

# IDAHO POLICING POLICY

*Updated 2023*

Endorsed by the Idaho Counties Risk Management Program,  
Idaho Sheriffs' Association and Idaho Chiefs of Police Association



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## LAW ENFORCEMENT CODE OF ETHICS

July 2017

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

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

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

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

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement.

(Idaho Peace Officer Standards and Training Council, Idaho administrative rule [11.11.01.091.05](#))

## **POLICY MANUAL**

July 2021

All provisions in this policy manual have the same authority as the agency head's signed, written order. All existing agency rules, regulations, orders, directives and policies which conflict with its provisions are rescinded as of the issue date of this manual. All those not in conflict will maintain their authority.

This manual is in addition to, and does not replace, city or county personnel policies. If city or county policies exist, they supersede those in this manual. Additionally, it is designed to be only a portion of our agency's governing practices. It should be used alongside agency-specific procedure manuals and be reinforced by ongoing in-service training programs and courses from Idaho Peace Officer Standards and Training.

Changes, updates or corrections to this manual will be made by written directives from the agency head and disseminated to all employees who are under the direction of this manual.

Unless otherwise noted, the provisions in this manual apply to all agency employees including full and part-time staff, temporary employees, reserve deputies, volunteers and any other individuals who may act as an official representative of our agency.

### **Controlling terms used in this manual**

- Shall - Mandatory
- Will - Indicates compliance as conditions permit
- Should - Advisory
- May - Permissive, depending upon sound judgment

Failure to comply with any mandatory (shall or will) provisions of this manual may be subject to administrative investigation and discipline.

## **CONDUCT**

You must lead by example for our law enforcement agency to earn the respect and confidence of the people we serve. Your special status as a member of law enforcement carries with it a unique set of obligations and expectations. As long as you choose to work in law enforcement, you have accepted a higher level of scrutiny into your personal affairs and must abide by rules of personal conduct both on and off duty. We strive for voluntary compliance with these rules, but ultimately it's your responsibility to consistently use good judgment and demeanor in all matters.

### **Competency as a Law Enforcement Officer**

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January 2016

When reporting for duty go directly to your work assignment, familiarize yourself with relevant events that have taken place since your last duty shift, and review and take action on any memos, subpoenas or correspondence.

Restrict duties to your assigned duty area during working hours unless otherwise instructed. You may not conduct personal business on duty time for the purpose of private gain, and you shall not engage in personal recreation or entertainment during work hours. This does not restrict reasonable recreational activities during authorized breaks not in public view.

## **PERFORMANCE**

In addition to meeting standards of conduct on and off duty, satisfactory performance and competence include:

- Adequate knowledge of laws, policies and conduct standards and their applications;
- Compliance with laws, agency policies and procedures;
- Willingness and ability to properly perform assigned tasks in a timely manner;
- Appropriate and timely action when a crime, disorder or other condition requiring police action occurs;
- No absence without leave;
- Not receiving repeated poor evaluations; and
- Compliance with all personnel policies.

Failure to meet conduct or performance standards may result in discipline, up to and including termination.

## **REQUIREMENT TO PROVIDE NAME**

While on duty or acting in an official capacity, you shall furnish your name and employee number to any person requesting that information except when authorized by your supervisor to do otherwise for just cause.

## **COURT ATTENDANCE**

You are required to appear in court as directed by subpoena or by your supervisor unless other arrangements have been made with the court. Prior to arrival at court you should obtain a copy of all relevant reports and be familiar with their content to aid your testimony.

## **PUBLIC MONIES**

If you encounter a shortage or any irregularity when dealing with public funds or monies that are or may be perceived to be in your custody or care, you will immediately notify your supervisor. You will complete an administrative report regarding the circumstances surrounding any unresolved shortages or irregularities of public monies and submit it through your chain of command.

## **AGENCY EQUIPMENT**

Any agency-owned equipment including phones, audio and video recorders, weapons and vehicles is intended for conducting official business. Personal use of agency-owned equipment must be authorized by the agency head. You will maintain agency-issued equipment in good working order without modification, and report damage expeditiously to your supervisor.

## **AGENCY RECORDS**

You must truthfully and openly provide all relevant information to the agency record when completing an investigation or documenting an event. Additionally, you should not delete a recording, part of a recording or any other official agency record. Lastly, unless authorized by your supervisor, you shall not keep any reports, photographs, videos or other agency records outside of the agency's official storage system except as needed to prepare for court immediately preceding your anticipated testimony.

## **Personal Safety Equipment**

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January 2016

### **SEATBELTS**

Traffic-related fatalities are a leading cause of death of officers on duty. You are required to wear vehicle-equipped safety belts/restraining devices at all times except in circumstances in which the use of seat belts may hamper your safety or efficient performance of law enforcement functions. These exceptions are generally limited to search or incident investigations that require frequent starts and stops, are conducted at slow speeds and those that occur off public roadways.

All passengers in department-owned vehicles, including arrestees, are required to use seat belts or age-appropriate child restraint devices.

### **SOFT BODY ARMOR**

We support the use of practical safety measures to reduce the risks and hazards associated with police work. Soft body armor vests have been shown to be effective in reducing deaths and serious injuries.

If we have issued you soft body armor, you are required to wear your vest when uniformed and in the field. When in plain clothes, you must wear body armor anytime you are involved in an enforcement function involving a high risk situation and during actions which are likely to involve field contacts with the potential for violence.

All body armor must either be departmental issued or departmental approved.

### **REFLECTIVE SAFETY VESTS**

If we have supplied you with a reflective safety vest, you shall wear it anytime you are conducting a sustained investigation on a roadway or highway where traffic is travelling.

## **Personal Conduct – Duty Related**

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July 2017

At all times, you shall conduct yourself in a manner that reflects favorably on the agency and on yourself. Every employee represents our law enforcement agency regardless of assignment. It is our duty to protect our citizens and your fellow employees. You are expected to follow and respect the law at all times, whether it is traffic, criminal, personnel or other.

### **CONDUCT UNBECOMING**

Conduct unbecoming an officer may include behavior that brings the agency into disrepute, reflects poorly upon you as a member of our agency, or impairs the operation or efficiency of the agency or its employees. You shall not criticize the agency, its employees or its policies when the criticism is false or malicious.

### **INSUBORDINATION**

Insubordination includes refusal to promptly obey the lawful order of a ranking officer, the use of derogatory remarks or criticism directed toward or about a ranking officer, bypassing a ranking officer in the chain of command without good cause, or being untruthful to a superior officer or administrative investigator. You shall treat ranking officers with respect and refrain from insubordination.

### **CONGREGATIONS**

When on duty, you may not loiter in cafes, drive-ins, service stations or other public places. You are not to congregate in public places while on duty or in uniform without supervisory approval. Under normal circumstances, no more than two uniformed officers may take a coffee break or meal at the same time and location. Officers meeting in the field to exchange information should attempt to do so in an inconspicuous location and for only as long as necessary.

### **SLEEPING ON DUTY**

You shall remain awake while on duty. If unable to do so, you must report to your immediate supervisor who shall assign you to other appropriate duty for the rest of your shift, or send you home on sick, annual or compensatory leave as the circumstances dictate.

### **ON-DUTY RELATIONSHIPS WITH OTHERS**

When on duty or on the law enforcement campus, regardless of your personal relationship with another employee or member of the public, you are prohibited from:

- Touching the breasts or genital areas of another;
- Having intercourse with or performing any sexual acts upon another;
- Kissing or allowing subordinates to kiss another employee while on duty;
- Embracing or allowing yourself to be embraced by another in such manner as to provide sexual gratification to either person;
- Touching or allowing yourself to be touched by another in such manner as to provide sexual gratification to either person; or
- Engaging in conversation with, or allowing yourself to be engaged in conversation by another, in such a manner as to provide sexual gratification.

Authorized undercover operations may be an exception to this rule if approved by your supervisor.



## **REPORTING MEDICATIONS THAT MAY IMPAIR PERFORMANCE**

If you are taking a prescribed medication that alters mood, perception, alertness or other factors that may affect job performance, you shall notify your supervisor before reporting for duty. You shall provide the name and dosage of the medication and accurately describe its known or perceived effects.

## **Personal Conduct – On or Off Duty**

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June 2020

### **ABUSE OF POSITION**

You shall only use your official position, identification cards or badges in the performance of your duties as law enforcement officer, and may not use them for personal or financial gain, for obtaining privileges not otherwise available to you or for avoiding the consequences of illegal acts. You may not lend your identification card or department-issued badge to anyone else, nor authorize any individual or organization to use your name, photo or official title as a member of our agency without approval of the agency head.

### **USE OF INFLUENCE IN CRIMINAL PROCEEDINGS**

You may not write letters or otherwise officially provide evidence or testimony on behalf of a defendant, unless under subpoena or authorized through the handling prosecutor of the case and your chain of command.

### **INTERFERENCE WITH PROSECUTION**

You may not make or negotiate any arrangement to allow a person to escape the penalty of the law or otherwise interfere with the courts unless done through proper authority and in the objective interests of justice. Peace officers may make a written request to withdraw charges through your chain of command and the applicable prosecutor's office.

### **RECOMMENDATIONS, ENDORSEMENTS AND REFERRALS**

You may not use your authority as a peace officer to recommend or suggest the employment or purchase of a particular product, commercial service or professional service such as an attorney, ambulance, towing, bondsman, mortician or taxi. In the case of taxi, ambulance and towing services, you should follow the established agency dispatch procedures for recommending a provider to a citizen who requests or needs these services when you are on duty.

These restrictions do not apply to personal business or interactions independent of your role as a law enforcement officer.

### **DISRUPTIVE LABOR ACTIVITIES**

You shall not engage in any strike. The term "strike" includes the organized failure to report for duty, willful absence from one's position, unauthorized holidays, sickness or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment (including work "speed ups" or "slowdowns") for the purposes of inducing, influencing or coercing a change in conditions, compensation, rights, privileges or obligations of employment.

## **POLITICAL ACTIVITY**

All agency employees, while off duty and not in uniform, are permitted to engage in any lawful political activity. Employees are prohibited from using their official capacity as a member of this agency to influence, interfere with or affect the result of an election; to engage in electioneering for one political party or candidate over another; or to address political gatherings in support of or in opposition to a candidate. This includes identifying yourself as a member of the agency and/or wearing your uniform when promoting a political issue without the express permission of the agency head.

If you choose to run for a political elective office, you must give notice in writing to the agency head 30 days prior to filing for the election. The agency head should seek legal guidance and may require you to take a nonpaid leave of absence if it is deemed necessary to the operation of the agency.

## **BAIL**

You may become surety or guarantor, post bond or furnish bail for yourself or members of your immediate family. You may not become surety or guarantor, post bond or furnish bail for other persons unless such action is approved by a supervisor and if agency interests are not at stake.

## **BRIBES, GRATUITIES, REWARDS AND GIFTS**

You shall not accept a bribe or engage in other unlawful means of obtaining money or property of any kind. You shall not solicit any reward for the performance of duty or ask for a gratuity of any kind. You shall not accept, directly or indirectly, any gratuity, fee, loan, reward or gift for anything connected to your official duties. You may accept unsolicited discounts on purchases or items of advertising or giveaway materials (such as pens, pads, calendars, diaries or similar items of little or nominal value) if these items are also offered to members of the public.

If you receive an unsolicited gift or reward that may be connected to your official position, immediately report the gift or reward through your chain of command for determination of appropriate disposition.

## **SURREPTITIOUS RECORDINGS**

You shall not record other employees at any time without the consent of those being recorded. The agency head or his designee may authorize audio and/or video recordings of employees without their knowledge or consent during the course of a special investigation. In these cases, a special investigations unit, or employee appointed by the agency head, shall supervise the planning, acquisition and storage of the recordings.

## **PERSONAL USE OF INFORMATION**

You may not retain a personal copy of information, photographs, recordings or other records made by or while in the service of the agency without prior authorization.

## **Personal Associations**

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January 2016

When representing our agency, you shall treat all persons in a civil, respectful manner. You will not intentionally antagonize any person nor use vulgar or uncomplimentary speech in the presence of members of the public.

## **PROHIBITED ASSOCIATIONS**

Except as necessary in the performance of official duties or where unavoidable because of family relationships, you shall avoid regular or continuous associations or dealings with any person who you know is under criminal investigation or indictment or who has a reputation in the community for current or habitual involvement in criminal behavior. This includes but is not limited to individuals who are:

- Under criminal investigation or indictment;
- On parole or supervised felony probation through any court;
- Released from any jail, prison or other criminal holding facility within the past six (6) months;
- The suspect in any criminal felony case not yet adjudicated in court; or
- Engaged in activities that, by association, would bring discredit to the agency such as users of illegal drugs, gang members, exotic dancers or strippers, escort service providers, or performers in pornographic productions.

Furthermore, you shall not allow, or attempt to foster, a personal relationship with any person under your custody or control at any time during the course of your duties.

If you believe you are in violation of this policy, request direction from your chain of command or agency legal advisor. Such inquiries will be kept confidential.

## **PERSONAL INVOLVEMENT**

You should not intentionally become involved in neighborhood quarrels or disputes that are near your place of residence. Nor, if practical, should you handle calls or take enforcement action in situations involving friends or relatives. Matters requiring police attention in your home neighborhood or involving friends or relatives are better handled by an impartial, on-duty peace officer. This does not restrict you from taking off-duty or on-duty action as otherwise outlined in agency policy

## **PURCHASE FROM PRISONERS**

You may not purchase anything from a prisoner unless through a retail outlet or a process approved by the agency head. You may not purchase anything from a person against whom this agency has a criminal charge pending or if you are involved in prosecution as the arresting officer, investigator or a witness.

## **Personal Internet/Online Communication**

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January 2016

As an employee of this agency, your conduct both on and off duty must meet a high standard. This includes, but is not limited to, conduct related to materials posted on the internet or disseminated electronically including email, social media, instant messaging, blogs, forums, video and file-sharing sites. You should not maintain, or permit to be maintained, internet or other digital content that:

- Could reasonably be interpreted to express the opinions of this agency. You may comment on a subject of general interest and of value and concern to the public provided that, in doing so, you do not identify yourself as a member of this agency or otherwise suggest or imply that the views expressed are those of this agency.
- Has both a reference to you being affiliated with this agency and contains content that is unprofessional, unbecoming or illegal, such as lewd sexual conduct, excessive alcohol

consumption or similar behaviors. You are reminded that courts may scrutinize the credibility of a witness from sources like the internet.

- Could be reasonably interpreted as having an adverse effect upon agency morale, discipline and operation, safety of staff or perception of the public.
- Contains any recording, including images, obtained while in the performance of duty or while on duty with this agency or displaying uniforms, vehicles, insignia or other images that identify you with the agency, without the express consent of the agency head.

## **Domestic Violence and Other Criminal Charges**

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July 2017

We have a zero tolerance policy towards law enforcement employees engaging in domestic violence, whether the employee is a sworn peace officer or civilian. For this policy, domestic violence is as defined in Idaho Code [18-918](#). Simplified, it defines domestic violence as any household member who commits battery or assault against another, with household members described as spouses, former spouses, and individuals who have a child in common or are living together regardless of marital status or presenting themselves as a husband or wife.

### **CRIMINAL CHARGES**

If you are arrested or summonsed for any misdemeanor or felony offense, you shall report the event to your supervisor prior to reporting on your next scheduled duty day. If you are charged with a crime, you may be temporarily reassigned or placed on administrative leave; however, the agency head reserves the right to take additional steps regarding the duty status of any employee should the facts of the situation warrant it.

If you are charged with a domestic violence crime, sworn members will immediately surrender all agency-owned weapons until the charge has been adjudicated.

### **GUILTY FINDING**

Federal law prohibits an officer convicted of any felony or misdemeanor domestic violence charge from possessing a firearm. If you are convicted of a domestic violence crime, we shall ensure compliance with federal laws regarding the use and possession of firearms and, if required, act to revoke your police powers and terminate your employment with our agency.

## **Administrative Investigations**

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June 2019

Administrative investigations are used to document information, determine whether an employee violated agency policy, identify possible disciplinary actions and assess liability. When employees are investigated for possible criminal acts, administrative interviews should not occur until criminal interviews are complete. Also, the criminal investigator and administrative investigator should not be the same person.

In criminal proceedings, people are protected by the 5th Amendment from making incriminating statements, but that does not extend to the administrative investigation. For any employee subject to

discipline, the administrative investigator should provide a “Garrity Warning” before an interview. A Garrity Warning instructs the employee that they must be truthful in all answers, and if they are untruthful or refuse to answer, they may be subject to termination. The employee only needs to acknowledge the warning, not consent to it.

Afterwards, an employee can be compelled to answer questions, or if they refuse, the agency head can place them on suspension and initiate termination proceedings.

