



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

**APPLICABILITY
FIELD**

REVISION DATE
2/10/22

PAGE NUMBER
1 of 9

NUMBER
DOC 420.390

POLICY

TITLE

ARREST AND SEARCH

REVIEW/REVISION HISTORY:

Effective: 10/25/00
Revised: 7/23/03
Revised: 8/25/04
Revised: 10/7/04
Revised: 9/19/05
Revised: 9/25/07
Revised: 6/16/08
Revised: 8/5/09 AB 09-027
Revised: 10/26/09
Revised: 1/17/11
Revised: 4/19/12
Revised: 6/1/12
Revised: 12/6/13
Revised: 9/28/15
Revised: 1/13/16
Revised: 9/26/19
Revised: 2/10/22

SUMMARY OF REVISION/REVIEW:

II.B. - Adjusted language for clarification
III.C.1., V.B., and VI.C.1., VI.C.4. - Adjusted language as person-centered


APPROVED:

Signature on file

CHERYL STRANGE, Secretary
Department of Corrections

1/27/22

Date Signed

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY FIELD		
	REVISION DATE 2/10/22	PAGE NUMBER 2 of 9	NUMBER DOC 420.390
	TITLE ARREST AND SEARCH		

REFERENCES:


DOC 100.100 is hereby incorporated into this policy; [RCW 9.94A.631](#); [RCW 10.31.040](#); DOC 350.750 Warrants, Detainers, and Holds; DOC 400.230 Badges and Identification Apparel; DOC 410.920 Use of Force - Community Corrections (RESTRICTED); DOC 420.100 Transportation Standards (RESTRICTED); DOC 420.395 Evidence/Property Procedures for Field; DOC 460.130 Response to Violations and New Criminal Activity; OMNI Violator Management User Manual

POLICY:


- I. To enhance employee and public safety, the Department has the authority to arrest an individual under the Department's jurisdiction who is accused of violating the conditions or requirements of supervision/community custody, or has committed a crime in an employee's presence. Employees will respond to known violations per DOC 460.130 Response to Violations and New Criminal Activity.
- II. Arresting employees will document all arrests, searches, and transports on the Violator Management screen in the individual's electronic file the same day as the action.

DIRECTIVE:


- I. General Requirements
 - A. Employees will not engage in or assist with civil immigration enforcement to include:
 1. Inquiring about an individual's immigration/citizenship status
 2. Detaining or taking into custody any individual solely based on immigration status
 3. Providing information not available to the public regarding an individual's location or place of birth to Immigration and Customs Enforcement (ICE) or other immigration personnel.
 - B. Except as outlined in DOC 420.100 Transportation Standards (RESTRICTED), authorized employees must successfully complete the Community Corrections Officer (CCO) Academy before arresting, searching, or transporting individuals.
 - C. Arresting employees will ensure proper documentation is completed and distributed per DOC 350.750 Warrants, Detainers, and Holds and local procedures.
- II. Arrest

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY FIELD		
	REVISION DATE 2/10/22	PAGE NUMBER 3 of 9	NUMBER DOC 420.390
	TITLE ARREST AND SEARCH		

- A. CCOs, Community Corrections Supervisors (CCSs), Corrections Specialists, and others authorized by the Assistant Secretary for Community Corrections have the authority to arrest an individual under the Department's jurisdiction.
- B. The CCS will develop, and routinely review with employees, local procedures for making an arrest in and outside the office. Procedures will address location specific logistics and employee safety concerns.
 1. Before arrest, the CCO will:
 - a. Verify jurisdiction and supervision end date, and consider days remaining on supervision,
 - b. Verify that the alleged behavior is a crime or violates a condition of the individual's supervision,
 - c. Review the Case Plan face page and Violator Management Summary in the individual's electronic file for safety flags related to behavior,
 - d. Obtain CCS/designee authorization to arrest, and
 - e. Form an arrest team of authorized Department employees/local law enforcement and assign roles, including:
 - 1) Controlling, securing, and maintaining custody of the individual,
 - 2) Searching the individual, which will be assigned to an employee of the same gender when possible,
 - 3) Collecting, searching, documenting, transporting, and maintaining the chain of custody over the individual's property and any evidence,
 - 4) Transporting the individual,
 - 5) Searching, documenting, and securing when possible the individual's vehicle and/or first party residence (i.e., where the individual has control and/or domain over a residence or item and has authority to consent to search), and
 - 6) Notifying and communicating with family or friends of the individual.

