of security clearance assigned to the officer.

System Administrator: Evidence.com administrator with full access to website. Assigns and tracks equipment; controls passwords; conducts quality checks of uploaded data; coordinates data retention; provides copies of requested to data to requesting officer.

End User: TASER AXON FLEX user with individual account access to Evidence.com.

Evidence Transfer Manager (ETM): A docking station that simultaneously recharges the controller/battery pack and uploads all data captured by the TASER AXON FLEX. The ETM ensures that evidence handling is secured and that data is not altered.

Buffering Mode: The TASER AXON Flex continuously loops video recording for a 30 second period. No audio is recorded while buffering.

Event Mode: When placed in Event Mode, the TASER AXON FLEX records audio and visual data. The previous 30 seconds of buffered video is also saved.

IV. PROCEDURES:

A. Training

1. Only those deputies who have completed a block of prescribed instruction are authorized to use the TASER AXON FLEX on body audio/visual recording system.

B. Administration

1. Prior to each shift the deputy shall inspect the TASER AXON FLEX to ensure the system is fully charged and operational. Only fully operational systems shall be used.
2. Deputies shall not attempt to make repairs to the TASER AXON Flex system.
3. Malfunctions, damage, loss or theft of TASER AXON FLEX equipment shall be immediately reported to a supervisor.

C. Use

1. The TASER AXON FLEX body worn audio/visual recording system shall be operated in accordance with manufacturer's guidelines and Woodbury County Sheriff's Office training and policies.

2. The TASER AXON FLEX shall be worn at all times by the assigned deputy.
3. The TASER AXON FLEX shall be placed in Event Mode as soon as practical once it has been determined in the deputy's use of sound judgment that an incident is to be recorded in accordance with this order.
4. The Event Mode should generally be used during incidents which create reasonable suspicion in the mind of a reasonable deputy that a crime has been committed, is being committed or will be committed in the near future.
5. In any incident, investigation, or traffic stop that results in a Case Incident Report, summons, infraction ticket, or other WCSO document being generated and the TASER AXON FLEX body worn audio/visual recording system was used, the deputy shall note its use on the appropriate document.
6. Whenever a deputy records an incident or any portion of an incident, which that deputy reasonably believes will likely lead to a citizen complaint, the deputy shall immediately bring it to the attention of his/her supervisor.
7. The recording of confidential informants and undercover officers must be authorized by a supervisor.
8. Deputies shall not allow citizens to review the recordings unless authorized by a supervisor.
9. For report writing purposes deputies may review their own video recording.
10. Deputies shall not make copies of any recording for their personal use and are prohibited from using a recording device (such as a camera phone or secondary video camera) to record media from Evidence.com or any device utilized to view recorded data directly from the TASER AXON FLEX.

D. Audio/Visual Recording

1. In keeping with the Office's value of respecting the dignity of all persons, deputies will use sound judgment in when and how the TASER AXON FLEX will be used. Deputies shall record the following types of incidents:
 - a. Pedestrian and vehicular investigative detentions and stops;
 - b. Observed unlawful conduct;
 - c. Use of force;
 - d. High-risk situations;
 - e. Advising an individual of Miranda rights;

- f. Statements made by suspects, victims, or witnesses;
- g. Motor vehicle searches;
- h. Area canvasses or K-9 Unit searches;
- i. Physical arrest of persons;
- j. Serious or fatal motor vehicle accidents;
- k. Property damage regarding motor vehicle accidents;
- l. Observed items of evidentiary value; and
- m. Any other legitimate law enforcement activities.

E. Prohibited Recordings

The TASER AXON FLEX shall not be used in Event Mode to capture:

1. Whenever possible, deputies will avoid capturing video media or sensitive exposures of private body parts;
2. Events which occur in Sheriff's Office locker or dressing rooms, restrooms or any other place where there would be a reasonable expectation of privacy;
3. To record conversations of fellow employees without their knowledge during routine, non-law enforcement related activities;
4. Non-work related personal activity shall not be recorded;
5. Individuals who are lawfully engaged in a protest or other First Amendment-protected right of speech or demonstration, unless there is at least reasonable suspicion of criminal activity, or to serve any other legitimate law enforcement purposes.

F. Data download/Media Storage

1. The TASER AXON FLEX shall be placed in the ETM docking station at the end of shift for re-charging and downloading captured data to Evidence.com. The TASER AXON FLEX shall not be removed from the ETM docking station until all data has been downloaded and the battery has been fully re-charged.
2. Data shall only be downloaded to Evidence.com.
3. Officers may view downloaded data at www.evidence.com.
4. Downloaded data shall be maintained at Evidence.com for a minimum of 30 days in accordance with WCSO Policy and Procedures. Data that has evidentiary value in

criminal cases and/or citizen complaints against officers shall be retained in accordance with existing policy and procedures.

5. Requests for copies of any data from Evidence.com shall be made to the System Administrator.

V. OFFICE REVIEW OF RECORDED DATA:

A. Supervisors may review a specific incident recording for the purpose of training, critique, early intervention inquiries or for investigative purposes.

B. The Sheriff or his designee may review specific incidents recorded by the TASER AXON FLEX on body audio/visual recording system when participating in an official departmental investigation of agency personnel.

C. Under no circumstances shall any recordings be used or shown for the sole purpose of bringing ridicule or embarrassment upon any person.

D. The release of recordings to any person shall be made in accordance with WCSO Policy and Procedures, and pursuant to requirements as established by operation of applicable law, including but not limited to, the Freedom of Information Act ("F.O.I.A").

E. A System Administrator will make up the Categories, and the retention period that goes along with these categories. An Administrator will be responsible for tracking all videos as they come up for deletion.

**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Project Lifesaver	Policy Number: 052
Issue Date: 04-09-15	Revision Date: None Review Date: 07-01-15
Approval Authority	
Title and Signature:	 Sheriff

I. PURPOSE

The purpose of this directive is to establish procedures for the use and implementation of the Project Lifesaver Program.

II. PROCEDURE

A. In the event a Project Lifesaver participant is reported missing, the Communications Center will dispatch officers to the scene and a report along with a preliminary investigation will be conducted.

B. The Communications Center will contact a patrol supervisor to inform them a Project Lifesaver client has been reported missing and trained personnel are needed. A supervisor will assign an officer to immediately take the Project Lifesaver tracking and locating devices to the scene. In the event the Sioux City Police Department requests the tracking and locating devices, a patrol supervisor is authorized to send two officers with the tracking equipment to assist with the search in the city. The patrol shift supervisor will determine if any Reserve or Patrol Deputies need to be called in if there are not enough officers working or available at that time to assist with a search in the city. If Mercy Air Care is activated, one of the sets of equipment will be taken to their location.

C. Three tracking and locating devices will be stored at the Sioux City Police Department in the storage closet behind Watch Command, and one tracking and locating device will be stored by the Woodbury County Sheriff's Office at the **Prairie Hills Work Release Office.**

D. The Communications Center will notify Mercy Air Care and request they be placed on standby while Communications contacts the officers who have completed the helicopter training and confirm one officer is available to search with Mercy Air Care. A text message will also be sent to the following to make them aware there is a search taking place:

1. Sheriff,
2. Division Majors,
3. Patrol Lieutenant
4. Volunteer Coordinator,
5. Sioux City Police Department Project Lifesaver City Coordinators.

Communications will also contact the Sioux City Police Department to request two of their trained Project Lifesaver personnel to obtain their tracking equipment and participate in the search.

E. Trained personnel will continue to search for the missing Project Lifesaver participant until they are located, or a Watch Commander determines the search is to be terminated. When the missing person has been located, an officer will transport the person to the location requested by the caregiver. The participant will receive medical treatment if needed.