## **Off-Duty Law Enforcement Action**

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July 2017

In cases where an off-duty peace officer witnesses a criminal violation, the officer may either take enforcement action or act as a trained observer and communicator. To determine if any action is appropriate, you should consider whether:

- The crime is serious enough to warrant immediate intervention to protect life or property (off duty enforcement of minor violations is discouraged);
- You can reasonably expect to control the situation as the sole officer on scene without benefit of police radio communication;
- You are armed and in possession of police identification; and
- You are within your jurisdiction.

If you can reasonably expect to exercise the same high degree of professionalism as would be expected in an on-duty capacity, you may consider taking enforcement action. If you cannot, or if you are a reserve officer or non-sworn employee, you should act only as a trained observer and communicator.

### **RESERVE OFFICER AUTHORITY**

Idaho administrative rule [11.11.01.131.06](#) states that “a reserve peace officer's certification will be effective only during those periods when he/she is formally assigned by the appointing agency to perform the duties of a peace officer.” Reserve officers do not retain their authority off duty, and should not engage in off-duty law enforcement action.

## **Release of Information**

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January 2016

We strive to respect the privacy of those involved in the criminal justice system to the extent that is possible. We will comply with the Idaho Public Records Act to the best of our ability and all information released in response to a public records request will be released by our agency head or his/her designee. Unless you are the official designee, you are not authorized to release information to any person outside the criminal justice system except as follows:

- Name, age and city of residence of someone involved in a traffic crash, unless the person was killed or is currently hospitalized. Family members deserve to be notified of the event before the public.
- Name, age, city of residence and criminal charge for a routine arrest of any adult.

- Interviews with media that provide basic information about an event. Information about our work helps our community understand what we do and you should provide it when you can. A good general rule is that privacy applies to people, not the things they did. You can talk about the basic events and decline to identify any names or addresses of the people involved, but if you are uncertain this is an appropriate release of information, contact your supervisor for approval.

You may not comment or release information about ongoing investigations or arrests that occur after ongoing investigations. Our agency head or his/her designee are the only individuals authorized to comment or release information about a case.

Under no circumstances may you release personal information about any person unless it fulfills a lawful and legitimate agency goal such as protecting a victim. This includes driver's license, registration, addresses and other personal information. Additionally, you shall not access any agency information system to obtain personal information about an individual unless the inquiry fulfills a lawful and legitimate agency goal.

## **Non-Biased Policing**

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January 2016

We are committed to the protection of civil rights and liberties for all people. We maintain public trust by providing service and enforcing laws in a fair and equitable manner.

Biased policing is the selection of individuals for contact or enforcement based solely on a common trait relating to a protected class such as race, ethnicity, gender, sexual orientation, religion or national origin.

You should not single out nor treat any person differently based solely on these traits. Initiating contact or taking law enforcement action should be based on a person's conduct or other specific suspect information. You must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause to justify your actions.

## **Citizen Complaints**

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June 2019

We will listen to and consider all reasonable citizen complaints. Whether it is a complaint against you or you are taking a complaint against another employee, you should not immediately disregard any person's point of view. If the actions laid out in the complaint were proper and within policy, collect the complainant's contact information for a supervisor. A supervisor should reach out to them as soon as possible, and use the opportunity to educate the person as to why the officer's actions were appropriate in that situation. If the actions were questionable and/or the citizen is unsatisfied at the end of your discussion, you should document the complaint and discussion and forward it to your agency head or their designee.

## POLICING PROCEDURES

### Use of Force and Weapons

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July 2023

Most encounters with actual or suspected violators can be successfully handled without employing use of physical force, and whenever practicable, you should make use of time, distance and communication to obtain cooperation of a suspect and avoid the use of force.

If these options are not sufficient to resolve a law enforcement situation, you are authorized to use reasonable force to accomplish a legitimate police purpose. This means that not only should you believe the force was reasonable, but other reasonable officers on scene would also judge the use of force as necessary and the amount of force as reasonable. You should use the minimal amount of force necessary to resolve the situation when practicable, but you are not required to use the least intrusive degree of force if circumstances warrant otherwise.

Idaho law defines the **use of force** in Idaho Code [19-610](#) and the **use of deadly force** in Idaho Code [18-4011](#). Simplified, these statutes say:

*An officer who is making an arrest under authority of a warrant or probable cause, and has notified the suspect of this intention to arrest, may use all reasonable and necessary means to effect the arrest if the suspect flees or forcibly resists.*

*Use of deadly force is justified when reasonably necessary to overcome resistance or prevent the escape of any person charged with or suspected of having committed a felony if the officer has probable cause to believe the resistance or the suspect poses a threat of death or serious physical injury to the officer or other persons.*

Any use of force must be *objectively reasonable*; however, reasonableness can only be determined by considering all the facts known to you at the time you made the decision to use force. There is no single formula that can be applied - each situation is unique and must be considered individually.

#### DETERMINING REASONABLENESS

The courts recognize that police officers are often forced to make split-second judgments in circumstances that are tense, uncertain and rapidly evolving. Your decision to use force, and the *amount* of force you use, must be reasonable given the circumstances and information known to you at the time. You should be able to state these circumstances and the facts of the situation that would lead a reasonable officer to judge the use of force reasonable including the “Graham factors” ([Graham v. Connor](#), 490 U.S. 386 [1989]):

- **Severity of the crime** at issue;
- Whether the suspect poses an **immediate threat** to you or the safety of others; and
- Whether the suspect is **actively resisting** arrest or attempting to evade arrest by flight.

Other factors involved may include but are not limited to the nature and duration of your interaction with the subject, severity of injuries (if any), physical attributes of the subject, environmental conditions and reaction time.

Uses of force that tend to bring liability claims against law enforcement officers are most commonly those in which there was no objective reason to initiate the use force, or when the amount of force was

excessive, including an application of force that lasted too long. To determine reasonableness, the courts will (Miller v. Clark County, 340 F.3d 959 [9th Cir. 2003]):

1. Evaluate the type and amount of force used (also called the “quantum of force”) to assess the extent of the intrusion on the subject’s Fourth amendment rights;
2. Review the severity of the crime, immediacy of the threat, and the subject’s resistance (e.g. the Graham factors) to assess “the importance of the government interests at stake”; and
3. Consider the totality of the circumstances.

Force intentionally applied in excess of what is reasonably necessary, or in circumstances where there is no justification for its use, is an excessive application of force. Overreaction to a situation is one of the most common errors. It is difficult to know how a person will react to your attempt to arrest them. Sometimes law enforcement officers assume the worst and use a level of force beyond that which is warranted. It is also sometimes difficult to decrease the intensity of a situation once the subject has submitted to the arrest. Continuing to use force after a person submits may also be considered excessive.

#### **Duty To Intercede**

If you observe another officer using force that is clearly beyond that which is objectively reasonable under the circumstances, and you have a realistic opportunity to respond, you shall intercede to prevent the use of unreasonable force. Promptly report your observations and actions, if any, to a supervisor.

#### **WEAPONS**

You will handle and use weapons in a competent, safe and professional manner and only display it or point it as a threat of force when reasonable cause exists. In this policy, weapons refer to firearms, conducted energy devices, batons, chemical sprays and any other tool designed to be used on another person to overcome resistance or compel compliance.

You shall carry only weapons that are authorized by the agency. You are required to be properly trained and certified, when appropriate, in their use.

Agency-owned weapons shall only be used for purposes and activities that are necessary to fulfill the agency’s law enforcement function, including training and practice. Any non-law enforcement or other personal use of an agency weapon must first be approved by the agency head.

#### **Safety and Storage**

You are responsible for keeping your duty weapons and ammunition clean and in good operating condition. Notify your supervisor of any defects or deficiencies, and do not make unauthorized alterations to any agency weapon. When not being worn or carried, secure your weapons in a safe location protected from others, especially children.

#### **Firearms**

You will carry an agency-approved service weapon when on duty unless doing so would violate any provisions of our policy, laws or court rules. It may also be acceptable to not wear a firearm, if authorized, for:

- Agency training sessions where wearing a weapon is impractical or inadvisable;
- Administrative assignments if you have a weapon immediately accessible; or
- Situations where wearing a firearm would pose an increased risk of danger to your safety.



You are authorized to discharge a firearm in the line of duty to protect yourself or others from what you reasonably believe to be an imminent threat of death or serious bodily injury, or to affect the capture (or prevent the escape of) a felony suspect whose freedom is reasonably believed to represent a significant threat of death or serious bodily injury to yourself or others. An imminent threat is one that is not just possible, but real and likely to happen.

You are prohibited from firing warning shots or to fire at, or from, a moving vehicle unless there is an imminent threat to life and other alternatives, such as moving out of the way of the vehicle, are impractical.

*Dangerous or injured animals* – If alternative methods are not reasonably available or would likely be ineffective, you may destroy an animal that poses an imminent risk of death or serious injury to someone, or if it is not a protected species and is so sick or badly injured that its death would relieve it from further suffering.

*Carrying off-duty* – If you are qualified *and* authorized to carry a firearm you are encouraged to carry an approved weapon off duty. If you elect to carry a firearm, you do so under your authority as an Idaho peace officer and not under the authority of a private citizen or a concealed weapons permit holder. Therefore, all policies regulating your duty firearms are applicable to your off-duty firearms as well.

You must have your agency identification card and badge with you at all times, and the weapon must be concealed. You are strongly discouraged from carrying a weapon off duty while consuming alcohol, and strictly prohibited from carrying weapons while intoxicated or under the influence of drugs.

*Personally-owned firearms* – All personally-owned off-duty and backup weapons that are carried under your authority as a peace officer and may be used in a law enforcement action must be approved by the agency. This does not apply to hunting, target or other recreational firearms in your possession or use – only to those carried for law enforcement purposes. Check with the agency armorer to ensure that the manufacture, model, caliber, barrel length and finish of a weapon is acceptable before you buy it. The agency is not responsible for any financial loss incurred from the purchase of a non-approved weapon.

*Accidental discharge* – If you accidentally discharge a firearm, except at an approved range or recreational function, immediately notify a supervisor. All unintentional discharges will be investigated internally.

*Federal restrictions* – Federal law prohibits individuals under a No Contact Order or Protection Order from possessing a firearm. If you are under one of these orders, you shall immediately surrender all agency firearms to someone in your chain of command, and you shall place all personal firearms in a location that complies with the federal law.

### **Conducted Energy Weapon**

If you carry a hand-held conducted energy weapon, conduct a spark test at the beginning of every shift to ensure your weapon is working. Whenever practical, you should verbally warn a subject prior to discharging your device. Unless exigent circumstance exist, you should not use a conducted energy weapon on:

- Women who are known or appear to be pregnant;
- Individuals who are elderly or visibly frail;
- Young children;
- Passive subjects;

- Handcuffed subjects unless they are actively resisting and aggressively trying to injure themselves or others;
- Anyone in physical control of a vehicle in motion, including cars, trucks, motorcycles, ATVs, bicycles or scooters;
- Subjects in a location where a fall may cause serious injury or death; and
- Subjects in a combustible environment.

Additionally, only one officer should activate a conducted energy weapon against a subject at a time unless exigent circumstances exist. And in the case of a fleeing subject, the fact that they are fleeing should not be the sole justification for using a weapon.

If you determine it is necessary and reasonable to use your conducted energy weapon, use only the minimum number of activations necessary to control the subject. Stop using the weapon when the subject stops resisting or is restrained, and do NOT exceed three applications unless exigent circumstances exist.

### **Impact Weapons**

Impact weapons may be used only by officers trained and proficient in their use. Impact weapons authorized by the agency may include batons and shotguns or launchers (37mm, 40mm and similar) when used to deploy less lethal projectiles.

You are prohibited from targeting any impact weapon at a person's head, neck or groin unless deadly force is justified. You should also avoid using an impact weapon on women who are known or appear to be pregnant, individuals who are elderly or visibly frail, or if its use may foreseeably cause an injury that is not proportionate to the level of threat they pose.

Baton – In addition to the prohibitions above, you should not target baton strikes to a person's spine or sternum.

Shotgun – If you use the same shotgun for lethal and impact munitions, take extra care to verify the type of ammunition loaded into the weapon before approaching an incident scene. If you are preparing to deploy impact munitions, have another law enforcement officer confirm the ammunition if possible, and do not carry the lethal ammunition on your person unless you anticipate the situation may lead to deadly force.

### **Less Lethal Chemical Agents**

Whenever practical, you should verbally warn others prior to discharging a chemical agent such as oleoresin capsicum, also referred to as pepper spray. Avoid discharging large quantities of chemical agents in confined spaces when possible.

Do not use chemical agents on a driver in physical control of their vehicle. Driving away from the scene and your control while compromised by spray is a significant safety risk to others.

You are strongly discouraged from using chemical agents on a passive resistor. It may be reasonable to use if a crowd will not disperse and threatens the loss of someone in your custody; however, use on individuals during a peaceful demonstration requires authorization of the Incident Commander.

If you determine it is necessary and reasonable to use chemical agents on a subject, use only the amount of spray necessary to bring the subject under control. You should recognize if it is ineffective on the person and discontinue its use if that is the case.

## **CAROTID OR LATERAL VASCULAR NECK RESTRAINT**

A carotid restraint, also known as a lateral vascular neck restraint, is the most serious level of control hold force.

***NOTE:*** *You may only use a carotid restraint if your agency head has specifically approved its use and you have completed certified training on it within the past two years.*

A carotid restraint may only be used against a suspect who is assaultive or who you are unable to subdue by other control methods. Unless deadly force is justified, you should not use it on the elderly, very young people or pregnant women, nor should you use it more than twice in a 24-hr period to render a person unconscious.

Once a suspect has lost consciousness, you should discontinue the pressure on the neck and immediately secure the person with restraints. You shall summon emergency medical services and provide what first aid you can if the subject:

- Does not regain consciousness quickly;
- Does not have a strong pulse and normal breathing pattern;
- Shows signs of ongoing distress related to the carotid restraint;
- Is thought to be under the influence of any drug other than alcohol; or
- Requests medical attention.

After the person regains consciousness, you should watch them closely for at least 20 minutes.

If medical clearance is not provided at the scene by emergency medical personnel, you should take the suspect to the hospital and obtain a medical clearance before going to the jail. Once at the jail, notify jail staff that the carotid restraint was used and the suspect was unconscious.

## **MEDICAL CARE**

When anyone is injured or complains of an injury from a use of force, you should seek medical attention. Individuals exposed to chemical agents must receive adequate decontamination, and anytime a weapon penetrates the skin, such as with a conducted energy device, EMS or properly trained personnel should provide care. Objects, like probes, that have penetrated a subject's body should be treated as bio-hazardous and handled suitably.

## **TRAINING AND NON-STANDARD USE OF FORCE**

The purpose of use of force training is to give you a working knowledge of different types of force options and a general understanding of the correct application of each. We believe in using proven and safe techniques that prevent injury to you and the subject, and it is always wise to consider whether the force you are about to use is supported by the training you have been given at POST or by a POST-certified instructor.

You should strive to follow best practices and training whenever practicable; however, it is not possible to predict and train for every scenario. The facts and circumstances of some situations may warrant a use of a force option or method not taught in training. These non-standard uses of force may be appropriate if objectively reasonable.

## REPORTING AND REVIEW

A use of force report is required for any incident in which you:

- Apply physical control against someone who is knowingly and actively resisting your attempts to arrest, subdue or otherwise control their physical movements;
- Are injured, or anyone else is injured or complains of any injury, from an arrest or control event;
- Intentionally discharge a weapon in a law enforcement action, whether on or off duty; or
- Display your firearm in a ready position pointed directly at a subject.

For any of these incidents, you should contact your supervisor as soon as possible. In your report, describe the amount of force used and provide sufficient facts to show whether the force used was reasonable. This should include the type, extent and reasons for the force used, the chain of events, disposition of the subject, resistance encountered, any injuries (or lack of injuries) resulting from the force, medical attention provided or refused, and any warning given or the reasons why a warning was not practicable under the circumstances.

The agency head, or their designee, will review all use of force incidents to determine the appropriateness of the officer's actions and identify improvements to policy, training or equipment. Depending on the incident, the agency may conduct an internal investigation or request review by an independent, external investigator or team.

## Restraints

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July 2017

Proper use of handcuffs and other restraining devices promotes safety of the public, officer and person in custody, and decreases the chance for injury and escape. Not all restraints are appropriate for all conditions or people, so you may need to adjust restraint type or application based on the circumstances and personal health of the subject.

### AUTHORIZED USE

You shall restrain a subject upon arrest. The application of any restraints shall follow the training you received at the Peace Officers Standards & Training academy or by certified instructors during refresher classes after the academy.