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY FIELD		
	REVISION DATE 2/10/22	PAGE NUMBER 4 of 9	NUMBER DOC 420.390
	TITLE ARREST AND SEARCH		

2. The CCS/designee will confirm the necessary verifications and approve the arrest plan.
- C. Employees may withdraw if an arrest situation presents an undue risk of harm.
 - D. At no time will an individual placed in restraints be left unattended.
 - E. Any use of force will comply with DOC 410.920 Use of Force - Community Corrections (RESTRICTED).
 - F. When taking an individual into custody, authorized employees may pursue the individual on foot, but must consider the risk of danger to themselves and the public.
 - G. Planned Office Arrest
 1. The CCO will inform all unit employees/volunteers of the pending arrest(s) and discuss, as necessary:
 - a. Officer safety concerns (e.g., history of violence/weapons/resisting arrest, threatening others, third party issues).
 - b. Any additional equipment needed to safely complete the arrest (e.g., Department approved flex cuffs).
 2. When possible, arrests will be conducted in a pre-designated "Arrest Area".
 3. Arrested individuals will be transported as soon as practical.
 4. If arresting multiple individuals, Department employees will follow local procedures and ensure each individual is escorted separately, de-escalated, and compliant with employee directives before being placed in any area with other individuals.
 - H. Planned Field Arrest
 1. The CCO will ensure that the staging plan is communicated to all arrest team members and includes, at a minimum:
 - a. Officer safety concerns (e.g., history of violence/weapons/resisting arrest, threatening others, dogs, third party issues).
 - b. Any additional equipment needed to safely complete the arrest (e.g., Department approved flex cuffs).

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY FIELD		
	REVISION DATE 2/10/22	PAGE NUMBER 5 of 9	NUMBER DOC 420.390
	TITLE ARREST AND SEARCH		

- c. A current photo of the individual(s).
- d. The arrest location, with directions, and the location where the team will assemble.

I. Emergent Arrest

- 1. In an emergent situation, it may be necessary for an authorized employee to arrest an individual without prior authorization.
- 2. Authorized employees will exercise professional judgment based on their knowledge, skills, and abilities. Officer and community safety will be the priority.
- 3. Employees will notify the CCS/designee of the arrest/transport of the individual as soon as possible and continue to provide updates as necessary.

- J. Following the arrest and transport of the individual(s), the CCS may debrief with the arrest team, impacted employees, and local law enforcement, as applicable.

III. Forced Entry

- A. Forced entry occurs anytime an employee enters a residence:


- 1. Without invitation, or
- 2. After having requested and been refused entry.

- B. Employees may force entry into a first party residence only when forced entry is the only means available under the circumstances to:

- 1. Arrest the individual, when the employee has reasonable cause to believe that the individual has violated a condition of the sentence or supervision and reasonable cause to believe the individual is in the residence, to include pursuing a fleeing individual into the individual's residence, or
- 2. Search for evidence that the individual has violated a condition of the sentence or supervision, when the employee has reasonable cause to suspect a violation.

- C. Employees may enter a third party residence with the third party's consent.

- 1. Employees may only force entry into a third party residence to arrest an individual or to search for an individual who is believed to be present when all of the following conditions are met:

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY FIELD		
	REVISION DATE 2/10/22	PAGE NUMBER 6 of 9	NUMBER DOC 420.390
	TITLE ARREST AND SEARCH		

- a. The individual has an active warrant,
- b. An emergency exists in which an employee is engaged in the immediate and continuous pursuit of an individual fleeing arrest, or the individual poses a specific and articulable imminent threat of causing serious physical harm or death to a third party in the residence, and
 - 1) Absent a continuous pursuit, an employee may not force entry merely because it is believed that an individual is hiding in the residence.
- c. Forced entry is the only means available to arrest the individual under the circumstances.

D. Before forcibly entering any residence, an employee must:

1. Identify as a Department of Corrections representative, and
2. State the purpose.

E. Employees may not force entry into any residence at the request of a general authority law enforcement agency.


F. If forced entry is used, the CCS/designee will complete a report in the Incident Management Reporting System (IMRS).

IV. Equipment, Identification, and Apparel

A. Authorized employees participating in a planned arrest, whether in the office or in the field, will wear/carry the following Department approved equipment:

1. Official identification and/or Department badge, worn in a visible location per DOC 400.230 Badges and Identification Apparel,
2. Department issued and unexpired ballistic armor,
3. Handcuffs,
 - a. Non-issued handcuffs must be National Institute of Justice approved as verified by the CCS.
4. Firearm, if armed,
5. Personal Protective Equipment (e.g., protective gloves, Oleoresin Capsicum if certified to use), and
6. Communication device.