III. TRAINING

A. Operators of the Project Lifesaver equipment will be certified by instructors who have successfully completed a course of instruction using the standards set by the National Project Lifesaver Program.

B. Project Lifesaver trained personnel will successfully complete “hands-on” training at least once per year.

IV. PROJECT LIFESAVER PARTICIPANT SELECTION AND REMOVAL

A. The Project Lifesaver Program Coordinator (VIPS Coordinator) will meet with the potential participant’s caregiver to determine if the individual meets the criteria established for consideration.

B. Upon approval, a contract will be presented to the participant’s caregiver. The caregiver must sign the contract and return it to the Program Coordinator. A memo regarding the contract will be forwarded to Opportunities Unlimited for billing purposes.

C. Once the contract is agreed upon and signed, the new participant will be fitted with a transmitter. In the event a contract is terminated, the Program Coordinator will retrieve all of the equipment and appropriate documentation.

D. The Program Coordinator will create a Project Lifesaver administrative file that contains all client information, including the original Contract and Personal Data information, and store it in the Program Coordinator’s Office. The Program Coordinator will also update the web-based program, including pictures of the clients, for officers to use. Officers can access the pictures and files by going to the Roll Call screen of the MDB program, then clicking on the Project Lifesaver link. This will bring up a list of client names. The officer can access the picture and frequency number by clicking on the appropriate client name. The Communications Center staff, Woodbury County Sheriff’s Office and the Sioux City Police Department will have available to them, copies of the client information, tracking frequency and photo. There will also be binders with client

information stored with the Project Lifesaver tracking equipment located at the Sioux City Police Department Headquarters

V. MAINTENANCE OF EQUIPMENT

A. The Project Lifesaver Program Coordinator and/or the designated volunteer will be responsible for the (30 or 60 day) maintenance of the transmitter issued to the program participant. Once every thirty (or sixty) days, as determined by the Project Lifesaver style of transmitter, the battery in the transmitter will be replaced, and then tested, to make sure the transmitter is working properly.

B. The Program Coordinator, and/or designated volunteer, will check the tracking equipment and charge the receivers every week, ensuring the equipment is ready to use for searches at all times.

**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Conducted Electrical Weapon (Taser)	Policy Number: 053
Issue Date: 09-01-14	Revision Date: 02-12-15 Review Date: 07-01-15
Approval Authority	
Title and Signature: 	Sheriff

PURPOSE:

The purpose of this directive is to establish control and accountability for the use of Conducted Electrical Weapon (CEW / TASER) devices.

This directive is used for management and administrative needs of the Woodbury County Sheriff's Office only. It is not intended to impose a higher standard of care for purposes of civil liabilities on employees or the County. Violations are administrative in nature and investigations are conducted through administrative proceedings only.

POLICY:

The Woodbury County Sheriff's Office endorses the use of TASER devices as a safe and effective tool for controlling dangerous and/or potentially violent subjects when such subjects have demonstrated the intent, have the opportunity and have the means to cause imminent serious bodily harm or the death of themselves, or of a member or any other person.

TASER devices can provide a safe and effective alternative to blunt instruments and deadly force; however, they are not replacements for these tactics or lesser tactics when the totality of the circumstances justifies the need for such measures.

As is the case with all uses of force situations, it is the officer's burden to justify the use of any force. The standard for review requires members to articulate specific facts based on the totality of the circumstances existing at the moment and exercise the judgment of a reasonable officer under similar circumstances.

Officers are cautioned that any Use-of-Force involves an inherent risk of injury, and possibly death dependent on a variety of diverse circumstances. Included in these circumstances are the physical and mental conditions of the subjects involved. The physical and mental conditions of subjects are important factors that must be appropriately weighed in decisions to use force and the level of force used.ⁱ Justifiable force used to gain control over a normal healthy subject can have a disproportional

impact on such 'at-risk' populations (for example: elderly persons, persons with heart problems, the mentally ill, drug addicts, persons in a state of 'excited delirium' and the like).

PROCEDURE:

The use of the Taser shall be used only to control circumstances of extensive physical force and is not intended to replace verbal problem solving skills or self-defense techniques. The Taser shall be deployed in circumstances where other use of force options is unreasonable and attempts to subdue a subject will likely result in unsafe conditions. Any officer who has not been trained in the proper care and use of the Taser is NOT allowed to deploy or carry said device.

The Taser shall be handled or deployed by only those officers who have completed Woodbury County Sheriff's Office Taser training. The Taser shall be handled in the same manner and treated with the same degree and discretion as a firearm.

Only proper functioning and charged Tasers shall be handled for use. If a Taser is not functioning properly or indicates ANY type of warning on the CID (Central Information Display) that Taser shall be taken out of commission and given to a Taser instructor for their evaluation of the unit.

When doing SPARK TESTS all Tasers shall be pointed in a safe direction. Remove ALL cartridges including the spare cartridge if applicable (X26P). All spark tests are to be completed at the BEGINNING OF YOUR SHIFT and the spark tests must be the entire 5 second cycle. DO NOT cut the spark tests short by turning on the safety switch.

Tasers shall be carried on the officers "weak or support" side only. The Taser can be carried in a "cross draw" fashion, or with the "weak side" holster. The Taser shall not be carried on the officers "strong" side at any time, even if the officer does not carry a firearm. Officers may carry the Taser in the supplied "drop holsters" if supplied.

Any Tasers that are not being carried on duty by correctional staff shall be properly secured when not in use. They need to be out of sight and not in an open area or counter top.

Any accidental discharges must be reported to OIC, including Jail Administration and Taser Instructors. Accidental discharges will include incident report and dictation.

LIMITATIONS IMPOSED ON THE USE OF TASER DEVICES:

TASER devices shall never be used as punishment, as an interrogation tool, or as horse-play.

1. On persons confined to a wheelchair,
2. On a person in control of a running motor vehicle, or motorized equipment,
3. On a person holding a firearm in a dangerous direction
4. On a non-violent person once the person has been secured in handcuffs
5. Near flammable liquids or fumes, explosives, or volatile materials,
6. On pregnant women (if obviously known to officer to be pregnant)
7. On persons *known to be*, or should be known to be 'at-risk' (e.g., persons with apparent debilitating illnesses, neuromuscular disorders, infirmities, heart problems, serious ill-health, persons exhibiting signs of 'excited delirium', drug addicts)
8. On small children (example: less than 12 years old) ,
9. Persons less than 60- 80 pounds
10. Where a risk of serious injury or death may result from a fall (e.g., falling on a sharp, blunt or protruding objectives, from a dangerous height, into deep or swift moving water and the like) , or
11. On persons who have been severely injured from an accident, or involved in an accident and exhibits signs of head injuries, dazed, difficulty in breathing, unconscious, and the like.
12. In DRIVE STUN mode only WITHOUT cartridge (s) attached to Taser.

DEPLOYMENT:

A TASER device:

1. Shall never be purposefully aimed at the groin area, eyes, neck, throat, open mouth, face, or breasts of a female;
2. Does not replace the use of a firearms when an imminent threat with a high probability of serious injury or death exists (example: the subject is pointing a firearm at another, is aggressing and within striking distance with a knife) ;
3. Shall be accompanied, when possible prior to deployment, with a verbal warning the device is going to be deployed;
4. Shall be first deployed in its most effective and safest mode (i.e., the Probe) , if at all practicable; and,
5. Unless deadly force would be justified, officers shall never use multiple EDDs together on a single individual, or deploy the device (s) for more than 2 complete 5 second cycles, or for more than a total of 10 seconds in any arrest / incident on a single individual.