*You may restrain a suspect during an investigation to ensure officer safety, but no longer than necessary.*

Authorized restraining devices include hand cuffs, flex cuffs, belly chains and leg restraints. You may use other restraining devices as needed such as hobbles, belts, chains, waist belts, spit hoods, etc. if you have been trained on their proper use and they are the best tool for safe, humane restraint given the circumstances. All restraints will be checked for reasonable tightness at the time of application and all restraints capable of being double-locked, will be. If a subject complains of tightness, you shall check the restraints again and ensure the restraint(s) is properly applied.

Do not handcuff an arrestee to yourself, another person, a vehicle or any stationary object unless specifically designed for this purpose in a detention facility. Do not use the restraints to lead the arrestee unless that is an authorized compliance technique for that restraint type.

## **SPECIAL CONSIDERATIONS**

You will make every effort to apply restraint devices in a manner that does not injure or place undue strain on the subject.

- If a subject is physically incapable of placing their hands behind their back, physically handicapped, or sick or injured to the extent that placing their hands behind their backs is impractical, you may consider alternative handcuffing techniques, including cuffing their hands in the front.
- Leg restraints are appropriate when an arrestee is violently kicking or trying to damage property, but they increase the risk of falling. Consider the environment and subject when deciding to use leg restraints.
- You should apply minimal restraints on pregnant women. Leg restraints should be never be used on a pregnant woman while she is walking because of the increased risk of falling.
- You may use discretion for restraining juveniles arrested on minor charges who do not display unusual or threatening conduct.

*You may change your decision on use of restraints at any time if the conduct of the arrestee becomes agitated or threatening.*

When transporting someone in restraints, they should be seated upright and seat belted. Subjects who are transported in a prone position, or who have been restrained following exertion should be closely monitored for signs of labored breathing or other signs of medical distress. If such signs are observed, the subject should immediately be placed in a position to aid breathing and medical aid should be summoned.

## **REPORTING**

In your written report, you must describe the type of restraint used and the context for how you applied it. You should note the individual's compliant or non-compliant actions and if there were any special safety considerations such as a disability, pregnancy or mental health issue. You should also include whether you checked the restraints for tightness and double-locked applicable mechanisms.

## **Search and Seizure, Miranda**

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June 2020

We will follow all current constitutional, statutory and judicial guidelines regarding searches and seizures conducted either with or without a warrant. Case law in this area constantly changes and evolves, so it is your responsibility to read and understand updates to case law, and to use good judgment and common sense when applying it in the field. The following examples are guidelines to help you assess the reasonableness of a search.

### **WARRANTLESS SEARCH AND SEIZURE**

The Fourth Amendment to the United States Constitution guarantees the right to be free from "unreasonable searches and seizures". Whenever possible, you should obtain a search warrant prior to conducting searches and seizures. However, this does not preclude you from lawfully searching in situations that meet criteria as an exception to the warrant requirement or are expressly authorized by statute. Exceptions to the search warrant rule may include:

#### **Consent**

You may search any person and their property if they give you a clear and voluntary statement of permission. You may conduct a warrantless search of private premises or property with the consent of a person whom you reasonably and in good faith believe has the authority to consent. You may request consent at any time and should document it in writing and capture the consent by an audio or audio/video recording when possible. A person may revoke their consent at any time.

**Incident to a lawful arrest**

Prior to transport you should search the person, clothing and personal effects (wallets, purses, pockets etc.) of all arrestees, as well as the area within their immediate control, for weapons and/or evidence. However, a warrant should be obtained before searching computers or phones carried by the arrestee. You may search a vehicle incident to a recent occupant's arrest only if it is reasonable to believe that the arrestee might access the vehicle at the time of the search or that the vehicle may contain evidence of the arrest offense.

**Plain view doctrine**

If you see an item such as contraband in plain view, you may seize that item if you have a lawful reason to be where you are when you see the item, if you can see the item without performing a search or disturbing the item; and if you also have probable cause to believe that the item you spotted in plain view is evidence of a crime.

**Exigent circumstances**

In situations where you have probable cause to believe that entry of premises is necessary to save life, prevent serious bodily harm, avert or control public catastrophe, or prevent the destruction of evidence, you have the authority to make a warrantless entry. This is only lawful if you reasonably believe you do not have time or opportunity to obtain a warrant and the emergency is not a foreseeable result of avoidable action or inaction by police.

**Hot pursuit**

If you are actually pursuing a person whom you have probable cause to believe is committing or has just committed a crime, and they have failed to yield to your command to stop, you may follow the person into a private premise without a warrant in order to make an arrest. You may search the premises for the person to be arrested and to prevent him/her from obtaining weapons or means of escape.

**Abandonment**

You may, without a warrant, seize and search property that you have a good faith reason to believe has been abandoned. Property is abandoned if the owner leaves it in a public or private place under circumstances that indicate the person no longer intends to retain any ownership in the item. Trash left in a public place for collection by trash collectors is considered to be abandoned property and may be searched without a warrant.

**Vehicle exception**

A traffic stop is considered a seizure and must be supported by reasonable suspicion. You may conduct a warrantless search of a vehicle if you have probable cause to believe the vehicle contains contraband or evidence of a crime and the vehicle is mobile. This search applies to the interior of the vehicle, as well as the trunk or any containers that may reasonably contain the evidence in question.

### **Vehicle inventory**

Whenever you impound a vehicle, you should conduct a vehicle inventory search in accordance with this policy. The purpose of this type of search is to protect the owner's property from damage or loss while the vehicle is in law enforcement custody, to protect you and our agency against claims of lost, damaged or stolen property, and to protect our agency from potential dangers of property stored in the vehicle.

A warrant is not needed for a search that complies with this policy if the vehicle is lawfully impounded. Common reasons to impound a vehicle include, but are not limited to:

- The vehicle was abandoned;
- Recovery of a stolen vehicle;
- The vehicle was unlawfully parked, posed a potential hazard to traffic or pedestrians, or was at risk of damage or loss if it remained in that location AND no person was immediately available to take control of the vehicle; or
- The vehicle has evidentiary value and the impound was necessary to preserve this evidence.

***NOTE:*** *If you are conducting this search solely for the purpose of discovering evidence, or if the search exceeds the scope of this policy, you should obtain a search warrant prior to conducting the vehicle search. If you find evidence, do not terminate the search. Failure to complete the inventory search may render the search invalid.*

***Special Procedures:*** Fill out a vehicle search inventory log that includes the date and time of the search and a detailed inventory of the vehicle's contents. You should search any location in the vehicle where you could reasonably expect to discover valuables or other items for safekeeping. This includes the passenger compartment, glove box, vehicle top storage containers, tool boxes, and the trunk. You should open and search all unlocked and locked containers if the contents cannot be determined without opening them.

Remove any hazardous or potentially dangerous item, or any valuable item that could potentially be lost or damaged, and store them in a safe manner. Include a description of the item along with the storage location on the inventory log.

Warrantless searches that fall outside of these exceptions may be found to be unreasonable and unlawful, possibly leading to the exclusion of any evidence obtained and potentially subjecting you to civil and criminal penalties.

## **TYPES OF SEARCHES**

### **Frisk/pat down**

A pat search of the outer clothing based upon reasonable suspicion that the subject may be involved in criminal activity, armed and presently dangerous. This term also applies to a vehicle or residence when a cursory search is made for weapons.

### **Custody search**

A custody search is a more intensive search of subjects that includes going through their pockets and removing property from their custody. A custody search shall be conducted prior to removing the restraints from any detainee in the jail, interview room or other secure law enforcement facility.

Take care to prevent loss or damage of the subject's property. If the property is going to be retained by the agency, include a full description on the property invoice and provide a copy of the invoice to the detainee. Additionally, you should count all money in front of the detainee and if practical, have the detainee initial the total amount on the property invoice.

### **Strip search**

If there is reasonable suspicion or articulable facts that lead you to believe a detainee is concealing weapons, escape implements, contraband or evidence, you may conduct a jail strip search. Factors that may lead to this type of search include:

- Detection of a possible weapon or contraband during a custody search.
- Specific circumstances of the current arrest that suggest the subject may possess weapons or contraband. For example, the subject had drugs in his/her possession seconds prior to arrest, but none have yet been found. (A drug charge alone is not sufficient cause to conduct a strip search.)
- The subject has a criminal and custody history that includes prior incidents of concealing weapons, escape implements, contraband or evidence.
- The subject's observable and articulable actions and behaviors suggest he/she is concealing weapons, escape implements, contraband or evidence.

Strip searches should be conducted by an officer of the same sex and observed by a witness officer of the same sex as the detainee unless conducted by a qualified medical professional, or unless required by exigent circumstances and no other alternative is available. The search should be carried out in an area that cannot be observed by individuals not involved in the search. The detainee will not be required to remain unclothed any longer than is absolutely necessary.

***NOTE:*** *Never strip search a transgender or intersex detainee solely for the purpose of determining his/her genital status. Proper housing determination should be made through a respectful interview or, if necessary, the examination by a medical professional as part of the normal screening process.*

### **Field strip searches**

While most strip searches are conducted in a jail or prison setting, field strip searches may be necessary if there is probable cause to believe the detainee is in possession of a weapon or other dangerous item and there is no other reasonable means to retrieve it. These are highly unusual circumstances and you should seek supervisor approval before conducting such a search. If conducted in the field, you should make all reasonable accommodations for privacy and respect.

### **Body cavity searches**

Body cavity searches shall only be conducted by qualified medical professionals. Unless there is a reasonable threat of injury or an imminent probability significant evidence will be destroyed, you should obtain a search warrant prior to the search.

## **SEIZED PROPERTY**

If in the course of a search, you feel an object which you reasonably believe to be a dangerous weapon, you may take possession of the object. You may also seize an item if there is probable cause to believe that it:



- Is stolen or embezzled;
- Is contraband or otherwise unlawfully possessed;
- Is evidence of an offense or the identity of a person participating in an offense; or
- Has been used or is possessed for the purpose of being used to commit or conceal the commission of a crime.

### **MIRANDA WARNING**

Miranda warnings apply to interviews initiated by peace officers after a suspect has been taken into custody or where the suspect could reasonably believe that their liberty is restrained to the same extent as if they were under arrest. Only the officer responsible for the investigation should authorize or advise the suspect of their Miranda rights. Document the facts of the Miranda warning and any response of the suspect in your departmental report.

Miranda warnings are not required when:

- A suspect's statements are voluntary and unsolicited;
- The suspect is not in custody nor could reasonably believe they are under arrest based on the circumstances; or
- The suspect responds to the questions of a private citizen without law enforcement influence.

## **Arrest and Custody**

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June 2020

### **WARRANTLESS ARRESTS**

Idaho code [19-603](#) allows a peace officer to arrest a person without a warrant if that person commits or attempts to commit a crime in your presence, or if there is reasonable cause to believe a person has committed certain offenses, even if not in your presence.

#### **Felony offenses**

With probable cause, you may arrest a person without a warrant, day or night, for any felony offense. There is no requirement that the felony be committed or attempted in your presence.

#### **Misdemeanor offenses**

For warrantless misdemeanor arrests, you may arrest, day or night, for any misdemeanor attempted or committed in your presence. You cannot arrest without a warrant for misdemeanor crimes not committed or attempted in your presence.

### **ARREST WARRANTS**

A magistrate may issue an arrest warrant if there is probable cause to believe either a felony or misdemeanor has been committed, and that the named suspect committed the offense. Probable cause exists when there is sufficient information that would lead a person of ordinary care and prudence to entertain an honest and strong suspicion that the person to be arrested has committed a crime. You do not need to have a copy of the warrant in your possession to arrest the defendant if the defendant admits he/she has an outstanding warrant or the warrant is confirmed by dispatch or the person/agency in actual possession of the warrant. If requested, show the arrestee his/her warrant as soon as practicable.

**Time of day**

A felony or misdemeanor arrest warrant may be executed at any time of day or night with one exception: a misdemeanor arrest warrant cannot be executed inside a person’s residence between 8:00 p.m. and 8:00 a.m. unless the magistrate has endorsed the warrant allowing you to do so, or you have consent to enter a residence from a person with real or apparent authority.

**Place of service**

You should always check the warrant to see if the magistrate has restricted the place where it can be executed. If the magistrate has not placed any restrictions on the warrant, you can execute a felony or misdemeanor arrest warrant in any public place, or in the suspect’s residence but only if you have probable cause to believe the suspect is located inside his/her residence. If the suspect is in the residence of a third party, you can only execute the arrest warrant if you have a search warrant for the premises, if you obtain valid consent to enter, or if exigent circumstances exist.

**Issued by another state**

Out-of-state warrants are not valid in Idaho; however, if you are aware that a suspect has an extraditable felony warrant from another state, you have sufficient probable cause to arrest them as a “Fugitive to Idaho” under Section 19, Chapter 45 of the Idaho State Code.

**TRANSPORTING ARRESTEES**

When a subject is arrested, you should remove them from the scene as soon as practicable. Unless special considerations recommend otherwise, the arrestee should be restrained and seat-belted during transport. Search the arrestee and your vehicle prior to and after transport.

As the transporting officer, you shall drive the arrestee directly to the detention facility or place determined by investigative necessity. Notify dispatch at the beginning and end of each transport, providing your vehicle’s mileage if you are transporting a juvenile or an adult arrestee of the opposite gender.

If the arrestee has or appears to have an injury that needs medical attention, take them to the emergency room for treatment. Stay with the arrestee at all times to ensure they remain secured. After they have been cleared by medical staff, you shall transport them to the detention facility and notify booking personnel about the subject’s injury and treatment.

**PROTECTIVE CUSTODY**

Temporary protective custody is intended to safeguard the health and safety of the community by getting care and protection for individuals who appear to pose a danger to themselves or others due to mental health issues or public intoxication. These situations are “custody” actions and not arrests because they are not criminal offenses. When making the decision to take a subject into custody, you may consider your observations of the subject and other information available, such as statements from others, prior acts and physical evidence. You should use care and discretion in any situation that may result in an involuntary emergency commitment.

If the individual has committed a crime, you should handle the situation like any other criminal incident. However, if the person’s health is in obvious danger, take them to a hospital or other approved medical

facility to be treated and/or cleared prior to release or being taken to jail. Regardless of the circumstances, if the person's physical condition requires immediate medical attention, call emergency medical services.

### **Emergency Mental Health Hold**

Idaho Code [66-326](#) gives peace officers the authority to take an individual into custody if they have reason to believe the person is “gravely disabled due to mental illness” or poses an imminent danger to themselves or others, as evidenced by a threat of substantial physical harm. The individual must be placed in an approved medical unit, treatment facility or hospital, and the court notified within 24 hours of custody.

Subjects already presented for treatment or admitted to the hospital without your intervention do not require a mental health hold.

You may take a juvenile into protective custody under Idaho Code [16-2411](#) if the parents can or will not admit the child voluntarily to a hospital. You must have probable cause to believe that the child is suffering from serious emotional disturbance and may cause harm to him/herself or others if he/she does not receive immediate medical attention.

### **Alcohol And Detoxification Hold**

Idaho Code [39-307a](#) gives peace officers the authority to take an individual into protective custody if they appear to be incapacitated by alcohol or drugs in a public place. Depending on the individual’s level of intoxication and combativeness, you may release them to a competent individual or transport them to an approved detoxification or treatment facility. If no facilities are available and the jail accepts detox holds, you may transport him/her to a jail but the confinement may not exceed 24 hours.

### **CITIZEN’S ARREST**

In Idaho, a private person has nearly the same arrest authority that you do. However, you do not have to accept a citizen’s arrest if it is not supported by sufficient evidence.

Idaho Code [19-604](#) provides the statutory authority for a citizen’s arrest. Simplified, it reads that a private person may arrest another only where the criminal offense was committed or attempted in the citizen’s presence, or where the citizen reasonably believes that the arrestee committed a felony. This is similar to the requirement that most misdemeanors must occur in your presence in order for you to make a physical arrest. Although a citizen has felony arrest authority, it is usually more expeditious for you to take that information and make the felony arrest yourself based on the probable cause you receive from the citizen.

Idaho Code [19-614](#) also says that a private person who has made an arrest must immediately take the person before a magistrate or to a peace officer. Since citizens can no longer take a person before a magistrate on their own, you or another peace officer must be the person to receive the arrestee. An unreasonable delay between the offense and the time of the citizen’s arrest may be justification for you to write a report and route it to the prosecutor for an arrest warrant or summons rather than making an immediate arrest.

You should not accept the arrested person if there is no legal basis for an arrest. If you accept the arrested person, you should create a complete record of the facts of the arrest and have the citizen sign the report or citation where applicable. Whenever possible, you should have the citizen submit a signed written statement at the time you accept the arrested person.

## Emergency and Pursuit Driving

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July 2021

Emergency driving and vehicle pursuits are inherently dangerous to the public and to peace officers and must be limited to situations where the necessity for the pursuit and immediate apprehension of the fleeing subject are balanced against the risks to public safety.