The Taser Body Camera system should be recording the Taser deployment either by the officer deploying the Taser or at least one other officer at the location of the deployment. Videos of the deployment will be a part of the incident report/evidence and when downloaded need to be flagged for Supervisory review.

Whenever a Taser is deployed it is the responsibility of the deploying officer to make certain officers on location understand the Taser is being deployed and not lethal force prior to the deployment of the Taser. This shall be accomplished through the warning announcement of “TASE” three times to alert other officer’s, as well as provide the subject an additional opportunity to cease the conduct that has given the rise to the deployment of the Taser.

When an officer approaches a subject with the intent to deploy the Taser and an additional member is present, the additional member shall provide lethal cover if applicable should it become necessary for protection of life. Verbal commands should be used constantly before (whenever practical), during, and after the deployment of the Taser to warn the subject to cease his/her aggressive demeanor or action.

POST DEPLOYMENT:

Subjects will be visibly monitored at all times while in custody in the field.

Follow appropriate safety precautions to avoid being infected with blood-borne pathogens (e.g., wear latex gloves, wipe the affected area with an alcohol swab and apply a band aid over the probe site).

Only certified EMS or medical personnel shall attempt to remove a probe from sensitive body areas (face, eyes and /or genitals). Persons who have stuck, embedded or probes broken off in the body will be transported to a hospital and probes removed only by qualified medical personnel.

Probes will be disposed of in biohazard receptacles.

Data-port information shall be downloaded and preserved as soon as practical.

Transporting personnel will notify detention personnel if a subject has been exposed to a TASER.

Exposed subjects will be under constant visual observation for a period of not less than 30 minutes during the booking process, while detention personnel look for and assess the possibility of adverse effects. Once incarcerated, visual observations will occur no less than once every 30 minutes for the following 24 hours.

If any of the following behaviors are observed, subjects will be transported to a hospital for evaluation and treatment by qualified medical personnel.

1. Bizarre or violent behavior
2. Signs of over heating
3. Slurring or slowness of speech
4. Self-mutilation
5. Breathing pattern disturbances or loss of consciousness
6. Signs of unusual physical distress
7. Any signs of excited delirium (e.g., bizarre behavior, extreme physical strength, impervious to pain and the like)
8. The subject requests medical attention
9. The subject is a juvenile or a person of small stature

Any Taser used in a deployment will be given to a Taser instructor for an information download at the earliest convenience of an instructor. All deployments require the Taser information to be downloaded and preserved for evidence in future court proceedings. Taser Instructors are the only ones authorized to complete these downloads.

REPORTING RESPONSIBILITIES:

Members about to use, of have used, a TASER device will ensure that the shift supervisor is notified as soon as practicable.

Officers who have used a TASER will document it in the case report as soon as practicable, and before the end of their work shifts.

A complete incident report and dictations shall be completed and shall include the following information:

- The date, time, location and all officers/inmates (Jail) involved in incident.
- Taser assigned number (Jail staff) or serial number and deployed cartridge number.
- The area of the body where the Taser was applied and how many cycles used.

The Deputy Shift supervisor shall:

1. Respond to the scene when a TASER has been used, or is about to be used,
2. Ensure that photographs are taken of the site of the probe impacts and any related injuries,
3. Ensure the incident is properly documented on the case report,
4. Document and photograph all visible injuries as a result of the incident. When possible, photographs should be taken before the probes are removed and immediately after removal,
5. Ensure the probes are removed from the subject's skin by a TASER device certified member, or medical personnel, and
6. Ensure qualified EMS and/or other appropriate medical personnel are notified and asked to respond to the scene if there is reasonable cause to believe a person is suffering, or has suffered an adverse reaction, has been injured, or a subject's pre-deployment behavior would suggest the possibility of an unusual or adverse reaction.

An examination will be conducted by medical personnel to determine whether the individual has suffered any injury, either directly from the TASER discharge or indirectly, such as by falling after incapacitation.

CARE, SECURITY, AND MAINTENANCE:

All officers issued or signed out using a TASER device has primary responsibility for its security and care. Damage, defects or loss will be immediately reported, without delay, through the chain-of-command.

Under no circumstances shall a TASER device be dismantled or altered by unauthorized personnel.

The manufacturer's instructions for care, maintenance and cleaning will be strictly followed.

TASER INSTRUCTORS:

The Taser Instructor(s) shall:

1. Receive, inspect and ensure the maintenance and replacement of the WCSO Taser devices and related equipment.
2. Establish and maintain systems to record issuance of equipment.
3. Complete regular monthly downloads to check for any software updates and also to ensure that proper SPARK CHECK tests are being completed daily. turn defective or damaged Tasers and air cartridges to the suppliers.
4. Obtain service and / or replacement for defective or damage Taser components from the supplier.
5. Review reported uses of the Taser by WCSO personnel and establishes a system for maintaining statistics on the performance of the Taser.
6. Ensure basic certification and annual re-certification training on the Taser is provided as needed, as well as maintaining a record of the training.
7. All other duties as may become necessary for the employment, maintenance and enhancement of the WCSO Taser program.

**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Secondary Employment	Policy Number: 054
Issue Date: 01-21-15	Revision Date: 10-28-15 Review Date: 07-01-15
Approval Authority	
Title and Signature:  Sheriff	

SECONDARY EMPLOYMENT

Secondary Employment – Policy Statement

Sworn and non-sworn members of the Woodbury County Sheriff's Office (WCSO) are permitted to engage in secondary employment. Employment which may constitute a conflict of interest or bring discredit on the WCSO will not be authorized.

The purpose of this directive is to provide guidelines for secondary employment.

Secondary Employment Defined

Secondary employment is any employment outside the WCSO and is either:

1. Extra-duty – employment conditioned on the actual or potential use of law enforcement powers by sworn employees or job related skills by non-sworn employees. Sworn members may only engage in this type of employment when it is contracted through CWA 7177. Prior to engaging in any extra-duty employment, members will be required to complete an independent contractor agreement, obtain the signature of the hiring agency, and provide a fully executed copy to the Sheriff or his designee. The only exception will be those extra-duty jobs which have been grandfathered.
2. Off-duty - employment not conditioned on the actual or potential use of law enforcement powers or job related skills by either sworn or non-sworn.

Members may not work any more than twenty-four (24) hours of secondary employment in any 7 day period, unless the member takes vacation or compensatory time for such work. The management, maintenance, upgrade, or operation of real property (i.e. a home, apartment, or farm) owned by the member or member's family will not be subject to these limitations. However, members will not engage in secondary employment to such an extent as to jeopardize on-duty performance.

Prohibited Off-Duty and Extra-Duty Employment

Members of the WCSO will not be employed off-duty or extra-duty:

1. in any establishment whose primary business is the sale of alcoholic beverages;
2. in any establishment where gambling or wagering serves as a source of revenue to the business (does not apply to state-sponsored lotteries, bingo, or other games conducted by and for the direct benefit of a non-profit organization);
3. in any business or establishment engaging in or where illicit actions and conduct are engaged in (such businesses include, but are not limited to – unlicensed liquor establishments and businesses owned or frequented by known criminals);
4. on behalf of any principal involved in any labor dispute except as provided in a sidebar agreement between the County and the CWA 7177;
5. on sick leave, light duty, or worker's compensation during the hours the employee is scheduled to work.

Extra-duty employment is prohibited while:

1. on suspension, administrative leave, or restricted duty (until after the completion of their first full regular work day, any prior approval for secondary employment will be deemed withdrawn);
2. on an unpaid leave of absence;
3. on probationary status;
4. on sick leave, light duty, or worker's compensation (until 16 hours following the end of the normal scheduled work period for which they reported sick).