### EMERGENCY DRIVING

You are authorized – but not required – to respond with emergency lights and siren to an incident to prevent an in-progress felony, apprehend a dangerous felon or when there is a reasonable belief that a person is injured or threatened with imminent injury. Any vehicle used in an emergency response or pursuit, and your driving behavior, shall comply with Idaho Code [49-623](#), which states that you may:

- Go through a stop light or sign after slowing down for safety;
- Exceed maximum speed limits if it does not endanger life or property;
- Ignore rules about the direction of traffic or turns; and
- Park your vehicle or stand where needed.

You must consider the safety of all persons at all times during emergency driving. Idaho Code does not protect you from the consequences of “reckless disregard for the safety of others”.

### PURSUIT DRIVING

Pursuit driving is an attempt to keep up with and eventually stop a vehicle and arrest the driver who is fleeing at a high rate of speed or using evasive driving maneuvers after a law enforcement vehicle has activated lights and siren.

You may only initiate a vehicle pursuit if you are a sworn peace officer operating a vehicle with proper emergency equipment. Unmarked vehicles, motorcycles and any other special use vehicles should not be used in pursuits when fully marked and equipped vehicles are available.

#### Decision to pursue

To initiate a pursuit, you shall carefully consider the following:

- Likelihood the suspect committed a crime other than vehicular flight;
- Seriousness of that offense and the likelihood that someone may be injured if the suspect is not immediately apprehended; and
- Driving environment based on the safety of your emergency vehicle, your driving ability and current conditions like traffic, weather, visibility and time of day.

***NOTE:*** *You shall only initiate a pursuit if you can articulate that the danger posed to the public is less than the danger posed by the escape of the suspect.*

If you initiate a pursuit, immediately notify the communications center (dispatch) of the pursuit, location and direction of travel, suspect vehicle description, speed, relevant observations of the suspect’s driving behaviors and the reason for attempting to stop the vehicle.

Only two emergency vehicles - a primary and secondary unit - shall engage in a pursuit, unless additional emergency vehicles are specifically requested by someone involved in the pursuit and authorized by a supervisor, if available.

#### **Terminating a pursuit**

While pursuing, you shall constantly re-assess the circumstances and driving environment of the pursuit and decide whether to terminate. You should strongly consider terminating a pursuit - or proceed with extreme caution - if you are no longer aware of the suspect's location. You shall terminate a pursuit if your vehicle becomes unsafe to operate, environmental conditions such as rain or snow make driving unsafe, the danger posed to the public is greater than the danger posed by the escape of the suspect, or if directed to terminate by a supervisor. Supervisors have a particular obligation to monitor the pursuit and evaluate the threat of danger to the public at all times.

#### **Forcible stopping**

You may apply intervention or termination techniques according to training. Maneuvers that are likely to cause the driver to lose control of the vehicle, such as precision immobilization techniques (PIT), should only be used in felony cases where other reasonable means of stopping the vehicle have failed or are impractical and the immediate or future risk of injury or death to innocent people is predictable.

Any use of a roadblock, except under extreme conditions should comply with Idaho Code [19-622](#), which lists the minimum requirements you must meet, if time and circumstances allow. Any temporary roadblock must identify a clearly marked course of travel and allow time for drivers to safely react. They must:

- Be visible within 100 yards or more to drivers arriving from both directions;
- Have a stop sign placed on the center line that is easily read within 50 yards or more by drivers from both directions;
- Have at least one flashing blue light on the side of the road that is clearly visible to oncoming traffic within 100 yards or more; and
- Place lighted or reflective warning signs about the police stop ahead that is clearly visible to oncoming traffic within 200 yards or more.

#### **Reporting**

You should complete an agency report any time a pursuit is initiated, regardless of whether the pursuit continues to a conclusion or is terminated.

## **Officer-Involved Critical Incidents**

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July 2017

It is our policy that officer-involved critical incidents be investigated with the utmost thoroughness, professionalism and impartiality to determine if the actions of the officer(s) conform to the law and our policies. In this policy, officer-involved critical incident refers to an event in which an officer is involved as a principal, victim or custodial officer, or where death or injury likely to cause death was the result of a use of force.

## **AT THE SCENE**

When a critical incident occurs, your first actions should be:

- Identify any remaining threats and take reasonable measures to protect public safety.
- Provide assistance to any injured persons.
- Secure weapons if they pose a danger.
- Call for a supervisor, emergency medical services and any other assistance required.
- Secure the scene and restrict access to anyone other than authorized personnel. Create an access log of all persons entering and leaving the scene.
- Protect evidence from loss, destruction, contamination or damage that is likely to occur. This includes securing your own weapons with minimal manipulation if you are the officer involved.

If you are involved, immediately tell other officers of any threats that exist to them or others and help them understand the extent of the scene. When the first uninvolved officer arrives, you should brief them on the nature of the incident, actions taken and identify all involved parties and witnesses. Beyond that, you should be given the time, typically one sleep cycle, to compose yourself and gather your thoughts before giving a formal statement to investigators. You should relinquish any physical evidence to investigators at the time they request it.

If a law enforcement officer is injured and transported to the hospital, we will make every reasonable effort to have someone accompany them and be at the hospital to aid them and their family members.

Avoid discussing the incident with anyone other than authorized personnel. However, confidential communications with your attorney, therapist, or clergy member are permitted and protected. If you are an involved officer, you shall not participate in any group briefing/debriefing until the formal interview with investigators is complete.

Follow the interagency agreement (if one exists) as to whom to contact for the criminal investigation.

## **CRIMINAL INVESTIGATION**

The criminal investigation will ascertain whether anyone involved violated any criminal statutes and potentially recommend charges if applicable. The criminal investigation should be led by an uninvolved agency if possible. If there is no critical incident protocol established and there is no other agency available to lead the investigation, consider:

- Each investigator should partner with an investigator from another uninvolved agency whenever possible.
- Photograph all details of the officer, his/her vehicle at the time of the incident, the scene and visual perspective of each of the involved persons.
- Ensure involved officer(s) are advised of their Miranda rights at the time any formal statement is taken.
- Take blood for an alcohol/drug test. If refused, an officer may be administratively compelled to provide blood, but that result shall not be shared with the criminal investigation.
- Interview the officer at the scene only for information critical to ensure public safety. It is advisable to allow an involved officer one sleep cycle before taking his/her formal statement.
- Follow our agency crime scene and investigation training.

**ADMINISTRATIVE INVESTIGATION**

Our agency, or an investigator working on our behalf, will conduct an administrative investigation of the incident to determine if the actions of involved officer(s) complied with our policy and training. The administrative investigation will be separate from the criminal investigation. The administrative investigator will ensure criminal investigators have gathered evidence and completed all aspects of their investigation before conducting his/her review. Be aware that any conversations you have with others may not be confidential under an evidentiary privilege. A Garrity advisement of administrative privileges should be provided to officer(s) in writing and signed by both parties prior to an administrative investigation interview.

**POST-INCIDENT LEAVE AND SUPPORT**

If you are involved in a critical incident you shall be off-duty a minimum of three days before returning to work. This time off may include regularly scheduled days off or administrative leave.

After your involvement in a critical incident you may experience significant emotional and mental strain and you may be required to undergo a de-briefing initiated by our agency and provided by a qualified mental health psychiatrist or psychologist.

## SPECIAL FIELD RESPONSE

### Juvenile Procedures

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August 2021

We are committed to policing practices that guide juveniles to become responsible and productive members of the community. When practical, officers should choose an enforcement action that is the least coercive but still serves the needs of concerned parties while preserving public safety.

#### APPREHENSION OF JUVENILES

Statutes relating to the custody, removal and protection of juveniles can be confusing. If you are unsure about what action to take, you should consult a knowledgeable person or prosecutor if practical.

You may take a juvenile into custody when:

- You have reasonable cause to believe the juvenile has committed a criminal offense.
- When there are reasonable grounds to believe the juvenile has committed a status offense.
- You have a detention order or warrant signed by a judge or court authority.
- You have reasonable cause that a child is endangered and prompt removal is necessary to prevent serious physical or mental injury to the child or where the child is abandoned.

When detaining a juvenile, you should notify the parent, guardian or custodian as soon as possible. If they are under the supervision of the court, you should contact the proper juvenile authority for disposition and release.

#### Release of juveniles

The decision to release or detain a juvenile should be carefully considered because the resulting decision will affect not only the juvenile involved, but other juveniles he/she is with and family members. You should use your discretion and best judgment in deciding which action to take.

Unless the juvenile is a runaway from another state, status offenders may not be placed in any jail facility or juvenile detention centers, but instead may be placed with their parents, relatives, foster care providers, group care or in a diversion program, if available.

In most cases, you may release the juvenile to the custody of a parent or guardian and:

- Provide education and a warning;
- Cite for the offense, if authorized by law; or
- Seek a juvenile court petition through your prosecutor.

#### Transport to a detention facility

If you determine it is not in the best interest of public safety or the juvenile to release him/her to a parent or guardian, or you have a detention order for his/her arrest, you may transport the juvenile to a detention facility. You must complete a probable cause affidavit and you should notify a parent or guardian as soon as is practical.

While in your custody, closely monitor the juvenile at all times and use restraints to the minimum degree that will reasonably ensure the safety of the juvenile and others. The juvenile should be kept separate from sight and sound of adult offenders whenever possible.



## PETITION

When you establish probable cause that a juvenile has committed a criminal offense (other than traffic, status offenses or a tobacco violations) you should articulate this probable cause clearly in all the reports relating to the arrest. The incident and arrest information in your report will be forwarded to the Prosecutor's Office, which will review the documentation and evidence to determine whether to file a criminal complaint against the juvenile.

## Domestic Violence Response

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June 2019

Domestic violence can be prevented or reduced when authorities intervene with an effective response. We will do what is legally necessary and appropriate to maintain order, provide assistance and reduce the risk of further violence to victims and children involved in domestic violence incidents. In this policy, domestic violence is as defined in Idaho Code [18-918](#), simplified as:

*Any household member who commits battery or assault against another, with household members described as spouses, former spouses, and individuals who have a child in common or are living together regardless of marital status or presenting themselves as a husband or wife. If physical force results in traumatic injury, whether internal or external, minor or serious, the act is considered a felony.*

## INVESTIGATION

You will investigate reports of domestic violence thoroughly and diligently.

- Determine if the relationship is domestic and what, if any, crime occurred.
- Interview suspects and victims separately, out of visual/hearing range of each other, when possible.
- Obtain statements from all parties present, including children, if appropriate.
- Photograph or video record injuries or the lack thereof. Injuries that require an individual to disrobe should be recorded by personnel of the same sex as the victim.
- Photograph the offender and damaged property such as broken car windows and ransacked apartment or house, if the damage occurred during the domestic dispute, and if it is useful to the investigation.

## ARREST

You should attempt to identify the predominant aggressor. Dual charges against both parties are discouraged and should not be carried out unless you determine that both parties have used equal violence and that no reasonable self-defense occurred. If probable cause has been established that an act of felony domestic violence has occurred under Idaho Code [18-918](#), and the predominant aggressor is identified and located, an arrest should be made. The victim should not be asked to make the decision about a felony arrest, nor should their reluctance about the arrest dissuade you from the arrest.

## VICTIM SUPPORT

When responding to a domestic violence call, you should ensure any injuries are attended to by emergency medical services. Also, you shall give the victim(s) written information about their rights under Idaho law and a listing of available community resources. You shall make every effort to arrange, offer or

facilitate transportation for the victim to a hospital for treatment of injuries or to a place of safety or shelter, and document these efforts in your report.

## **Civil Standby**

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July 2017

A civil standby is the presence of a peace officer for the purpose of maintaining order at the scene of an actual or potential dispute over a civil or non-criminal matter. We allow officers to provide civil standby support with a court order or authorization of the agency head or his/her designee if there is a reasonable belief that violence may occur and a reasonable need for the parties to be in contact.

When providing civil standby services, your role is to maintain order and protect all involved parties. Your involvement is limited to the directives laid out in the court order. You will not offer legal advice, determine property ownership, or appear to represent any of the parties.

At the scene, you shall:

- Advise the parties present that you are at the scene to maintain order and are not a representative of either party;
- Establish ground rules based on the standby request or court order and the circumstances, and ensure that all parties understand and agree to the action; and
- Remain on public property unless access to private property is granted by the owner.

You should take appropriate enforcement action if any criminal activity, such as disorderly conduct, arises from the civil standby. You may attempt to warn the violator, if appropriate, that their actions could result in their arrest.

File a written report to document a civil stand-by including the circumstances of the contact, names of the persons involved in the dispute, witnesses present, information about court orders and your on-scene actions.

## **Hate Crimes**

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June 2020

We are committed to ensuring that rights guaranteed by local, state and federal laws are protected for all individuals regardless of their race, religion, ethnic background, national origin, disability or sexual orientation. Any acts or threats of violence, property damage, harassment, intimidation or other crimes designed to infringe upon these rights will be investigated thoroughly and diligently. Additionally, we will ensure that victims, their families and others affected by these crimes have their security concerns addressed.

In this policy, hate crime is defined by the Idaho State Police reporting standard:

*A criminal offense committed against a person or property which is motivated in whole or in part, by the offender's bias against a race/national origin, religion, sexual-orientation, mental/physical disability or ethnicity.*

## INVESTIGATION

The mere fact that an offender is biased against a racial, religious, ethnic/national origin, disability, gender, and/or sexual orientation group does not mean that a hate crime has occurred. There must be clear evidence that the offender's bias motivated them, in whole or part, to commit the crime.

The initial investigation and preliminary classification of a crime as being hate motivated is often the responsibility of the responding peace officer. If you have reason to suspect that an incident may be a hate crime, the following guidelines may help you make a preliminary determination:

- Are the motives of the alleged offender known?
- Was the incident known to have been motivated by racial, religious, ethnic or sexual orientation bias?
- Did the victim perceive the action or the offender to have been motivated by bias?
- Is there no other clear motivation for the incident?
- Were any racial, religious, ethnic or sexual orientation bias remarks made by the perpetrator?
- Were any offensive symbols, words or acts which are known to represent a hate group, or other evidence of bias against the victim's group present?

While on scene, ensure the physical safety and emotional well-being of the victim(s) and notify a supervisor as soon as possible. You or a supervisor should help the victim identify and contact individuals or agencies that may provide support and assistance.

Complete and submit a report prior to the end of your shift, or as soon as possible, noting that the crime is a suspected hate/bias incident. Be sure to document the elements that led you to determine the suspect's motivation. We will take immediate action to address any hate/bias-motivated activity and make notifications to the appropriate agencies.

## Adult Abuse, Neglect and Exploitation

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January 2016

The abuse or neglect of a vulnerable adult is a crime under Idaho Code [18-1505](#), and should be investigated as such and referred to prosecution when the elements of this offense are met. You should also take the necessary steps to contact the Idaho Commission on Aging to make sure the vulnerable adult receives emergency or supportive services to reduce or eliminate risk of harm.

Vulnerable adults sometimes experience difficulties managing their own affairs, are unable to protect themselves from abuse, neglect or exploitation, and/or cannot find others who are able or willing to provide assistance. The Idaho Commission on Aging is the state agency tasked with assisting the vulnerable adult in obtaining available services as described in Idaho's Adult Abuse, Neglect and Exploitation Act (Idaho Code [39-5301](#)).

- A vulnerable adult is a person eighteen (18) years or older who is unable to protect him/herself from abuse, neglect or exploitation due to physical or mental impairment which affects the person's judgment or behavior to the extent that he/she lacks sufficient ability to care for him/herself.
- Abuse can take the form of any intentional or negligent infliction of physical pain or mental or physical injury.

- Neglect is the failure of a caretaker to provide food, clothing, shelter or medical care reasonably necessary for the health of a vulnerable adult.
- Exploitation means any improper use of a vulnerable adult's financial power of attorney, funds, property, or resources by another person for profit or advantage.

When you investigate a case of adult abuse, you must first determine if there is an urgent medical situation that may require local emergency medical services or voluntary transport to the hospital. If the Idaho Commission on Aging is available to assist you, rely upon them for guidance. If they are not, you should ensure the physical safety of the victim as best you can. Under certain circumstances, a criminal arrest for assault, battery or adult abuse may be appropriate; however, the various Idaho laws are complicated and you should contact your prosecuting attorney before taking action if time allows.