The following types of secondary work are prohibited:

1. General investigative or other police or security work for insurance companies;
2. General investigative or other police or security work for attorneys;
3. Employment by private investigation firms or bail bonds companies;
4. Work involving the service, delivery, or dispensing of alcoholic beverages.

Approved Types of Off-Duty Employment

WCSO members may engage in any form of lawful employment outside the WCSO, subject to the restrictions of this directive.

WCSO members may engage in off-duty employment in the capacity of an expert witness or consultant in an area of special expertise (i.e., accident reconstruction, arson investigations, etc.) for attorneys and insurance companies, subject to the following restrictions:

1. with specific and limited permission of the Sheriff;
2. the matter under investigation did not occur within Woodbury County;
3. the matter under investigation does not oppose the WCSO or any other governmental agency or employee;
4. any testimony or reports generated as a result of any such investigation will not be used to oppose a law enforcement agency or agency of government;
5. the employee meets the individual requirements of Chapter 80A of the Code of Iowa;
6. members will not wear departmental uniforms nor hold themselves out as police officials;
7. members may not utilize any records or documents not readily available to public access, or whose access is limited to law enforcement officers and agencies.

Approved Types of Extra-Duty Employment

Approved extra-duty employment is normally limited to uniformed security activities and traffic control during sporting events, civic or private functions, or for private businesses not prohibited by this directive and approved by the Sheriff.

Permission For Extra-Duty Employment

Prior to the beginning of each calendar year the CWA 7177 President will provide a list of the year's anticipated Extra-Duty employment to the Sheriff for approval. The Sheriff will review the list and will provide a response to the Union along with a list of deputies who are authorized to participate in Extra Duty employment. Any Extra Duty employment not pre-approved by the Sheriff will require deputies to complete an Extra Duty Approval Form.

When a member is required to complete an Extra-Duty Approval Form, it will be reviewed, approved or disapproved, and signed by a Major or Sheriff, prior to engaging in extra-duty employment. The completed form will include, at a minimum, the date, time, and place of employment. Significant aspects of the employment should be included when known.

If an extra-duty employment opportunity arises and insufficient time is available to obtain full approval (not due to inaction on the part of the member), initial approval may be obtained from the member's Major or Sheriff. This approval will be received on the same form and in the same manner as normal extra-duty employment. The deputy may proceed to work the event subject to the further approvals of the Sheriff.

Permission for off-duty or extra-duty employment may be revoked at the discretion of the Sheriff.

Conduct During Extra-Duty Employment

Deputies will comply with the policies, directives, and procedures of the WCSO Directives Manual while engaging in extra-duty employment.

A deputy working extra-duty will contact the Communications Center at the start and finish of their assignment. Deputies will inform them of the location and duration of the extra-duty assignment.

The time necessary to complete the required documentation will be paid for by the extra-duty employer and will not be charged back to the Sheriff as straight time, compensatory time, or overtime.

Deputies of the WCSO will be responsible for making all court appearances which may be required as the result of extra-duty enforcement actions. Court appearances made in connection with or as a result of extra-duty work are subject to the pay provisions of the member's collective bargaining agreement.

Deputies engaged in extra-duty employment do so to enforce the laws and ordinances of the State of Iowa and Woodbury County and to maintain the public peace and order.

Deputies engaged in extra-duty employment will take appropriate action for infractions of State Law or County Ordinances brought to their attention.

Deputies engaging in any enforcement action during the course of extra-duty employment, assume an on-duty status at the times such actions commence for the purpose of liability and indemnification. Woodbury County will defend the actions of deputies taken in furtherance of the good of the County while engaged in extra-duty employment which gives rise to civil litigation against the Deputy, to the extent required by any applicable law.

Deputies will not enforce the private in-house rules or regulations of their extra-duty employer. If action is taken solely for the benefit of the employer and gives rise to civil litigation against the deputy it will be defended solely by the deputy and/or the extra-duty employer. Deputies engaged in activities taken for the sole benefit of the hiring agency or employers are independent contractors. If a deputy is injured while engaged in such activities, the deputy is not eligible for workers compensation benefits from Woodbury County.

When law enforcement action is taken, deputies will document the incident on a WCSO incident report and supplement. This documentation may be critical for court appearances, addressing complaints, or liability and indemnification concerns stemming from the action.

Point of Contact

Requests and scheduling for extra-duty employment will be referred to CWA 7177 designated extra-duty coordinator, who will disseminate the information to

the members including the dates, times, locations, and any significant aspects not commonly known about the job. Deputies will not become involved in the solicitation of extra-duty employment for their personal benefit.

Pre-existing ongoing employment relationships held by individual deputies prior to the effective date of this policy may continue in perpetuity as long as the same employer, deputy, and job functions and duties persist. These "grandfathered" relationships are non-transferable and, once vacated, will be handled through CWA 7177.

The Sheriff or his designee will oversee adherence to the policies and procedures regarding extra-duty employment.

Authorized Use of Sheriff's Equipment

Deputies engaging in extra-duty employment are authorized to wear the Class "A" or Class "B" uniform. Under certain circumstances, the Sheriff may grant permission to work certain plainclothes activities. Deputies are authorized to use approved duty belt and related equipment. No other WCSO-owned equipment is permitted except as authorized by the Sheriff or his designee.

**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Indian Country Jurisdiction	Policy Number: 055
Issue Date: 2-12-15	Revision Date: None
Approval Authority Title and Signature:  Sheriff	

GENERAL PROCEDURES

History and Discussion:

To be recognized as "Indian country", usually, the land must either be within an Indian reservation or it must be federal trust land (land technically owned by the federal government but held in trust for a tribe or tribal member). For most purposes, the types of Indian country are as follows:

1. Reservations (18 USC 1151(a)). Historically, Indian reservations were created when particular tribes signed treaties with the United States. Among other things (treaties often included provisions for tribal members to receive law enforcement, education, health care benefits, and to retain hunting/fishing rights) the tribes typically transferred their traditional lands to the United States government but "reserved" part of their lands for tribal purposes. These "reserved" lands became known as "reservations". Later, many "reservations" were created by presidential executive orders or by congressional enactments. As defined by 18 USC 1151(a), "Indian country" consists of all land within a reservation including land that is privately owned and land that is subject to a right-of-way (for example, a publicly accessible road). However, some reservations have been "disestablished" or nullified by such things as federal court decisions or later congressional enactments.
2. Informal Reservations - if a reservation has been disestablished or if the legal existence of a reservation is not clear, remaining trust lands that have been set aside for Indian use are still Indian country (Oklahoma Tax Commission v. Chickasaw Nation, 515 US 450 and Oklahoma Tax Commission v. Sac & Fox Nation, 508 US 114).
3. Dependent Indian communities (18 USC 1151(b)). In US v. Sandoval (231 US 28) the US Supreme Court ruled that pueblo tribal lands in New Mexico are "Indian country" and in US v. McGowan (302 US 535) the Court ruled that Indian colonies in Nevada are also "Indian country". The results of these decisions were later codified at 18 USC 1151(b) as "dependent Indian communities". The Court has interpreted "dependent Indian communities" to be land which is federally supervised and which has been set aside for the use of Indians, Alaska v. Native Village of Venetie (522 US 520).
4. Allotments (18 USC 1151(c)). Primarily from 1887 until 1934, the federal government ran programs where some parcels of tribal trust land were allotted or assigned to particular Indian

persons or particular Indian families (but further transfers were to be temporarily restricted by the federal government). Some of these allotments were later converted to private ownership. However, when the allotment programs were frozen by Congressional enactment in 1934, many parcels of land were still in restricted or trust status - these remaining parcels are "Indian country" even if they are no longer within a reservation.

5. Special Designations - Congress can specially designate that certain lands are Indian country for jurisdictional purposes even if those lands might not fall within one of the categories mentioned above. An example of this is Santa Fe Indian School in Santa Fe, New Mexico (Public Law 106-568, section 824(c)).

Due to a change in the channelization of the Missouri River since the establishment of the Winnebago Indian Reservation, a portion of the reservation is now on the Iowa side of the river. Through agreements, most of the land which once was contiguous with the State of Nebraska, now is under the jurisdictional control of the State Iowa. Iowa has limited jurisdictional authority on that land and even less when it involves members of **ANY** recognized Indian tribe. A deputy may have jurisdiction to enforce laws on non-Indians, but has none on tribal member. That limitation extends to Indian members even if those members are Indian of a different United States Tribe. The following guide should be used when dealing with persons on lands held trust for American Indians.

Indian Country Jurisdictional Reference Guide:

1. Indian perpetrator & Indian victim: Common felonies - Federal Court; Misdemeanors - Tribal Court.
2. Indian perpetrator & non-Indian victim: Felonies - Federal Court; Misdemeanors - Tribal Court.
3. Indian perpetrator of victimless crime: Felonies - Federal Court; Misdemeanors - Tribal Court.
4. Non-Indian perpetrator & non-Indian victim: State Court.
5. Non-Indian perpetrator & Indian victim: Federal Court.
6. Non-Indian perpetrator of victimless crime: State Court

There is no legal definition of an "Indian" nor is there a legal definition of a "tribe". All Indians do not have certain characteristics that a deputy can definitively state whether a person is in fact a Native American. Usually, members of Indian tribes carry identification indicating their affiliation, but they are not required to do so.

Some Woodbury County Sheriff's Office deputies have been cross deputized as Bureau of Indian Affairs officers. This authorization takes place only with the consent of a BIA agent for a particular case. In all cases, where the jurisdiction is questionable, the deputy will notify BIA or FBI agents of a potential jurisdictional legal challenge. This in no way prevents our taking an initial offence report or the detaining of Indians for investigatory purposes. Deputies are prohibited from making an arrest or transporting off of Indian land any person known to them to be a member of a recognized tribe, unless acting under the direct authority and permission of either the BIA or FBI for criminal purposes.

Lands owned by the Winnebago Tribe of Nebraska that are not specifically set aside a reservation, or land held in trust for the tribe, are not subject to this section of the policy and are to be treated uniformly as with all other persons.

**Law Enforcement
Policies and Procedures**

Subject: Courthouse Security	Policy Number: 056
Issue Date: 05.20.15	Revision Date: 07.15.15
Approval Authority	
Title and Signature: 	Sheriff

I. Policy:

All individuals entering the Woodbury County Courthouse shall be subject to this security policy at all times.

The Woodbury County Sheriff's Office seeks to establish an appropriate level of security that minimizes the opportunity for physical violence and/or injury to employees, the public, and anyone conducting business in the Woodbury County Courthouse. Responsibility for implementing and enforcing this security policy falls under the authority of the Woodbury County Sheriff pursuant to Iowa Code §§ 331.502(1), 602.1303, and 331.653(4) (2012).

Woodbury County does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. For information on accessibility and to request reasonable accommodations at least three (3) days in advance, please contact the Woodbury County Sheriff's Office at (712) 279-6010.

II. Scope:

Access to the Woodbury County Courthouse during non-public hours and within the Courthouse at all times shall be controlled by an access control system.

All individuals entering the Woodbury County Courthouse during public hours shall be subject to security screening by the Woodbury County Sheriff's Office using a combination of walk-through, handheld and package screening devices. Firearms, knives and personal protection devices are subject to the provisions of Section IV of this policy.

If not otherwise specified in this policy, the Woodbury County Sheriff's Office shall establish screening procedures that balance the need for security with the productivity and functional needs of maintenance workers and employees of contractors/businesses hired by Woodbury County or the Judicial Branch to conduct work in the building.

All persons entering the Woodbury County Courthouse is subject to security screening including elected officials, judges, and employees. The only exception would be duly authorized and sworn officers with proper identification who are on non-personal business. All persons in the Courthouse may also be subject to additional unannounced random searches of any or all individuals at any time as determined by the Woodbury County Sheriff's Office or at the direction of the Chief Judge of the Third Judicial District of Iowa.

III. Entrances:

A. North Door Access:

1. The North Door entrance shall be open to the general public and shall be staffed as a security screening entrance by Woodbury County Sheriff's Office personnel from 7:30 AM until 4:30 PM, or at all times court is in session, Monday through Friday (except legal holidays common to both County and Judicial Branch employees).
2. The west/parking lot entrance shall be designated as the entrance that is accessible by persons with disabilities and for deliveries to the Courthouse.
3. Woodbury County Sheriff's Office personnel will be in place from 7:00 am to 5:00 pm to screen for employees and shall be available as needed for special events held in the courthouse.

B. West Door Access:

The West entrance is an emergency egress only and shall only be used as a special event entrance as approved by the Woodbury County Sheriff's Office.

C. East Access (Supervisors' Chambers and Freight Access):

The east entrances are emergency egress only and shall only be used as an entrance as necessary for proper building function approved by the Woodbury County Sheriff's Office.

IV. Weapons:

The provisions of this section may be modified or suspended to accommodate the lawful activities of participants in judicial matters, e.g., court exhibits. Authorization to bring items restricted by this policy into the Courthouse shall be evaluated and granted/denied on a case-by-case basis by the Woodbury County Sheriff's Office. The Sheriff's Office shall establish a procedure to accommodate such requests and the safe handling of restricted items while within the Courthouse.

A. Firearms, Knives, and Other Weapons:

1. Any unauthorized person who is attempting to enter the Courthouse with a firearm, offensive weapon, dangerous weapon, knife of any size, or explosive device shall be denied access and may be subject to arrest.
2. Court security deputies and deputies escorting inmates to court shall be authorized to carry weapons in the Courthouse, Courthouse grounds, and parking lot and shall be armed at all times.
3. Uniformed law enforcement personnel or law enforcement personnel with valid official identification displaying their photograph shall be authorized to carry weapons in the Courthouse.
 - a. Judges may set additional restrictions governing the possession of weapons by law enforcement personnel within a courtroom.
 - b. Law enforcement personnel involved as a party in a civil proceeding which is not related to his/her employment as a peace officer shall be subject to the restrictions as outlined in section 1.

B. Personal Protection Devices:

1. The provisions of above subsection A(4) shall also apply to the possession of a chemical control agent, electronic control device, or other personal protection device.
2. Unauthorized individuals shall be instructed to secure the chemical control agent, electronic control device, or other personal protection device prior to access or entry.

V. Personal Electronic Devices:

New technologies have facilitated legal research as well as case preparation and presentation. They have also dramatically changed the means and expectations, which people have, in communicating with one another. Many people routinely carry some form of cell phone, smartphone, personal digital assistant, tablet, laptop, or other similar portable wireless communications or computing device (hereinafter collectively referred to as "Personal Electronic Devices"). To maintain the decorum of court proceedings, ensure a fair trial, and protect the rights and safety of court participants in this rapidly

changing environment, it is important that courts place appropriate limits on the use of Personal Electronic Devices.