### **Contact information**

#### Area Agency on Aging

- Area I (Coeur D'Alene) Benewah, Bonner, Boundary, Kootenai, Shoshone 208-667-3179 or 1-800-786-5536
- Area II (Lewiston) Clearwater, Idaho, Latah, Lewis, Nez Perce 208-743-5580 or 1-800-877-3206
- Area III (Boise) Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington 208-332-1745 or 1-844-689-7562
- Area IV (Twin Falls) Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka, Twin Falls 208-736-2122 or 1-800-574-8656
- Area V (Pocatello) Bannock, Bear Lake, Bingham, Caribou, Franklin, Oneida, Power 208-233-4032 or 1-800-526-8129
- Area VI (Idaho Falls) Bonneville, Butte, Clark, Custer, Fremont, Jefferson, Lemhi, Madison, Teton 208-522-5391 or 1-800-632-4813

State Adult Protection (800) 926-2588 and ask for the State Adult Protection Contact

Adult Protective Services Hotline (877) 471-2777

## **Missing Adult Reporting**

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January 2016

Missing person investigations are often emotionally intense and require careful recording and investigation of factual circumstances surrounding the disappearance. You must balance the stress and anxiety felt by family and friends with the possible intent of the missing person. Consider that the adult may have voluntarily left their home for personal reasons and may not wish to be found by those reporting them as missing.

*Definition:* A "missing person" is an adult whose whereabouts are unknown and unexplained for an amount of time that is suspicious or highly unusual when considering his/her normal behavior patterns, plans or routines.

### **INVESTIGATION GUIDELINES**

Upon receiving a missing person call, immediately enter a call for service - no waiting period is required to take a missing person report. The preliminary investigation should, at a minimum include:

- Full name, address, date of birth, physical and clothing description of the missing adult including scars, tattoos, piercings or any other unique characteristic;
- Full name, address and contact numbers of the person reporting the disappearance;
- Reason (known or suspected) for person to be missing;
- Where and when last seen;
- Full name, address and contact numbers of friends or relatives;
- Employment/school information and locations the person is known to frequent;
- Name of person's dentist whenever possible;
- Recent photograph, if available, preferably a full frontal face view of the subject smiling;
- Name of case worker, probation officer or other community liaison, if applicable;
- Whether or not the individual took personal items such as clothing, money, cell phone, etc.

If there are any suspicious circumstances, notify your supervisor immediately. The missing person's status should be updated to a critical level requiring supervisory notification if:

- The person may be the victim of foul play;
- The person may be unable to properly safeguard or care for himself/herself;
- The person suffers from diminished mental capacity or medical conditions that are potentially life threatening if left untreated;
- The person has a history of mental illness and is considered dangerous to themselves or others;
- The person is missing after a catastrophe;
- Any other circumstances which lead you to believe that there is an immediate threat to his/her life.

If your supervisor determines that an immediate search is warranted, you should notify dispatchers, on-duty personnel and nearby agencies of the missing person information and advise for entry into NCIC. Also, [42 USC 5779](#) requires that we enter any missing person under the age of 21 into NCIC.

Before going off-shift, you should attempt to re-contact the person who filed the report to see if new information is available.

## **CONTACTING MEDIA**

If necessary and useful to aid in the location of a missing person, you may contact local media. Media should only be contacted when the missing person is thought to be in jeopardy and a command-level supervisor has reviewed and approved the content of the press release.

## **CASE RESOLUTION**

Whenever a missing person is located, you should contact dispatch and records to notify them that the missing person has been located. In your supplemental report document the date, time, location and circumstances of the incident.

You should also consider contacting the reporting party and letting them know the person has been found. However, if the missing person is safe and sound, and he/she has left for personal reasons and does not wish to return home, you should inform the reporting party only that the individual has been located and is safe. Do not share additional details.

## Missing/Abducted Children

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January 2016

We thoroughly investigate all reports of missing children, including those that may involve parental kidnapping or child custody interference, until we are certain that the child is safe and no crime was committed. Take every report seriously until we know otherwise.

### INVESTIGATION GUIDELINES

First search the child's home or place he/she was last seen. Most children are found under a bed or in a closet, but also consider appliances, boxes and any other location where the child might be. Make sure to ask permission before searching the child's home - individuals have a reasonable expectation of privacy over their property.

Upon receiving a missing child call, immediately enter a call for service – do not consider a waiting period. Begin action immediately.

The preliminary investigation should, at a minimum include:

- a) Full name, address, date of birth, physical and clothing description of the missing child including scars, tattoos, piercings or any other unique characteristic;
- b) Full name, address and contact numbers of the person reporting the disappearance;
- c) Mother's maiden name;
- d) Place of birth;
- e) Reason (known or suspected) for child to be missing;
- f) Where and when last seen;
- g) Full name, address and contact numbers of friends or relatives;
- h) Employment/school information and locations the child is known to frequent;
- i) Name of child's dentist whenever possible;
- j) Recent photograph, if available, preferably a full frontal face view of the child smiling;
- k) Name of case worker, probation officer or other community liaison, if applicable;
- l) Whether or not the child took personal items such as clothing, money, cell phone, etc.

You should also evaluate if any of the following suspicious circumstances apply:

- The child may be the victim of foul play;
- The child may be unable to properly safeguard or care for himself/herself;
- The child suffers from diminished mental capacity or medical conditions that are potentially life threatening if left untreated;
- The child has a history of mental illness and is considered dangerous to themselves or others;
- The child is missing after a catastrophe;
- Any other circumstances which lead you to believe that there is an immediate threat to his/her life.

Notify your supervisor immediately. If your supervisor determines that an immediate search is warranted, you should notify dispatchers, on-duty personnel and nearby agencies of the missing person information and advise for entry into NCIC. Also, [42 USC 5779](#) requires that we enter any missing person under the age of 21 into NCIC.

If it is reasonable to believe that the child is truly missing, information should be entered into NCIC within two hours. If the case is believed to be an abduction, obtain all identifying suspect information and where they are most likely headed. Consider asking other law enforcement officers to watch along major streets and highways out of the area to intercept the abductor. In cases of a suspected abduction, an AMBER Alert should be issued.

Other than initiating an AMBER Alert, all normal protocols for crime scenes, criminal interviews and similar cases should be followed, with a sensitivity to how distraught people can be when a child is missing.

## Amber Alert Activation Checklist

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January 2016

- 1) A child is known by law enforcement officials to have been abducted
- 2) The abduction occurred within 12 hours of initial activation of AMBER Alert
- 3) The child is under 17 years of age
- 4) Law enforcement must believe the child is in imminent danger of serious bodily harm or death
- 5) There must be enough descriptive information to believe that an AMBER Alert will assist in the recovery of the child (must include as much of the following information as possible)
- 6) The missing child must be entered into NCIC

### Checklist instructions

The Idaho AMBER Alert Activation Checklist is used by local law enforcement agencies to gather the information necessary to request activation of an AMBER Alert from the local Idaho State Police Regional Communication Center (ISP RCC).

### Fill out the ID AMBER PORTAL ACTIVATION FORM

Located on the Idaho Missing Persons Clearinghouse web site:

<http://www.isp.idaho.gov/BCI/documents/AmberAlertactivationform.docx>

### Call the ISP RCC

Request an AMBER Alert: **North** 208-209-8730; **South** 208-846-7500

### Fax or email the form to the ISP RCC

Fax: **North** 208-209-8618 Coeur d'Alene; **South** 208-846-7520 Meridian

Email: **North** [D1Dispatchers@isp.idaho.gov](mailto:D1Dispatchers@isp.idaho.gov); **South** [D3Dispatchers@isp.idaho.gov](mailto:D3Dispatchers@isp.idaho.gov)

Reporting agency & telephone number: Complete this information in case ISP RCC needs to contact the reporting agency.

PIO telephone number for the public: This is the telephone number that will be given to the public to call in tips, sightings, etc. The investigating agency MUST supply this number and the staff to answer calls.

Data provided by: This is who reported the child missing and is supplying the information (parent, guardian, teacher etc.).

Authorizing Officer: Who is responsible for requesting an alert be issued?

Abduction location and time: Where did the abduction occur? Where was the child last seen?

Incident Summary: Brief description about what occurred during the abduction.

Victim information: Reporting agency should complete as much of the descriptive information as possible. This information should be available from the victim's parent or guardian.

Vehicle and abductor information: Reporting agency should complete as much of the descriptive information as possible. This information should be available from witnesses of the abduction. For additional victims or suspects, use a second form.

Photo: Email photos to the local Idaho State Police Regional Communications Center in .jpg or .jpeg format only to:

North [D1Dispatchers@isp.idaho.gov](mailto:D1Dispatchers@isp.idaho.gov);

South [D3Dispatchers@isp.idaho.gov](mailto:D3Dispatchers@isp.idaho.gov)

## **Diplomatic Immunity and Consular Notification**

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January 2016

### **DIPLOMATIC IMMUNITY**

International law requires that law enforcement authorities of the United States extend certain privileges and immunities to members of foreign diplomatic missions and consular posts. Special care should be taken to identify and follow the rules applicable to the arrest, detention, or citation of, or entry to the residence of, any individual presenting a diplomatic identification or riding in a vehicle with diplomatic license plates.

The degree of immunity to which a member of foreign government personnel is entitled depends on the status of the individual and is specified in writing on the back of the U.S. Department of State Identification Card.

### **CONSULAR NOTIFICATION**

When you arrest or detain a foreign national, you must advise them of the right to have their consular officials notified. In some cases, consular officials must be notified of an arrest or detention of a foreign national regardless of the individual's wishes. For example, a Mexican or Canadian national can waive notification of their consulate, but you are required to notify the consulate of a Russian or Chinese national even if the arrestee asks you to refrain.

#### **Contact information for the Canadian and Mexican Consular Offices**

**Canada:** Seattle, WA (206) 443-1777; fax (206) 443-9662

**Mexico:** Boise, ID (208) 343-6228; fax (208) 343-6237

#### **Other contact information**

For questions on diplomatic immunity issues, contact the U.S. Department of State, Office of Protocol, Diplomatic Affairs during business hours at (202) 647-1727. After business hours, contact the U.S. Department of State, Diplomatic Security Command Center at 1-866-217-2089.



For assistance with consular notification procedures following the arrest or detention of a foreign national, call the U.S. Department of State at (202) 647-4415 during business hours or (202) 647-1512 after hours.

For additional information, see Consular Notification and Access: Instructions for Law Enforcement:  
[http://travel.state.gov/content/dam/travel/CNAtrainingresources/CNAMAnnual\\_Feb2014.pdf](http://travel.state.gov/content/dam/travel/CNAtrainingresources/CNAMAnnual_Feb2014.pdf)

## **Response to Explosives, Drug Labs and Hazardous Materials**

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January 2016

When dealing with suspected explosive or hazardous materials/devices, the safety of our officers and citizens is the agency's primary concern. You should always exercise extreme caution when involved with calls of this nature. Whenever a suspicious material or device is located, immediately evacuate the area and contact the appropriate public safety personnel.

### **Provide emergency assistance**

Your primary responsibility as the first officer on the scene of an explosive device, drug lab or other hazardous materials is to protect yourself and others who may be in danger. Evacuate everyone to a safe distance away from the immediate site and adjacent areas, provide assistance to any injured persons and coordinate emergency medical response with other public safety agencies on site.

BE ALERT for potential hazards, especially risk of explosions and toxic fumes.

### **Notify proper authorities**

Based on the nature of the threat, alert our agency's authorized bomb disposal unit, authorized fire and rescue units, HAZMAT units and/or canine team(s).

If no agency has accepted responsibility for the response, the Idaho State Police will respond and local public safety agencies should assist them (Idaho Code [67-2901](#)).

### **Secure the scene**

Scenes with explosive devices, drug labs or other hazardous materials are unsafe and should be immediately secured until the appropriate authorities arrive. Without creating an undue risk of exposure to yourself, set up a sufficient outer perimeter around the location to protect the public. Depending on the nature of the threat, additional safety considerations are necessary.

## **BOMBS AND OTHER EXPLOSIVES**

If a suspected or actual explosive is located, DO NOT touch or move the device. Ensure that all individuals, including public safety personnel, move away from the explosive device to a location that provides substantial hard cover.

Never search an area with your radio or other communication devices turned on.

- Use only hand-held radios at a minimum distance of 100 feet from the device (approximately one block) because hand-held radios generate less radio energy than other communication devices.
- Turn off all other devices (car radio, MDT and cellular phones; pagers that receive only are okay).

When they arrive, assist the authority in charge of the scene in evaluating the bomb threat for validity and need for further action. Some of the factors to consider are specifics of the threat, nature of the targeted location, time of detonation, physical access to the site and current events at the location.

### **DRUG LABS AND OTHER HAZARDOUS MATERIALS**

Drug laboratories used for the primary purpose of illegally manufacturing controlled substances pose substantial health risks and can even cause death. Volatile organic compounds, explosives, metals, solvents and salts are commonly found in drug laboratories creating the potential for explosions, chemical fires and the release of toxic gases. Additionally, some labs may contain sophisticated surveillance equipment and/or "booby traps" to prevent law enforcement from gaining access to the lab and to facilitate the destruction of evidence.

Never attempt to enter a known drug lab. If you become aware that you have entered a lab, immediately evacuate all persons, with or without their consent, for their safety and for investigative purposes.

- Avoid turning on or off any light switches, electrical appliances or other electrical devices and avoid touching or smelling any lab equipment or chemicals.
- Evacuate everyone from the vicinity of the lab site, in an upwind direction to minimize exposure to yourself and others.
- Prohibit smoking around or near the lab site.

In addition to drug labs, hazardous materials may be present at other scenes such as some factory settings, crashes resulting in roadway spills, possible terrorist action and any other situations where dangerous, hazardous substances may be located or have caused a contaminated environment. You should take the same safety precautions in your response to these situations as you would for a drug lab.

#### **Reporting and follow-up investigation**

You should complete a written report detailing the threat and subsequent police actions. If there is injury and/or major property damage, treat the case as a major crime scene.

## **Canine Units**

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June 2019

Our agency may make use of canines for the detection of narcotics, explosives and other contraband, and/or to help us apprehend dangerous suspects. We will use them to enhance the services of our agency and build good community relations, but we also recognize that they are a tool, and when used to apprehend a suspect, they are a weapon subject to our use of force policy.

### **DEPLOYMENT**

Handlers are expected to follow the policies and procedures of our agency at all times, even when deployed for an outside agency request. Handlers are responsible for the actions of their dog and must always use caution and discretion when deciding to engage the canine. Handlers will determine if the canine is potentially valuable in an incident and may terminate a search or apprehension if the limits of the canine have been exhausted or the safety of the unit is in danger.

If the canine alerts, the handler will assess the probability and reliability of the alert and determine if the situation warrants further investigation.

### **Apprehension**

Canines will not be used for apprehension unless the handler has reason to believe that the suspect has committed a serious crime, is actively resisting arrest, attempting to evade arrest, or poses an immediate threat to the safety of officers or citizens. The use of a police canine for apprehension is considered a use of force and shall follow our agency's use of force policy. Whenever possible, the handler should provide a verbal warning to other officers on scene prior to deployment of their canine.

If an individual is bitten by a canine, they shall receive appropriate medical treatment. Call for emergency medical services if the injury is serious or life-threatening. The handler will notify their supervisor of the incident as soon as practicable and photograph the bite for their report.

### **Reporting**

All deployments of a canine unit, and anytime a canine damages a vehicle or other property, you should fully document it in an agency report.

## **CERTIFICATION AND TRAINING**

Canine units must maintain certification and ongoing training as directed by the agency. Certifications will comply with Idaho Peace Officer Standards and Training canine regulations, unless the agency chooses not to certify the canine in marijuana detection. In such case, the certification can be waived upon written approval of the county prosecuting attorney. If a canine does not successfully complete the certification course, they should not be deployed until becoming certified.

### **Records**

In addition to deployment reports, handlers are required to document and maintain all training records and have them available for inspection at any time. At a minimum, documentation should include the date, time, location, duration and description of the training, notes on how the canine performed and if any other canine units participated. Each canine unit will provide a monthly report to their supervisor documenting all activity from the prior month.

### **Training Aides**

Training aides may include dangerous and illegal substances. Handlers must have training in the security requirements of the training aide (e.g. narcotics or explosives) and follow inventory and storage regulations defined by the state, Drug Enforcement Administration and/or Department of Alcohol, Tobacco and Firearms.

The agency head will select a designee to conduct annual inspection and inventory of canine training aids.

## **CANINE CARE AND MAINTENANCE**

The handler is responsible for the care and maintenance of the agency-owned canine, vehicle and all related equipment. All will be kept neat, clean and odor free. Handlers will be compensated for the time to care for the canine and its environment, typically one-half hour each day while actually caring for the canine.

### **Veterinary Care**

If the canine is owned by the agency, all routine healthcare services will be provided by an agency-approved veterinarian. Handlers are responsible for scheduling routine services and ensuring a full health examination and vaccinations annually. In an emergency, another licensed veterinarian may provide

medical care but only until an agency-approved veterinarian can take over treatment. If the veterinarian recommends surgery or other costly specialized treatment, the handler shall notify their agency head, or their designee, and seek approval if practical. Handlers should report any canine injury or illness to their supervisor as soon as possible.