A. Within the Courthouse (Outside Courtrooms):

1. Any person may bring a Personal Electronic Device, subject to inspection and security screening, into the Courthouse.
2. If the Personal Electronic Device contains a phone function, its ring function shall be turned off at all times within the Courthouse. Telephone conversations are permitted but shall not interfere with the efficient functioning of the courts or county offices.
3. If the Personal Electronic Device contains other functionality that emits sound of any kind, it shall be set to provide completely soundless and noiseless (hereinafter "silent") operation at all times within the Courthouse.
4. Persons inside the Courthouse may use a Personal Electronic Device but only if the Personal Electronic Device is silent and operated in a manner that is unobtrusive and does not interfere with the integrity, dignity, and decorum of the Courthouse or the efficient operation of court business.
5. No person shall use a Personal Electronic Device to communicate with any courtroom participant at any time during the course of any proceedings. A "courtroom participant" includes an attorney, litigant, witness, or juror, who is present in the courtroom as part of the conduct of any proceedings.
6. No person shall use a Personal Electronic Device to photograph or otherwise communicate identifying information regarding jurors or witnesses. In addition to any penalties described below, violation of this subsection may result in criminal prosecution.

B. Within the Courtroom:

1. Unauthorized persons must turn off all Personal Electronic Devices before entering a courtroom.
2. Courtroom participants, as defined in above subsection A(5), excluding jurors, shall be authorized to use Personal Electronic Devices. However, if the Personal Electronic Device contains a phone function, its ring function shall be turned off at all times within the courtroom. No telephone conversations are permitted within the courtroom, unless specifically authorized by the presiding judge.

C. Media Coverage:

The Expanded Media Coverage rules found in Chapter 25 of the Iowa Court Rules shall apply to all persons entering the Courthouse. A copy of the full rules may be found at <https://www.legis.iowa.gov/iowaLaw/courtRulesListing.aspx>.

Unless otherwise specified in the Iowa Court Rules, members of the media seeking to use Personal Electronic Devices within a courtroom shall submit such requests to the presiding judge. Consistent with Rule 25.4(1) of the Iowa Court Rules, equipment to be used by the media in courtrooms during judicial proceedings must be unobtrusive and must not produce distracting sound.

D. Judicial Discretion:

The presiding judge may restrict or prohibit use of Personal Electronic Devices at any time, if, in their discretion, the use of a Personal Electronic Device is interfering with the administration of justice, the security of a proceeding, or the dignity, decorum, or integrity of the court process.

E. Violation:

Persons violating this section may have the use of their Personal Electronic Device restricted, including, but not limited to, being asked to move to another location or having their Personal Electronic Device confiscated. Persons in violation of this section shall also forfeit the privilege of bringing a Personal Electronic Device into the Courthouse or courtroom for the remainder of the proceedings for that particular case. Furthermore, persons in violation of the section may be held in contempt, which could result in a fine or jail time being levied. Finally, the court, in its discretion, may order that any audio recording, photographs, video, or communication made in violation of these rules be destroyed.

VI. Deliveries:

Delivery personnel and packages shall be subject to security screening. Delivery vehicles shall be parked in a regular marked parking space. Delivery vehicles too large to fit in a regular marked parking space shall be directed by Courthouse security personnel on where to park. No delivery vehicles shall be allowed to park directly in front of any entrance.

VII. Public and After-Hours Use:

Use of the Courthouse by any entity or organization shall be governed by the Woodbury County Building Use Policy.

**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Customer Service	Policy Number: 057
Issue Date: 07.15.15	Revision Date: None
Approval Authority	
Title and Signature:  Sheriff	

PURPOSE AND GENERAL POLICY:

It is best practice to have a formal, documented approach to customer service so that Sheriff's Office staff responsible for managing and delivering service has clear customer service guidelines to work within. In addition, people using or accessing our services should have a point of reference for the standards of service that they can expect to be provided by us.

This policy aims to:

1. Provide a clear framework and set of standards, covering the key areas of contact and response with customers.
2. Provide customers with a high quality of service and to manage their expectations positively.
3. Ensure that dissatisfaction or complaints from customers about service levels are:
 - a. Dealt with promptly and effectively.
 - b. Used to continuously improve customer satisfaction.

The scope of this policy covers everyone directly or indirectly involved in delivering services to people and organizations. It also supports how we should interact with internal customers, other agencies and third parties.

Customers are defined as individuals or organizations to whom we provide a service, and includes internal customers (colleagues, other divisions) and external customers (members of the public, including victims, people reporting incidents, witnesses and those suspected or found guilty of crimes and other companies organizations and agencies).

Dissatisfied customers may complain or they may lose trust in our ability to protect and serve them and this may then lead to a loss of confidence in the Woodbury County Sheriff's Office which could influence community support for the Office.

This policy supports consistent standards of service delivery across the organization and reinforces the importance of customer satisfaction and confidence levels in the services we provide. It also promotes a customer service culture and helps drive changes that support improved user satisfaction results.

PROCEDURES:

Wherever we work within our organization we are responsible for providing customer service either directly to people using our services, or indirectly by supporting colleagues who are providing frontline customer services.

We know what it feels like to receive good or excellent customer service and how frustrating and upsetting it can be when service received is unsatisfactory or leaves us feeling completely dissatisfied with the experience.

The procedural points below provide a broad summary of the service standards expected and there is no intention to insult the intelligence of anyone by stating what may appear as obvious requirements. These are minimum requirements that we should all be achieving and many may exceed these standards regularly or occasionally.

KEEPING VICTIMS OF CRIME/INCIDENTS INFORMED:

Victims of crimes/incidents want to be kept informed about the progress of their cases in a timely fashion. Keeping people informed is considered to be the single most important area in maintaining and improving public satisfaction and confidence. Providing effective follow up to victims, should result in them being more satisfied with and confident in the Woodbury County Sheriff's Office, which in turn improves community engagement and provision of intelligence for future investigations.

FACE TO FACE COMMUNICATION:

First impressions influence people's opinion significantly and each contact we have can affect confidence in our organization. It is important that we each support the drive to improve satisfaction and confidence with service by:

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1. Presenting a professional image and ensuring that your appearance complies with our Personal Appearance Policy.
 2. Using appropriate body language and tone of voice as these have much more impact than the words that you use. People remember how you made them feel not necessarily what you said.
 3. Being polite, professional, helpful and friendly. Giving your name and asking for and using the person's name appropriately. Using appropriate eye contact when talking or listening to them makes a meaningful difference.
 4. Avoiding 'off the cuff' remarks such as, '*This is the third one of these I've been to today*' or negative comments about our organization or other colleagues as these cause loss of confidence and satisfaction in the service we provide.
 5. Understanding that what may appear as routine to you maybe a once in a lifetime event for the victim/person reporting and demonstrating this to them by being sensitive to their needs and situation and using appropriate comments that reflect positively on you, our organization and the service we are providing.
 6. Informing victims of the appropriate agencies that may be able to offer those help or advice.
 7. Listening carefully to what the person is saying and showing that you have understood their issue by summarizing what they are saying and empathizing as appropriate.
 8. Giving a positive response where the person is criticizing or complaining about our service, or organization, or other colleagues, for example, thanking them for telling us and agreeing what you will and will not be able to do to resolve their issue. If you are unable to resolve their issue because it is not a Police matter, then provide them with the relevant points of contacts for other organizations.
 9. Avoiding using Police jargon or acronyms/abbreviations in your conversations. Use plain English, explaining things in a clear and easily understandable way.
 10. Managing the person's expectations positively by being clear about what you can and cannot do to help.
 11. Taking personal responsibility for ensuring that the agreements you make are delivered as expected, for example agreeing how and when you will contact the person to update them with progress, what actions you or others will be taking and the likely timescales involved. This includes managing your planned absences, so that updates continue while you are away, or having a colleague complete routine updates for you.
 12. Fully completing the actions to the agreed timescales and checking with the person that their issue/matter has been cleared/closed to their satisfaction and if not addressing any remaining requirements.
 13. Being patient and taking reasonable steps to ensure that effective communication is possible, especially where you are unsure about a person's ability to understand you, or your ability to understand them.

14. Remaining calm, caring and professional when communicating with and helping someone who is angry, upset or vulnerable, (including suspects), to ensure that you are able to understand each other and find out how you can help them.

PUBLIC AND FORMAL MEETINGS:

If you are attending a meeting, or asking someone to attend on your behalf then you are responsible for ensuring that you (or the person attending for you):

1. Have the correct time, date, place and copies of relevant information such as minutes, agenda, presentation material and/or notes.
2. Dress appropriately for the type of meeting you are attending, refer to Personal Appearance Policy.
3. Obtain approval of Administration to discuss matters relating to your employment or the Office.
4. Arrive in time to set up/check any equipment needed to present your material.
5. Know the names and roles of who is chairing and attending the meeting.
6. Check how much time you have to present and take and answer questions, are well prepared and keep to time.
7. Avoid using Police jargon, technical terms, and unnecessarily long or unusual words. Use plain and simple English that is easy to understand and is aimed at your intended audience.
8. Know whether the meeting is public or private, whether minutes are being taken and published and that your contribution is appropriate to the type of meeting.
9. Turn your mobile phone/device off during the meeting, unless you are expecting a call of an urgent nature, in which case you should let the Chair of the meeting know that if you are called or texted you will have to leave the meeting to deal with the matter. It is rude and distracting to others if you are reading or texting on your mobile phone/device while in a formal meeting.
10. If you are the Chair of the meeting ask attendees to turn mobile phones off during the meeting.
11. Pay attention to presenters and discussions and avoid having separate conversations. If you are the Chair of the meeting and notice attendees engaged in separate conversations, bring their attention back to topic.
12. Avoid interrupting presenters unnecessarily with questions that come to mind. Most presenters leave time for questions at the end of their presentation and you may find that your query has been covered by the time the presentation is completed. If you are presenting encourage attendees to keep questions until the end of your presentation.
13. Take specific notes of any actions that are requested of you, or of the Office to ensure that these are appropriately addressed. You should not commit yourself or the Office to actions without approval from Administration.

TELEPHONE CALLS:

The way in which we answer and deal with people's telephone inquiries has lasting impact on their perception of us as an organization and directly impacts their levels of satisfaction and confidence with our service. It is essential to provide a consistent and professional telephone response to internal and external callers.

Business Calls:

Telephone calls should be dealt with in the following way:

1. Answer your phone promptly.
2. Use an appropriate greeting and tell the caller your division, your name, and rank for example:
 - a. *"Good Morning/Afternoon/Evening, Woodbury County Sheriff's Office, Deputy Smith speaking"*.
3. Use a positive and authentic tone of voice as this leaves a lasting impression with callers, much more so than what you say. Sounding bored, annoyed, using an aggressive or overly assertive tone will leave the caller feeling dissatisfied, even if you have answered their questions.
4. Be polite, friendly and helpful through-out the call, ensuring that you have met the needs of the caller, or provided appropriate alternative contacts or solutions for them.
5. Do not eat, drink, continue other conversations or work during the call, focus your attention and responses on the person who has called you.
6. Standard office telephones pick up noise and conversations in the room, so it is very important that this is kept to a minimum when colleagues are taking calls. Ask colleagues to be quiet while you are on a call and do this for them when they are taking a call.
7. If you receive a call that is either not intended for you or one that you are unable to deal with then politely advise the caller that you are unable to help and do one of the following:
 - a. Offer to transfer the caller if you are certain that you know the right person/business area to respond to the caller's inquiry. Transfer the call and provide the person you are transferring the call to with the caller's name (and organization if appropriate) and what they are calling about.
 - b. Take the caller's name, contact number(s) and details of their reason for calling, make a note of these and confirm them back to ensure accuracy. State that you will find out who they need to speak to and ask that person to contact them.
 - c. Contact the relevant person or division in a timely fashion and pass along the caller's name (and organization if appropriate) and what they are calling about.
 - d. If the caller asks for the correct number to call and says that they would prefer to call using that number, then give them the information they request.

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8. If you receive a transferred call from a colleague, always ask for the caller's name and their reason for calling. When the call is transferred to you greet the person with their name, give your division/department and name and ask how you may help them.
 9. If a colleague contacts you and passes a caller's details to you requesting that you contact them, call them back as soon as reasonably possible and at least within one working day.
 10. Ensure that you know how your telephone works (for example, how to transfer and pick up other colleagues' calls and to divert calls using Call Forward). It is your responsibility to find out how your telephone functions work.
 11. Have Voicemail/Mailbox set up on your phone. Your callers are then able to leave a message when you are unable to answer your phone.
 12. Using Voicemail/Mailbox to screen your calls or prevent interruptions when you are available to take calls is unacceptable. Only use Voicemail/Mailbox when you are genuinely unavailable to answer your phone.
 13. Return calls or Voicemail/Mailbox messages as soon as possible and within one working day of your return.
 14. For planned absences, ensure that your Voicemail/Mailbox message gives the caller(s) an expected return date and an alternative number to contact.
 15. Set up your Voicemail/Mailbox message and listen to it, to ensure callers can clearly hear your information. Keep your message brief.

EMAIL COMMUNICATION:

We all use email to communicate both internally and externally and it is important that we give a consistent and professional service with email by using the following guidelines:

1. Inbound emails requiring a response should be replied to as soon as possible and at least within two working days. If the sender has specified a Reply By date then ensure that this is met.
2. Ensure your email account and inbox are set up correctly.
3. Use a corporate standard email signature. A signature should consist of your name, title, and work contact information.
4. Give a clear and relevant Subject heading, so that recipients know what your email is about before they open it.
5. Keep emails as brief as possible and state why you are emailing and what (if anything) you need the recipient(s) to do for you and by when.
6. Avoid writing your email using all capital letters, as this appears to the recipient as though you are shouting at them. Use upper and lower case letters as you would when writing or typing other correspondence.
7. Use the spellchecking tool (Tools/Options/Spelling) to help ensure that your emails are professionally presented and potential errors are identified and correct before your email is sent.

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8. Introduce yourself when emailing a person for the first time for example your name, title, division and why you are contacting them.
 9. Confirm that you have sent attachment(s) (if this is the case) explaining what the information is and why you are sending it to them.
 10. Avoid the use of jargon and if you use acronyms/abbreviations then give these in full the first time for example: UCR (Uniform Crime Reporting).
 11. Your email may be forwarded on to others internally and externally. Making personal, inappropriate or offensive comments in an email, even in jest is unacceptable - keep the content of your emails professional.
 12. Avoid using Reply All unless this is essential and all recipients need to see your reply. Reply only to the person who sent the email unless they ask you to Reply All.
 13. Use Out of Office Assistant: if you are going to be unable to access your emails for a period due to planned absence. Your message should be brief, advising when you are back and giving alternative email/telephone contacts for urgent matters.
 14. Avoid using Out of Office messages that state that emails will be deleted and should be resent on your return. While this may help you manage in-box overload, it gives a poor impression to the sender(s).

CORRESPONDENCE- LETTERS & FAXES:

Producing correspondence of a consistently high standard using corporate templates portrays a professional image and service level.

1. Sending

- a. Letters should be written in plain English, be polite and tactful, have an introduction, main body and conclusion. .
- b. Use standard templates to produce your correspondence documents.
- c. Ensure that Spellcheck is used to avoid mistakes. Read your letter through carefully and make any corrections needed, before sending it.
- d. Avoid using Police jargon, technical terms, and unnecessarily long or unusual words. Use plain and simple English that is easy to understand and is aimed at your intended audience.