If the canine is sick or injured, the handler will determine if the dog may work. If the dog cannot work, the handler should notify their supervisor as soon as possible. The handler is still expected to report for duty and work their regular shift hours.

### **Kenneling**

All canines will have a kennel available at the handler's home. The kennel may be provided by the agency or, if provided by the handler, approved by their supervisor. The kennel must provide proper environmental protection and comfort to the canine, but also be secured to prevent escape.

When the handler is sick or away from home and cannot care for the canine, the canine must be kenneled at the agency-approved boarding facility, unless other arrangements are approved by the agency head or their designee.

### **Canine Patrol Vehicle**

When the canine is left in the vehicle, the handler shall ensure proper interior climate conditions and ventilation. The vehicle will remain locked when the handler is not in the immediate area. If the canine is left for extended periods, the handler must periodically check to make sure the canine is safe and comfortable.

No one may access a canine vehicle while the dog is inside without permission of the handler.

## **Aircraft Crashes**

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January 2016

The National Transportation Safety Board (NTSB), often with the assistance of the Federal Aviation Administration (FAA), investigates all civilian aircraft crashes. Military authorities investigate military aircraft crashes. Your role in either case is as a first responder - providing rescue if needed and ensuring the crash site is secured until federal authorities or military officials arrive and take over authority.

### **Coordinate emergency services**

The first units on the scene of an aircraft crash should provide assistance to any injured or trapped persons, and coordinate emergency medical response with other public safety agencies on site. BE ALERT for potential hazards especially risk of explosions from fuel, oxygen, tires, bombs, munitions or other sources.

### **Secure the scene**

Peace officers on scene will ensure the crash site is protected and secured until the NTSB, military or other proper authority arrives and takes over the scene.

- Create an outer perimeter that encompasses the full debris field
- Ensure the aircraft and debris are not moved from their location unless necessary to help injured or trapped people

- Cover fatalities where located until the arrival of the NTSB or the coroner
- Restrict scene access to authorized personnel

**Notify proper authorities**

Civilian aircraft: NTSB Response Operations Center, Washington DC Watch Officers are staffed 24/7	<b>844-373-9922</b>
Military aircraft: Contact the nearest military base of the involved branch of service	

If the crash involves a small aircraft with no fatalities, the NTSB may choose not to respond. In these cases, the aircraft owner is responsible for the wreckage.

**Opioid Overdose**

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July 2022

An opioid overdose causes death by slowing and eventually stopping a person’s breathing. Naloxone, sometimes referred to by its brand names NARCAN® or EZVIO®, can restore respiration within two to five minutes of being administered. Our agency may use naloxone to help prevent brain injury and deaths due to opioid-involved overdose.

*Any officer, in good faith, who administers naloxone to someone who appears to be having an opiate-related overdose is not liable in a civil or administrative action or subject to criminal prosecution.*

**TRAINING**

Officers authorized to carry and administer naloxone must complete training as directed by the agency.

**RESPONSE TO SUSPECTED OVERDOSE**

Officers responding to a suspected drug overdose should assess if the overdose is opioid-related before administering naloxone. Examples of opioids include heroin, fentanyl, oxycodone (OxyContin®), hydrocodone (Vicodin®), codeine, and morphine. Common signs that a person may be suffering from an opioid overdose include:

- Difficulty breathing such as depressed or slow respirations, labored breathing, shallow or gasping breaths:
- Pinpoint pupils, even in a darkened environment; and
- Evidence of drug use such as paraphernalia, track marks, information from bystanders.

Other indications of opioid use may include:

- Unresponsiveness, drowsiness or loss of alertness;
- Decreased pulse rate;
- Low blood pressure;
- Blue skin, lips or fingernails;
- Blood-shot eyes; and

- Past history of opioid use/abuse.

Naloxone only works on overdoses caused by opioids. It does not reverse overdoses resulting from non-opioid drugs like cocaine, benzodiazepines (“benzos”), or alcohol. However, in cases of multiple drug overdose (e.g., an opioid and a benzodiazepine), or if a person is unresponsive and it is not known whether opioids are the cause, it is standard practice to administer naloxone just in case.

*If naloxone use is warranted, officers must notify dispatch immediately before or directly after administration of naloxone and request appropriate emergency medical services.*

Officers shall follow their training protocols and the manufacturer’s instructions on administration of naloxone.

### **Safety**

When using naloxone kits, officers will follow our agency’s infectious disease exposure policy and be aware of possible safety issues. For example, needles on the ground or in the general area that could expose the officer to an unintentional needle stick during administration.

### **Reporting**

Each use of naloxone must be fully documented in an agency report including information on who administered the naloxone, number of doses, time of administration, the subject’s condition before administration and their reaction to it.

### **KIT MAINTENANCE**

Naloxone kits may not be left in vehicles or stored in areas that are exposed to prolonged freezing or extreme heat. Officers who use a naloxone medication kit should turn it in to their supervisor for replacement.

## **Suicidal People**

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July 2023

If you are involved in a situation with a person actively demonstrating suicidal intentions, you should try to offer aid and assistance but recognize that a law enforcement response may be required. Suicidal people can be dangerous, especially if someone nearby is the focus of their anger or depression, or they choose “suicide by cop” and put you in a situation where deadly force is warranted.

When you are involved in a situation with a suicidal person, remain aware of the balance between protecting people from harm and potentially increasing the tension in the situation. Assess the situation and if possible, attempt to get the individual’s voluntary compliance.

- Request behavioral health help, if available and appropriate.
- Remain calm, speak in a conversational, non-confrontational manner, and reassure the subject that you are trying to help.

If the individual does not voluntarily comply and the situation increases in intensity:

**Threat Only to Themselves**

If the suicidal subject poses a threat to only themselves, it may not be practical to risk additional confrontation. After reasonable attempts to offer aid and assistance, it may be prudent to leave the person alone.

**Armed, Combative or a Threat to Others**

If the subject is armed, combative or otherwise poses a threat that requires immediate intervention, you are authorized to use reasonable and necessary force to protect yourself and others.

## INVESTIGATIONS, INFORMATION AND EVIDENCE

### Evidence and Property

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July 2017

Property seized or recovered by an officer or employee will be handled so as to ensure a continuous chain of custody and stored in a secure facility designated and approved by our agency. This policy refers to seized, recovered and evidentiary property as well as abandoned, lost or found property taken under the official care of our agency.

#### BOOKING EVIDENCE AND PROPERTY

When taking possession of evidence and property, follow these guidelines for packaging, labeling and recording each item:

- Package each item in appropriate envelopes/containers. Items such as money, precious metals, jewelry, weapons and controlled substances require extra security and may necessitate special packing materials.
- Fully complete a property form/receipt carefully describing each item including weight or count, serial and/or model numbers and other identifying characteristics as applicable.
- Hazardous materials such as explosives and dangerous chemicals shall not be stored in the law enforcement facility without prior approval by a supervisor.
- Items that are wet or have bodily fluids such as blood or semen will be air dried in a secure location prior to being packaged. You shall wear protective gloves and take appropriate precautions when handling such evidence.
- Complete a report with contact and descriptive information of the owner, finder or others who possessed or have a claim to an item. Note the circumstances surrounding custody of an item and any other information that may help determine the lawful owner. Include information that will assist property custodians with proper disposition of the items at a later time.

Book all evidence and property items into an evidence storage facility before going off duty unless an alternate, temporary storage solution is authorized by a supervisor. Controlled substances or items of significant value, including cash, shall never be stored in your vehicle or home and will always be placed into proper agency storage prior to going off duty.

Firearms should not be returned to or given to any individual who may not lawfully receive or possess a firearm under federal law.

#### PROPERTY CONTROL

The agency head will designate a property custodian. The property custodian is responsible for maintaining a record of all evidence/property booked into the property facility including temporary release to another person, transfer to a crime laboratory, and final disposition and disposal.

The property custodian will perform a complete inventory annually, matching current records against the current physical inventory of property. The annual inventory will be verified by a supervisor who is not part of the property control function. The results of the inventory will be reported to the agency head.

Random, unannounced inspections or audits may be conducted at the direction of the agency head.



Property will be disposed of in accordance with Idaho Code:

- [18-310](#) – Individuals who have been convicted of a violent felony or of using a firearm in the commission of a crime, or who are currently serving time in state corrections including prison, felony probation and/or parole, are not allowed to ship, transport, possess or receive a firearm.
- [19-3801](#) – Stolen property must be held until the court authorizes its disposal.
- [55-403](#) – Abandoned or unclaimed property in agency possession or custody may be sold at public auction. Personal property with a fair market value less than \$25.00 may be sold after 30 days, bicycles after 90 days, and all other property after 6 months. Firearms and ammunition may be sold to a licensed firearm dealer, converted for official law enforcement use (if they meet agency specifications), or destroyed.
- [55-404](#) – Income from the sale of personal property may be used to reimburse the cost of storage and/or sale of the items. The remainder must be kept in an account for 1 year to allow time for an individual to claim ownership of an item sold. If proof of ownership is confirmed, the individual will receive the remaining proceeds from the sale. If there are no valid claims after 1 year, the proceeds will go to the city or county general fund.
- [55-405](#) – Anyone who finds money or items worth \$100 or more (except firearms, explosives or other deadly weapons), must provide notice to the county clerk within 10 days and publish a notification in the newspaper within 20 days. If no one claims the found money or item within the next 3 months, the finder may keep it. Anyone who fails to comply with this process must forfeit the items, or the value of them, to the county.

## Sexual Assault Kits

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June 2020

Our agency will have sexual assault evidence kits tested by the Idaho State Police Forensic Services Laboratory according to the guidelines in Idaho Code 67-2919. Our primary concern in any sexual assault is the health and safety of the victim, and officers will be compassionate and avoid further traumatizing the victim throughout the investigation.

### EVIDENCE COLLECTION

Officers responding to a report of sexual assault should arrange to have the victim taken to a qualified medical facility for treatment and evidence collection. Victims who choose not to assist with an investigation, do not want the matter to be investigated or wish to remain anonymous may still consent to the collection of evidence.

Medical professionals should collect samples using a sexual assault kit approved and provided by the Idaho State Police Forensic Services Laboratory. If drugs have a suspected role in the assault, you should also ensure that the medical facility collects blood and urine samples from the victim.

When the medical facility notifies you the kit is ready, take custody of it as soon as possible but no later than 7 days after notification. You, or another officer designated to retrieve the kit, are responsible for securing it into evidence, completing a supplemental report so it can be submitted for testing. You should consult with your prosecutor to ensure compliance with state law.

### **Offenses Occurring in Another Jurisdiction**

If a sexual assault occurs outside of our jurisdiction but is reported to us, we will complete a sexual assault report for the victim and arrange transport to a medical facility for treatment and evidence collection, if applicable. You should notify the agency of jurisdiction as soon as practical.

Once you retrieve the sexual assault evidence kit or other sexual assault case evidence from the medical facility, you must notify that jurisdiction within 7 days and request that agency pick up the evidence within 7 days.

### **TESTING**

Victims have the right to refuse to have evidence sent to the crime lab for forensic examination. Our agency will store the evidence for up to 10 years in case they change their mind at a later date.

If the victim consents to evidence testing, our agency will submit the sexual assault kit to the Idaho State Police Forensic Services Laboratory as soon as reasonably practical, but no later than 30 days after obtaining the evidence.

If the case is no longer being investigated as a crime, or there is no evidence to support that a crime was committed, you must have the county prosecutor's office review the case and confirm a decision to not forward the sexual assault kit to the state lab for testing.

### **RESULTS**

The Idaho State Police Forensic Services Laboratory will test kits and submit eligible results to the Idaho DNA database within 90 days. At the written request of the victim, parent or guardian if the victim is a minor at the time of notification, or relative if the victim is deceased, our agency will inform them:

- When the sexual assault evidence kit is submitted to state laboratory;
- If a DNA profile was obtained and entered into the Idaho DNA database;
- If an association was made to an individual; however, genetic or other identifying information will not be provided; and
- Any changes to the status of the case or reopening of the case.

All DNA profiles and information are strictly confidential under Idaho Code 9-340C(17) and 19-5514.

### **STORAGE**

Following analysis, sexual assault evidence kits will be returned to our agency and stored in evidence for the following durations:

- Death penalty cases - Until the sentence in the case has been carried out and no un-apprehended persons associated with the offense exist;
- Felony cases (including anonymous sexual assault kits collected under the violence against women act) - 55 years from the collection of the kit or until the sentence in the case is completed, whichever occurs first;
- Unsupported cases prior to July 1, 2019 (where there is no evidence to support a crime being committed, or when it is no longer being investigated as a crime or when an adult victim expressly

indicates that no further forensic examination or testing occur) - 10 years from collection of the kit; and

- Unfounded cases on or after July 1, 2019 (a crime was alleged and the allegation was determined to be unfounded) - 10 years from collection of the kit.

The victim, parent or guardian of a minor victim or relative of a deceased victim may petition the court to preserve sexual assault evidence beyond these durations. At their written request and if contact information is current, we will provide written notification of the destruction or disposal of a sexual assault evidence kit and any other case evidence 60 days before the proposed date.

## **Audio and Video Recordings**

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July 2023

We recommend the use of mobile video and audio recorders to accurately document events, actions, conditions and statements made during citizen contacts, arrests and other critical incidents. This policy applies to any system that captures audio or video data including cell phones, digital cameras, on-body recorders and in-car cameras, whether handheld, clipped to your uniform or fixed in a permanent location.

You should use only agency-issued recording equipment on duty unless the agency head approves the use of personal recording equipment in place of or in conjunction with agency devices. You may not use agency-issued recorders outside the scope of your employment.

### **WHEN TO RECORD**

At the beginning of each shift, it is your responsibility to ensure all components of the recording equipment are working properly including the camera, microphone, recorder and monitor. Notify your supervisor immediately if there are any problems with the equipment.

You should make every attempt to record all potentially dangerous or criminal field contacts including but not limited to:

- emergency responses and pursuits;
- traffic stops and investigations, including driving patterns for DUI (beginning to end);
- interviews of a criminal suspect;
- any actions or communication with an arrestee during transport;
- vehicle searches and inventories;
- any confrontational contact with a subject;
- incidents where the recording may be useful for administrative, investigative or prosecution;
- any additional situations designated by your supervisor or agency head.

As a courtesy, you should notify assisting officers that they are being recorded, but you are not required to discontinue recording an incident at the request of anyone other than a superior officer.

We recognize that it may not always be practical to activate recording equipment. Do not allow the operation of a recording system to interfere with your personal safety, the safety of others, or the safe operation of your police vehicle.

### **WHEN NOT TO RECORD**

You are prohibited from recording members of this agency without their consent unless authorized by the agency head or a court order. Additionally, you shall not intentionally record locations where there is a reasonable expectation of privacy (e.g. private residences, public restrooms, etc.) unless you are present due to a law enforcement contact. You shall not knowingly record undercover officers and confidential informants.

### **DOCUMENTATION AND STORAGE**

All images, video and audio recordings, or other similar items that are taken, recorded or obtained under your authority as a peace officer are the property of the agency. You should upload digital files from the device to our electronic storage system prior to the end of your shift, regardless of content.

Whenever a video or audio recording is made of a crime or incident, you will document the details in your arrest and related reports as you would any other evidence. Be sure to note the date, time, location and content of the recording.

All digital files will be stored in the original format to guarantee authenticity, and ensure their integrity and admissibility as evidence. They shall be labeled and retained according to evidence storage rules.

### **REVIEW OF RECORDINGS**

We reserve the right to limit or restrict any officer from viewing media or accessing media systems or software at any time. However, we generally support review of recordings for investigations, training and other legitimate law enforcement purposes.

You may have access to your own recorded media to review probable cause for arrest, custody procedures, officer and suspect interaction and evidence for investigative purposes. Reviewing the details of an incident can improve the accuracy of your report and help you prepare for courtroom testimony. You are not permitted access to the recorded media of other officers, unless granted permission from a supervisor.

Recordings may be duplicated only for official purposes such as court or training. You are prohibited from making personal copies of recordings, and showing or distributing recordings outside of legitimate law enforcement purposes.

Supervisors may review media as part of their official duties to evaluate officer tactics and field performance. Additionally, recorded media may be used for training purposes with authorization from the agency head or his/her designee.

### **BEING RECORDED BY OTHERS**

Suspects and witnesses have as much right to record your conversation with them as you do. Additionally, people who are not involved in your police actions may video record you on duty unless they:

- Are so close they are a legitimate threat to your safety;
- Repeatedly interrupt or disrupt your official business;
- Position themselves to impede your movements; or
- Violate the privacy of a victim or witness.