2. Receiving/Replying:

- a. Inbound correspondence requiring a written response should be replied to within ten working days of receipt by the Woodbury County Sheriff's Office or sooner, even if this means that we send an acknowledgement letter to confirm that we have received their letter and are for example, investigating the matter and will send a further letter as soon as possible.
- b. Correspondence should be read and passed to the appropriate person for action on the same day that it is received.

DEALING WITH SERVICE COMPLAINTS:

A complaint may be about our quality of service or relate to our procedures, operational matters or be about an officer or staff member.

When a person or organization lets us know that they are dissatisfied with any aspect of the service we have provided (or failed to provide) this is a learning opportunity for us to prevent recurrence and improve service in the future. It is also a chance to complete 'service recovery' by understanding what caused the dissatisfaction and then taking any necessary action, where appropriate to meet the person's expectations and regain their confidence.

Often complaints or dissatisfaction with the service received stem from raising expectations that we are able or willing to do something that we subsequently don't or can't do. For example, a simple "I'll *get back to you*" is often taken as "*later today*": or "*tomorrow*": when in fact what may have been intended was "I'll *get back to you (once I have investigated this matter and that will be in two weeks)*". Provide those we deal with an accurate and detailed summary of what to expect.

We should ask victims how and when they would like to be updated and then ensure that this is delivered. Arrangements should be made for colleagues to help when shift patterns and workloads could cause a delay with providing the update. Planned and unplanned absences must be managed effectively also. Either have someone else provide the updates or agree to a delayed update schedule with the victim.

Ensure that you have the complainant's contact information and preferred method of contact as well as the full detail of the complaint they have reported.

1. Contact the complainant as soon as practicably possible and within one working day to obtain further, or validate existing information. Thank the person for bringing the matter to our attention and assure them that their comments are being investigated and that we will get back to them. Agree how and when the customer would like to be kept informed and updated. Ensure that this contact happens.
2. Complete any preliminary checks to validate the issues raised within 3 working days, for example, checking system records of the events and discussing the matter with those involved to identify what may have happened to cause the complaint or dissatisfaction with our service.
3. Ensure that you provide updates to the complainant as agreed with them. When you have sufficient information to understand and resolve the matter satisfactorily, contact the customer and:
 - a. Thank them for telling us about the issue they had with our service.
 - b. Advise them how this matter happened.
 - c. Reassure them about what has/will been done to prevent recurrence.
 - d. Apologize on behalf of our organization and thank them again for bringing the matter to our attention.

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4. The aim is to regain their trust and confidence. By dealing with their complaint promptly and fully, we have the best chance of achieving this.
 5. Take personal responsibility for ensuring that the investigation is completed and take any necessary remedial action to address the issue(s) raised. Use the complaint positively to prevent similar situations arising in the future, for example, when training or briefing others to prevent recurrence.
 6. If after investigating the complaint it is found to be unreasonable, untrue, based on incorrect assumptions or similar then this needs to be very carefully communicated with the complainant.

The aim is retain or regain their trust and confidence that we do provide a good service, but that what they were/are seeking is for example, outside of our jurisdiction, unable to be delivered for specific reasons (and detail these), or similar. If other agencies may be of help to them then provide this information or liaise direct with the agency if this is appropriate. Provide any other appropriate advice that may help the person to accept that we are unable to progress their complaint further. It is appreciated that despite following these guidelines, some people will remain dissatisfied regardless of their being no substance to their complaint.

POSITIVE CUSTOMER FEEDBACK:

We often receive positive comments from people and organizations that have used our service and should ensure that this information is used effectively to promote excellent customer service within our organization. Distribute the positive feedback appropriately and promptly ensuring that the individuals concerned receive details of the praise given. Depending upon the nature of the feedback, consider using the situation and way we delivered service as a positive training opportunity.

1. If a person or organization has written or emailed detailing their positive service experience then respond to their correspondence appropriately.

CONTINUOUS IMPROVEMENT:

We will continually seek ways to improve our service performance and use the information and feedback we receive from customers, and our own internal assessments to make positive changes.

**Woodbury County Sheriff's Office
Law Enforcement
Policies and Procedures**

Subject: Social Media-Internet Sites	Policy Number: 058
Issue Date: 12-15-15	Revision Date: None Review Date: 07-01-15
Approval Authority	
Title and Signature:  Sheriff	

Internet Sites/Web Pages/Social Networking

I. Introductory Discussion

A. Professionalism, ethics, and integrity are of paramount importance in the law enforcement community. To achieve and maintain the public's highest level of respect, we must place reasonable restrictions on our conduct and appearance, as well as holding employees to these standards of conduct, whether on or off-duty. An employee's action(s) must never bring the department into disrepute, nor should conduct be detrimental to the department's efficient operation.

B. The developments in electronic technology (computers, software, programs, and information available through the internet and web sites) are an invaluable resource to assist us in the performance of our duties. Nevertheless, this technology has the capability to act as a double-edged sword, in that it presents opportunities to access and use technology in both legitimate and illegitimate ways. Whether on duty or off duty, in uniform or in plain clothes, all employees represent the Woodbury County Sheriff's Office.

II. Purpose

A. The purpose is to establish departmental policy concerning personal web pages or internet sites when referencing the Woodbury County Sheriff's Office. Furthermore, it is to ensure that employees use appropriate discretion in the use of references to the Woodbury County Sheriff's Office, so as to not discredit or disrespect the department, to ensure that the release (directly or indirectly) of information concerning crimes, accidents, or violations of ordinances or statutes to persons outside the Office is not disseminated, and to ensure that all employees treat as confidential; the official business of the department. Finally, this policy is not intended to hinder the professional development of any employee.

III. Policy & Limitations

- A. Photographs or other depictions of departmental uniforms, badges, patches, marked units, other departmental property or on-duty personnel, including incident scenes, shall not be posted on internet sites by department personnel without the approval of the Command Staff. Community affairs such as K-9 demonstrations, public meetings, and public relation contacts, that meet the standards of good taste and decency may be posted.

- B. Employees are prohibited from posting, transmitting, and/or disseminating any pictures or videos of official Office training, activities, or work-related assignments, without the expressed, permission of the Command Staff.

- C. Employees shall treat as confidential, all the official business of the Office.

- D. No employee shall release, either directly or indirectly, information concerning crimes, accidents, or violations of ordinances and/or

statutes to persons outside the department, except as authorized by Office policy under Public Records.

- E. No employee should gossip about the affairs of the department with persons outside the department.
- F. No sexual, violent, racial, ethnically derogatory material, comments, pictures, artwork, video, or other reference may be posted along with any Office approved reference.
- G. Employees shall not post any material on the internet that brings discredit to or may adversely affect the efficiency or integrity of the Woodbury County Sheriff's Office.
- H. In addition, no employee shall use the internet in any way, shape, or form in order to disparage or harass another agency or government employee, as well as any other citizen unless there is a nexus to a matter of public concern and the employee is speaking as a private citizen.
- I. Employees should consider the possible adverse consequences of internet postings, such as future employment, cross-examination in criminal cases, and public, as well as private, embarrassment.
- J. Employees are reminded to exercise good judgment and demonstrate personal accountability when choosing to participate on social networking sites such as Facebook, MySpace, Twitter, etc. Use of these types of sites while on duty shall be restricted to official Office business only.
- K. This policy does not prohibit the personal retention of work related digital media for the deputy's personal records as authorized the Command Staff.

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- L. If a member has doubts or concerns about any material; those should be brought to the attention of the Command Staff through the chain of command