You may order an uninvolved person to maintain a reasonable distance, whether they are using a recording device or not; however, that distance should be the same for anyone else who may be standing there. You should be ready to explain why and how the person being closer interferes with your duties.

You may also reasonably protect yourself if someone comes up to you in threatening manner whether they are using a recording device or not; however, be aware that there are people who will try to elicit an overreaction from law enforcement officers to embarrass the agency and create a civil liability claim. These individuals are often intentionally irritating, so you must remain calm, avoid an emotional reaction and ensure your actions or orders are lawful.

If any of these situations occur, enforcement action may be warranted, but only if they are truly obstructing the performance of your official duties. Otherwise, although it may be irritating, they have the right to record you just as you have the right to record them.

## **ILETS - Idaho Public Safety and Security Information System**

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June 2020

Idaho Code [19-5201, et. seq.](#), establishes the Idaho Public Safety and Security Information System (ILETS) to provide information to criminal justice agencies throughout Idaho on criminal histories, sex offenders, wanted and missing persons, stolen property, motor vehicle registrations and drivers' licensing. ILETS includes access to local, state and national information by connecting with the National Crime Information Center (NCIC) and International Justice and Public Safety Network (NLETS). Access to criminal justice information through ILETS may be used only for officially mandated responsibilities.

### **USE OF INFORMATION**

You must be certified to use the ILETS/NCIC system and if you do not have current certification, you are prohibited from accessing or entering information into or from the system.

Criminal justice information available through ILETS shall be used exclusively for official law enforcement business. You are strictly prohibited from using the systems to find information on an individual or vehicle for personal use or knowledge. You will keep your password(s) secure at all times and not share it with anyone else for any reason.

### **Inquiry**

You may access ILETS/NCIC to check the identification of vehicles and drivers, confirm arrest warrants, identify stolen items, conduct pre-employment background checks and review the criminal history of individuals under investigation. You must define a specific reason for each inquiry that identifies its criminal justice purpose. If you get a "hit" on a person, vehicle or article from an agency other than ours, contact records or dispatch personnel to confirm the information before taking further action. Warrant or stolen information received from ILETS/NCIC will not be considered probable cause for arrest until properly verified and confirmed by the originating agency.

### **Entry**

All law enforcement agencies in Idaho are required to enter information on missing persons, stolen vehicles and property with serial numbers including boats, firearms and license plates. ILETS data entry must meet the following standards for timeliness, accuracy and completeness:

- Missing persons who are 21 or younger must be entered into ILETS within 2 hours of notification.
- All entries must be double-checked by a second party.
- You must include all information available at the time of entry, and information obtained later must be added to the system as soon as possible.

To make an official entry into ILETS/NCIC, you need the departmental report number and the following information:

Missing person/runaway:

- Full name
- Date of birth
- SSN (if available)
- Physical description
- Significant circumstances (if applicable)
- Time you arrived on scene
- Photo (if available)
- County of birth
- Mother's maiden name
- Scars, marks and tattoos
- Alcohol and/or drug use
- Clothing the person was last seen wearing
- Any significant physical problems
- Any medication requirements including the name of each, what it is used for, and if the person is carrying them
- Signature form for a missing adult who is 21 or older

Stolen vehicle:

- Color
- Year
- Make and model
- Body style
- VIN
- License plate number, state of issue and date of license plate expiration

Other stolen property:

- Detailed description of the item including color, brand, etc. with photo (if available)
- Serial number (if known)
- For license plates, both plates must be taken. If just one was stolen, an ILETS/NCIC entry may be made only if:
  - Theft of the plate is established;
  - The owner surrenders the other plate to be booked into property; and
  - The owner agrees to cancel the registration.

With the exception of AMBER alerts, you may contact records or dispatch staff (if available) from the field and provide them with the information for entry. Note in your report that the ILETS/NCIC entry was called in, and include the date, time and staff who took the information.

### **NCIC Entry Clearance**

If you locate a missing person, runaway, stolen vehicle or stolen property, or receive information that an ILETS/NCIC entry is no longer valid, it is your responsibility to have the entry cleared. You may contact records or dispatch staff (if available) and provide them with the information to clear the record. All cleared records must be double-checked by a second party.

## **SECURITY AND INFORMATION SHARING**

Criminal history record information, including conviction and non-conviction data available through ILETS may be disseminated only to criminal justice agencies, and the use of that information shall be limited to the purpose for which it was originally obtained. Under no circumstances shall you provide, or confirm the existence or non-existence of, criminal history information to any private person, agency, organization or corporation not entitled to receive such information.

Do not print information from ILETS unless necessary for a case investigation. Any information that is printed must be kept in a secure area and immediately destroyed after its use. If documents are disseminated to individuals outside of our agency, be sure to log them. Criminal history information shall not be retained in case files when the case is closed or inactive.

All visitors in ILETS/NCIC access areas must be escorted by authorized personnel at all times unless they have been background-checked and fingerprinted. If you are escorting a visitor, maintain contact and do not leave them unattended.

## **Photo Line-ups**

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June 2020

We will make every effort to establish reliable eyewitness identifications that ensure due process, eliminate suggestiveness, and accurately document methods for use in court. This policy covers:

***Photo line-up:** A selected group of photographs containing a single suspect and several other individuals with similar physical characteristics presented to a witness to determine if he/she is able to identify the suspect as the perpetrator of the crime.*

***Show-up:** An identification procedure in which a victim or a witness views a single suspect in order to identify that suspect as the perpetrator of the crime.*

You should not discuss identification procedures or their results with the media or other witnesses involved in the case.

### **PHOTO LINE-UP**

You should contact your supervisor and/or your prosecutor before administering a photo line-up. We require the use of a blind administration method whenever possible. For blind administration, a third party who does not know the identity of the suspect and is not involved in the investigation should administer the line-up. This prevents the witness from looking to the officer for guidance.

To prepare the photo folders:

1. Select one suspect photograph that resembles the witness's description of the perpetrator and five filler photographs that match the same description but do not cause the suspect's photograph to unduly stand out. You will also need ten folders – four of them will serve as 'dummy folders' and not contain photographs.
2. Place a filler photo in one folder. Label the folder #1.
3. Place the suspect photograph and other four filler photographs into folders. Shuffle the folders so you are unaware of which folder the suspect is in. Label the folders #2-6.
4. Label the remaining empty folders #7-10 so that the witness does not know when he/she has seen the last photo.

Select a private area for the line-up presentation whenever possible. If there are multiple witnesses, bring in only one individual at a time to ensure each views the line-up independently. Prevent contact between witnesses until all presentations are complete. If you are the administrator:

1. Instruct the witness that:
  - The perpetrator may or may not be among the persons in the identification procedure;
  - They should not feel compelled to make an identification;
  - The administrator does not know which folder the suspect is in; and
  - The investigation will continue whether or not an identification is made.
2. Without looking at the photo, hand folder #1 to the witness. Each time the witness views a folder, they should indicate whether or not this is the person they saw and their degree of confidence in the identification. Allow the witness to describe their level of certainty in their own words – do not offer them a numerical ranking. They should then return the photo folder to you.
3. Hand the next folder to the witness and repeat step 2 above until all photos have been viewed. The order of the photos should be preserved, in a facedown position, for final documentation.

### **FIELD SHOW-UP**

A show-up is an in-person field identification procedure performed when circumstances require the prompt display of a possible suspect to a victim or witness. The show-up can be conducted when a crime is recent, the suspect matches the description of the offender and the suspect is located in the vicinity of the crime.

In an attempt to limit the suggestiveness and promote safety during a field show-up, you must document the eyewitness's description of the suspect prior to conducting the show-up. If there are multiple victims and witnesses, separate and instruct them to avoid discussing details of the incident with one another. All show-ups must be administered to only one individual at a time to ensure each views the suspect independently. To conduct the show-up:

1. Instruct the witness that:
  - They should not assume the person presented is the suspect;
  - They should not feel compelled to make an identification; and
  - The investigation will continue whether or not an identification is made.



2. Transport the witness to the location of the suspect in a manner that does not compromise their identity. It is not recommended to transport a suspect to the witness.
3. Do not provide feedback to a witness during the identification process.
4. Do not present the same suspect to a witness more than once.
5. Do not make the suspect put on clothing worn by the perpetrator, or speak words and conduct actions reported about the perpetrator.

If a witness makes a positive identification, note their level of certainty. Allow the witness to describe their level of certainty in their own words – do not offer them a numerical ranking. Depending on the circumstances and probable cause, you may choose to detain the suspect for further investigation.

If the suspect is NOT positively identified, you should release them without delay unless other probable cause exists for arrest.

## DOCUMENTATION

Provide detailed documentation in your investigative report about the photo line-up or field show-up procedure including:

- Type of procedure;
- Date, time and location;
- Name of the administrator;
- List of all individuals present; and
- Each witness's:
  - Level of certainty in their identification *in the witness's own words*;
  - Degree of attention when viewing the photographs or subject;
  - Any emotions expressed during the process or caused by a subject;
  - Comments volunteered throughout;
  - Accuracy of their prior description of the subject; and
  - Length of time between the crime and the identification.
- For a photo-line up, you must also include the number of photos shown, copies of the photographs, source of each photo, and the order in which the folders were presented.

You are encouraged to record any witness identification procedure from start to finish whenever practical. Upload the digital file from the recording device to our electronic storage system as evidence, and note it in your report.

## Confidential Informants

June 2020

Confidential informants can be a major source of information in an investigation because they are frequently associated with persons involved in criminal activities.

***Confidential Informant (CI):*** A person who is providing our agency with information or assistance in criminal matters, and whose identity is kept secret until court procedures require its release.

The agency head or his/her designee may approve the use of confidential informants for gathering information on criminal activities or aiding in field investigations. When considering the use of an informant, you should evaluate their character, motivation, reliability and truthfulness. If they are unable to provide information of high value that can be verified, it may not be worth risking their safety and the legitimacy of your investigation.

Juvenile informants - The use of juvenile informants should generally be avoided because the possible liability attached to their use usually outweighs any potential benefits. If a juvenile is recommended, they will be used only with prior authorization of the agency head, permission from a parent or legal guardian and consultation with the prosecutor's office.

Informants with pending cases - You should also carefully consider accepting services from informants with pending cases. You will advise the informant that their cooperation and efforts may show their good faith and reliability but they are not a guarantee of leniency in a pending case. If the case is filed, the final disposition lies in the hands of the prosecutor and courts.

The terms of any "deal" made in cooperation with the prosecutor's office must be communicated to all parties involved including the informant and the informant's attorney, as applicable.

Informants on parole or probation - Conditions of parole and probation commonly prohibit association with known felons and subjects engaged in criminal activity. Informants on parole or probation should only be used to supply information.

At least two officers shall be present at any meeting with an informant to provide necessary corroboration, documentation, surveillance and backup. If an emergency situation requires meeting without a second officer, contact your supervisor as soon as practicable to advise him/her of the contact and what was discussed. This interaction will be documented in a report and placed in the informant's file.

You should take all necessary precautions to safeguard the identity and protect the safety of informants working directly with you. If an informant participates in an operation in which he/she may have access to seizure funds, contraband, controlled substances or anything else of potential evidentiary value, you shall thoroughly search the informant and his/her vehicle (if applicable) both before and after an undercover encounter. Whenever possible, observe the informant continuously during any operation.

#### **Prohibited associations**

Police contact with informants shall be strictly professional. An officer who makes contact with an informant is prohibited from:

- Extraneous social or business contacts;
- Social, sexual or other non-duty-related contacts;
- Accepting gifts, loans, gratuities, or other items or services from an informant; and
- Engaging in any personal financial dealings or private business transactions with an informant.

Immediately contact your supervisor if you have any unplanned interactions with an informant. A report of this contact will be placed in the informant's file.

## **PAYMENT**

The agency may pay confidential informants based on the services provided within authorized limits. The size and value of the case, funds available, and the involvement and track record of the confidential informant may all be considered for determining the payment amount. All payments must be approved by the agency head or his/her designee.

All informants shall be paid in the presence of at least two officers, and a receipt of payment must include signatures from the informant, reporting officer and witness officer. The agency head or his/her designee may waive the presence of a second officer and/or the signature requirement for the informant in exceptional circumstances. A copy of the payment receipt will be documented in the informant's file, with a memo detailing authorization for any signature omissions.

The agency head will ensure that an independent staff audit of payments made to informants is conducted annually.

## ADMINISTRATION

### Organization and Authority

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January 2016

It is the policy of this agency to grant all employees at every level the authority necessary for the effective execution of their responsibilities. Each employee will be held accountable for the proper use of his/her authority.

#### CHAIN OF COMMAND

The agency head has full command over all agency affairs and personnel. Authority is delegated to ranking officers and select professional leadership staff to effectively deliver services to the community. Authority is not limited to the ranking officer's respective division but includes supervision over all employees as necessary. A ranking officer will exercise his/her authority in the best interest of the agency. The officer will not unnecessarily countermand orders of officers below his/her rank or needlessly interfere with the duties of lower ranking members. Additionally, ranking officers and professional leadership staff will not deliberately criticize directives, policies, orders or instructions of superior officers in the presence of subordinates.

#### SUPERVISION

In keeping with the principles of unity of command, each employee is accountable to only one supervisor at any given time. There may be times, such as during the absence of a supervisor, when another supervisor may direct or issue commands to officers normally not under their direct supervision.

Supervisors are responsible for creating a supportive and cooperative environment for a fixed number of employees. Supervisors should know their employee's strengths and weaknesses, and may need to provide counseling, advice and direction to individuals with problems that affect work performance. Supervisors will complete evaluation reports on their personnel.

### Selection and Training

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July 2022

The success of our agency depends on the quality of the people we hire. We are committed to selecting and hiring highly-qualified candidates who possess applicable skills and are motivated to pursue a career in law enforcement. We will provide an appropriate level of training to each employee so we may uphold the highest level of public service.

#### PERSONNEL SELECTION

To be employed by our agency, a candidate must meet the minimum requirements set forth by the Idaho Peace Officers Standards & Training Council and successfully complete:

- An employment application
- A background questionnaire
- A background investigation including, but not limited to:
  - local, state and national criminal history check

- search of the Idaho Court Repository for current or other legal actions
- interviews with past employers, peers, and references likely to disclose concerns over criminal, moral or ethical behaviors

While not mandatory for all positions, a polygraph, drug screen, medical and/or a psychological exam may be required for some candidates depending on the position for which they apply.

### **Polygraph**

When required for employment, candidates will be given a polygraph examination by a person who is trained in all aspects of polygraph operation and evaluation of the results. We may contract with a certified polygraph examiner for pre-employment screening if an internal examiner is not available.

### **Drug screening**

When required for employment, candidates will need to pass a drug screen through a certified lab. Any positive result for illegal controlled substances or prescription medications without a prescription will disqualify candidates from being hired.

### **Medical and psychological exams**

When required for employment, candidates will be given one or more examinations by licensed medical and mental health providers to certify their general health, emotional stability and psychological fitness. These exams will be conducted and evaluated by qualified professionals using procedures that are valid, useful and nondiscriminatory, and may only be administered after the conditional offer of employment.

## **TRAINING**

New sworn employees must successfully complete training and orientation established by the Idaho's Peace Officer Standards & Training (POST) Council. Your training may include, but is not limited to, POST's basic academy, an on-the-job training program, courses on high-risk subjects and situations, training and qualification on all duty weapons, and other general and job-specific training as mandated.

We will provide opportunities for career development to all employees through advanced, specialized and in-service training. You should help identify your training needs, submit training requests and ensure that your training officer receives verification of completed training.

In-service training requirements for retaining basic peace officer certification includes a minimum of forty (40) hours of continuing law enforcement training as directed by the POST Council every two (2) calendar years beginning January 1 following the date the officer was certified. This training must include a combined minimum twenty-four (24) hours of continuing law enforcement training in the following topics:

- a. Firearms: Eight (8) hours and an annual proficiency test (qualification);
- b. Arrest Techniques/Defensive Tactics (ARCON): Eight (8) hours;
- c. Emergency Vehicle Operation: Four (4) hours;
- d. Legal Update(s): Four (4) hours.

(Idaho Peace Officer Standards and Training Council, Idaho administrative rule [11.11.01.130-134](#))

It is your responsibility to check your training records and ensure they remain in compliance with the minimum number of hours required by POST.

For all employees, unsatisfactory performance or failure to meet the minimum standards of the job may lead to termination.

## **Agency Vehicles**

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June 2019

Agency-owned vehicles are for official use only. Officers driving a vehicle on agency business have a responsibility to not only protect themselves when on the road, but to also do their best to protect those around them. As an agency driver, you are required to:

- Follow all vehicle safety regulations and applicable driving laws;
- Inspect the vehicle for damage, contraband and proper functioning before loading passengers;
- Wear a vehicle-equipped safety belt/restraining device at all times except in circumstances in which the use of seat belts may hamper your safety or efficient performance;
- Ensure all passengers, including arrestees, are wearing seat belts or are secured by other appropriate vehicle restraint devices; and
- Immediately report a suspension or revocation of your driver's license to your supervisor and discontinue driving for agency business.

It is your responsibility to help ensure that vehicles are kept in a safe, serviceable and clean condition. Report any accidents, mechanical issues or other concerns to your supervisor immediately.

### **VEHICLE COLLISION**

If you are involved in a collision in an agency-owned vehicle, immediately notify dispatch. Notify your supervisor as soon as possible so they can assess the situation.

Whenever practical, a collision involving an agency-owned vehicle should be investigated by an outside agency. An outside agency must be called to investigate any collision involving death, injury, complaint of injury or excessive property damage.

## **Non-Discrimination and Equal Opportunity**

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January 2016

### **EQUAL OPPORTUNITY EMPLOYER**

This agency is an equal opportunity employer. No employee or applicant for employment shall be subjected to discrimination because of race, color, sex, national origin, religion, disability, age, engaging in anti-discrimination activities, protected genetic information, sexual orientation, gender identity, veteran's status, parental status or any other applicable legally protected status.

### **NON-DISCRIMINATION**

It is our agency's intent to provide a work environment free from all forms of illegal discrimination, harassment and retaliation. You are expected to adhere to agency values and treat coworkers and others whom you come into contact with respectfully while representing the agency. You are expected to conduct yourself in a manner that complies with this policy and demonstrates respect for the diversity of the agency's workforce and the community we serve.

Discrimination and harassment can be difficult to identify and can occur in many forms. They may be intentional or unintentional, overt or covert, or the result of acting or choosing not to act. No single definition of discrimination or harassment can address every situation which may confront employees of this agency. We will respond to all complaints with prompt, fair and appropriate action. Violations of this policy will be addressed through appropriate fact-finding and disciplinary measures up to and including termination.

## **SEXUAL HARASSMENT**

Sexual harassment may involve unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature that are exhibited in one of the following prohibited ways:

- Making, or implying that employment decisions, such as evaluations, job opportunities, etc., will be made, based on the person's willingness or unwillingness to agree to or condone the sexually related activity; or
- Harassing behavior that interferes with an employee's ability to effectively perform his/her job, or creates an intimidating, hostile, or offensive environment.

Although sexual harassment typically involves a person in a position of greater authority as the harasser, individuals of lesser or equal authority may also be involved. Sexual harassment may include, but is not limited, to the following behaviors:

- Sexual or racial comments, jokes, stories or innuendoes;
- Gossip, comments or questions about someone's sexual conduct or orientation;
- Unwelcome or unwanted personal touching and suggestive gestures;
- Displaying or circulating sexually suggestive or racially directed materials or visual aids;
- Repeated unwelcome flirtations, repeated unwelcome requests for dates including pressure for sexual activity;
- Implied or expressed promise of rewards or preferential treatment in exchange for sexual activity; or
- Implied or expressed threats of punishment for refusing sexual activity.

### **Duty to report**

*Victims:* If you are the victim of offensive behavior in the workplace, you should tell the offending coworker that his/her behavior is offensive and must stop. If you are uncomfortable raising an objection directly with this person, or are not satisfied with his/her response, you should report the behavior to your supervisor as soon as possible. If the harasser is in your chain of command, or other reasons exist that would make reporting to your immediate supervisor impracticable or uncomfortable, reports may be made directly to the agency head or the appropriate person within your city or county.

*Witnesses:* If you witness or receive a credible report of any behavior that could reasonably be viewed as violating this policy, you must report the incident within forty-eight (48) hours to your supervisor, agency head or human resources department.

*Supervisors:* Supervisors are required to immediately report any behavior they witness, or any behavior that is reported to them, if it could reasonably be viewed as violating this policy. A supervisor may not keep complaints of this nature confidential. The report must be submitted to the agency head.

## **NON-RETALIATION**

You may not retaliate in any way against any person because he/she complained about discrimination or harassment, filed a charge of discrimination or harassment, or participated in an investigation or lawsuit. Any allegation of retaliation will be addressed through appropriate fact-finding and disciplinary measures up to and including termination.

## **WORKPLACE RELATIONSHIPS**

Romantic relationships between co-workers are generally discouraged because of the potential disruptive effect on the operations of our agency. If two employees in a supervisor/subordinate role become involved in a romantic relationship, they must report this relationship to their agency head immediately. The employee in the supervisory role must propose a workable plan to avoid the potential conflict of interest resulting from the relationship. If a workable solution cannot be arranged, the relationship may be prohibited by the agency head.

## **Overtime and Compensation**

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January 2016

It is our policy to manage overtime expenditures in a fiscally responsible manner and to minimize the use of overtime while also providing exemplary public service.

The federal overtime provisions of the Fair Labor Standards Act (FLSA) apply to all employees. Non-exempt employees will receive overtime pay or compensatory leave for hours worked over the amount set for their workweek at a rate not less than time and one-half the employee's rate of pay.

Supervisors should minimize the need for overtime and should authorize excess work hours only to meet vital service needs. All overtime work should be approved in advance unless exigent circumstances necessitate work in excess of your normal shift. Notify your supervisor of any unapproved overtime as soon as possible.

## **COMPENSATORY TIME**

If allowed for our agency, you may receive compensatory time off in lieu of cash overtime compensation at the rate of one and a half (1.5) hours for every one (1) hour of overtime worked. We may limit the total number of compensatory hours you may accrue; however the total hours accrued may never exceed the federal limit of 480 hours for sworn personnel and 240 hours for non-sworn. You are permitted to use compensatory time for any approved days off. At separation, compensatory time balances will be paid out at the employee's current hourly rate of pay, and will be subject to the standard required deductions.

## **WORK HOUR LIMITATIONS**

You are not permitted to work more than 16 consecutive hours and you must take at least 8 hours of rest before you report for your next shift. Any exceptions must be approved by the agency head or their designee.



## Secondary Employment

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January 2016

We consider this agency to be your primary employer. To ensure your ability to perform your duties effectively and efficiently, and to avoid actual or perceived conflicts of interest or professional standards, the agency head shall have sole discretion in approving or denying your request for secondary employment.

Any participation in off-duty or secondary employment requires written authorization of the agency head. We reserve the right to deny any secondary employment or volunteer request that may reflect unfavorably on the agency. Examples include but are not limited to work that:

- is a conflict of interest with official duties such as a bar or tavern bouncer, bond recovery agent, towing company, process server, private investigator and some private security positions;
- may bring your character into question such as businesses that are known to be involved in criminal activity or have associations with criminal gangs;
- is likely to cause sleep deprivation, lack of attentiveness or otherwise impact your on-duty performance; or
- requires special scheduling consideration of your regular duty hours.

While engaged in off-duty secondary employment, you are not an employee of this agency but rather an employee under the direction and control of your off-duty secondary employer. However, you shall act in a professional manner and avoid doing tasks that would detract from the professional image of our agency. Your uniform, badge, vehicle or equipment may not be utilized unless specifically approved by the agency head. Additionally, you are not covered under this agency's workers' compensation and liability insurance while performing the duties of your secondary employment.

## Workers' Compensation

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January 2016

Workers' compensation coverage is provided for any employee who suffers from a work-related injury or illness. Benefits under workers' compensation are set by Idaho law and are administered by the Idaho Industrial Commission. Coverage begins the first day of employment.

### EMPLOYEE REPORTING

In order to have your workers' compensation claims properly processed and to ensure coverage, you must immediately notify your supervisor of any on the job injury and obtain a workers' compensation incident report form. You should seek immediate medical attention when necessary and complete and submit your incident report form to the appropriate person within twenty-four (24) hours.

### SUPERVISOR RESPONSIBILITIES

Supervisors shall refer their employees to immediate medical attention when necessary and make sure the workers' compensation incident report form is completed and submitted within twenty-four (24) hours. If the employee is unable to complete the worker's compensation report, the supervisor shall complete it to the best of their ability. When an employee misses work due to injury, make sure the employee has a proper medical release before returning to work.

## **Fitness for Duty**

---

January 2016

You are responsible for ensuring you are physically, mentally, and emotionally able to perform the essential functions of your job when reporting for duty. Your safety and that of your co-workers and the public, depends upon you being able to perform all of the required tasks without limitation. If, at any time, you fail to meet this requirement, a supervisor must be immediately notified. The supervisor is required to promptly take steps to resolve the matter.

### **RETURN TO WORK**

Upon returning from more than three consecutive days of leave for illness or injury, or a light duty assignment, you must provide a note from your physician certifying that the condition causing the interruption in work has resolved to the point where you are once again fit for duty.

### **FITNESS FOR DUTY EXAMINATIONS**

If there is reason to suspect you may not be physically or mentally capable of performing the essential functions of your position, the agency head can order you to undergo a fitness for duty examination at the agency's expense. The fitness for duty examination shall be performed by a licensed medical/mental health provider qualified to determine your fitness for duty related to the suspected deficiencies in question.

The medical/mental health practitioner shall be provided with your job description, an explanation of the concerns giving rise to the examination, and any other information necessary to make an informed determination of fitness for duty. You must cooperate with the examination and provide any information required by the health care professional conducting the examination. Only upon being declared fit for duty may you return to work.

### **PHYSICAL FITNESS STANDARDS**

You are responsible for maintaining a level of physical fitness that allows you to perform the essential functions of your job. If you cannot meet the essential physical functions of your job, you may be terminated.

## **Drug, Alcohol and Tobacco Use**

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January 2016

### **DRUGS AND ALCOHOL**

It is our goal to maintain a drug and alcohol-free work environment. You shall not report for duty with residual blood alcohol from recreational alcohol beverage consumption nor with a blood alcohol content from medication of more than .02 BAC. You shall not consume alcohol on duty, except as part of a special assignment. You shall not unlawfully use drugs at any time.

If your supervisor has reasonable suspicion or cause to suspect that you are under the influence of drugs or alcohol, you are required to submit to chemical testing for drugs and/or alcohol possibly including blood, breath or urine tests. Random drug and alcohol tests may also be administered at any time. Refusing to comply will result in disciplinary action.

You may be terminated if you become addicted to alcohol or drugs; however, if you voluntarily report your addiction to the agency head before it affects your work performance you may be given an opportunity to overcome your addiction. If successful, you will be allowed to return to full duty status upon the recommendation of a medical professional.

## **TOBACCO**

Smoking within 25-ft of our law enforcement facilities is prohibited. Furthermore, smoking is prohibited in any agency-owned vehicle, unless authorized by the agency head. You shall comply with designated no smoking areas on our law enforcement campus and where otherwise designated.

Although the use of tobacco while in uniform or on duty is not strictly prohibited, you are strongly discouraged from using tobacco of any kind when dealing with the public. This includes spitting and chewing tobacco in public view and holding a cigarette, cigar or pipe in your mouth while talking to or being addressed by any member of the public.

## **Infectious Disease Exposure**

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January 2016

Law enforcement members have a higher risk for exposure to HBV, HIV and other blood borne infections as compared to the general population. Any potential on-duty exposure to an infectious disease is serious and should be treated accordingly. You are responsible for immediately reporting any potential exposure to a supervisor.

### **PROCEDURE AFTER AN EXPOSURE**

If the body fluid of another comes in contact with your eyes, mouth, an open wound, or otherwise has direct exposure to your body through a puncture, you should:

- a) Immediately initiate self-cleansing of the exposed area.
- b) Immediately initiate self-treatment for a needle stick, puncture wound, or laceration, including cleaning with an alcohol wipe or antibacterial ointment and “milking” the wound immediately by drawing out the fluid.
- c) In the case of body fluids splashed or propelled into your face, immediately wash your face, hands, and any affected skin with warm, soapy water, blow your nose, and repeatedly rinse your mouth with water or antiseptic mouthwash and spit.

You shall contact your immediate supervisor as soon as practical. Your supervisor shall ensure that you go to the closest emergency room for evaluation and treatment as soon as possible. In the case of a potential exposure with blood borne pathogens, you should be treated **within two hours of exposure following CDC guidelines.**

### **WORKERS' COMPENSATION**

A potential infectious disease exposure should be treated as a workplace injury. All workers' compensation paperwork must be filled out completely and in a timely manner. Follow up appointments should be attended and any recommendations of the treating physician or medical staff should be followed.

### **TESTING OF THE SOURCE OF THE EXPOSURE**

If the source of exposure agrees to voluntarily submit to a medical evaluation or HIV/HBV antibody testing, the results of the testing will be sent to the exposed employee's treating physician. If the source of the exposure does not consent and was charged with a crime regarding the incident in which the body fluid was likely transmitted, the jail should be notified of this fact and testing of the source pursuant to Idaho Code [39-604](#) should occur. If the source of the exposure does not consent and was not charged with a crime related to the exposure, the prosecuting attorney should be asked to obtain a warrant to compel the source to submit to testing.

## POLICY CHANGE RECORD

### July 2023

#### NEW

Suicidal People

Impact Weapons, Use of Force and Weapons

#### UPDATED

Dangerous or injured animals, Use of Force and Weapons (updated the definition of dangerous, provided an exception for protected species)

Being Recorded by Others, Audio and Video Recordings (provided additional guidance on interactions with individuals recording your actions)

### July 2022

#### NEW

Opioid Overdose

#### UPDATED

Training and Selection (updated the order of the Training subsection and added a paragraph with POST's in-service training requirements for retaining basic certification)

### August 2021

#### UPDATED

Release of Juveniles (added statement that status offenders may not be placed in jail or detention unless a runaway from another state)

### July 2021

#### UPDATED

Policy Manual (clarified that this manual is deigned to be used alongside agency procedural manual and with support from ongoing in-service training and POST courses)

Emergency Driving and Pursuits (added more detailed language for considering when a pursuit should be terminated including losing sight of the suspect, unsafe vehicle and environmental conditions)

### June 2020

#### UPDATED

Minor edits to improve clarity were made to the following sections: Personal Conduct – On or Off Duty, Interference with Prosecution; Search and Seizure, Miranda; Arrest and Custody; Juvenile Procedures; ILETS; and Confidential Informants.

#### Use of Force and Weapons

- Replaced “avoidance and de-escalation” with the contemporary words “time, distance and communication”
- Clarified that displaying or drawing a weapon requires reasonable cause
- Defined imminent threat

- Provided additional emphasis re: not to shoot at or from a moving vehicle
- Change name of conducted energy “device” to “weapon”
- Clarified language re: stop use of chemical weapons if not effective

Hate Crimes (added “national origin”)

Sexual Assault Kits (added recommendation to consult with your prosecutor to ensure compliance with state law)

Photo Line-ups (added statement to contact your supervisor or prosecutor before administering a photo line-up)

## June 2019

### NEW

Administrative Investigations

Agency Vehicles

Canine Units

Citizen Complaints

Carotid or Lateral Vascular Neck Restraint, Use of Force and Weapons

Sexual Assault Kits

### UPDATED

Release of Information, Personal Conduct – On or Off Duty (restated as Personal Use of Information to clarify meaning)

Misdemeanor offenses, Warrantless Arrests and Arrest, Domestic Violence Response (revised to meet the June 16<sup>th</sup> Idaho Supreme Court opinion in *State v. Clark*)

## July 2017

### NEW

Law Enforcement Code of Ethics (Idaho POST)

Reserve Officer Authority, Off-Duty Law Enforcement Action (clarified that reserve officers do not retain their authority off duty and should not engage in off-duty law enforcement action)

Arrest and Custody (combined Arrest Warrants and Citizen’s Arrest sections with new content on warrantless arrests, out-of-state warrants, transporting arrestees and protective custody)

ILETS – Idaho Public Safety and Security Information System

Civil Standby

Hate Crimes

Audio and Video Recordings

Confidential Informants

### UPDATED

Revisions include minor edits throughout to improve clarity and reorganization of Administration policies for agencies who already have these policies through other sources.

Policy Manual (included how to implement policy changes and defined controlling terms)

Insubordination, Personal Conduct – Duty Related (noted officers are expected to treat ranking officers with respect and refrain from insubordination)

Domestic Violence and Other Criminal Charges (defined domestic violence)

Use of Force and Weapons (added sections on special considerations for firearms, conducted energy devices, less lethal chemical agents and medical care)

Restraints (reporting moved to its own section)

Emergency and Pursuit Driving (defined appropriate emergency driving behaviors and use of a road block)

Juvenile Procedures (expanded section on the decision to release or detain a juvenile)

Domestic Violence Response (defined domestic violence)

Evidence and Property (defined property disposal guidelines)

**REMOVED**

Breaks, Competency as a Law Enforcement Officer

Risk Management, Officer-Involved Critical Incidents

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**January 2016**

Initial Publication

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