V. Miranda Warning

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY FIELD		
	REVISION DATE 2/10/22	PAGE NUMBER 7 of 9	NUMBER DOC 420.390
	TITLE ARREST AND SEARCH		

- A. Employees will give the Miranda Warning to detained individuals before questioning them regarding activity that may lead to a new criminal charge and will encourage the individual to sign DOC 09-052 Miranda Warning Waiver, if possible.
- B. If the individual invokes the right to remain silent or requests an attorney, questioning will only proceed with an attorney present.

VI. Searches


- A. Authorized employees may direct an individual to submit to a pat search without reasonable cause when in, on, or before entering Department premises, grounds, or facilities, or before entering a Department vehicle.
- B. Employees may search an individual's person or property, living area, religious items, or vehicle when there is reasonable cause to believe the individual has violated a condition of supervision. The search must relate (i.e., nexus) to the violation or specific condition for which the search was authorized.
 1. Planned searches require CCS/designee approval.
 2. An authorized employee may determine during a field contact that a search should be conducted. Once the individual and location is secured, the employee will contact the CCS/designee, if possible, for approval before conducting the search.
 3. Law enforcement can assist with searches. However, the search cannot occur at the request of, or as an agent for, a law enforcement agency.
- C. All searches will be conducted in a professional manner.
 1. Employees will only search a residence without the individual or another adult resident present at the scene when approved by the CCS/designee.
 2. Personal living space of other occupants will only be searched with their consent.
 3. When a cross-gender search is necessary based on emergent need, employees are required to:
 - a. Report the search and the emergent need to the CCS/designee, and
 - b. Document the search on the Violator Management screen in the individual's electronic file.

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY FIELD		
	REVISION DATE 2/10/22	PAGE NUMBER 8 of 9	NUMBER DOC 420.390
	TITLE ARREST AND SEARCH		

4. Arresting employees may only frisk a third party when:
 - a. The third party gives consent,
 - b. The third party is present during an interaction with an individual and poses a specific and articulable threat of causing physical harm to the employee, or
 - c. Acting under the direction of a general authority Washington peace officer.
 5. If law enforcement is not present during the search and a third party is obstructing the search, the employee will ask the third party to leave. If the third party refuses to vacate, the employee will leave the residence and request assistance from local law enforcement. The employee will continue the search with law enforcement assistance.
 6. Employees will make a reasonable effort to secure the individual's residence when arresting/removing the individual.
- D. Property and evidence seized during a search/arrest will be documented, secured, and controlled per DOC 420.395 Evidence/Property Procedures for Field.

VII. Pre-Booking Clearance

- A. Before transporting the individual, employees will determine if the individual needs medical/mental health attention prior to confinement.
 1. Employees will review the Violator Management screen in the individual's electronic file and contact the Nurse Desk if the alert is flagged.
 2. Employees may use the Arrest Screening Guide (Attachment 1) to assist in determining appropriate placement for the individual.
- B. When the individual requires pre-booking clearance prior to confinement (i.e., directed by the Nurse Desk or individual is rejected from a local facility), authorized employees will transport the individual to the local hospital for assessment.
 1. Employees will notify the Nurse Desk as necessary while in route or shortly after arrival at hospital, and the Nurse Desk will act as a liaison with the hospital.

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY FIELD		
	REVISION DATE 2/10/22	PAGE NUMBER 9 of 9	NUMBER DOC 420.390
	TITLE ARREST AND SEARCH		

2. If the individual must be admitted to a local hospital, the CCO will notify the CCS/designee.
 - a. Consider conditional release per DOC 460.130 Response to Violations and New Criminal Activity, or
 - b. Continued hospital watch.
3. Before leaving the hospital, employees will contact the Nurse Desk, which may consult with the hospital to determine where the individual should be booked for confinement.

VIII. Transporting of Individuals

- A. Individuals will be transported per DOC 420.100 Transportation Standards (RESTRICTED).

DEFINITIONS:

Words/terms appearing in this policy may also be defined in the glossary section of the Policy Manual.

ATTACHMENTS:

Arrest Screening Guide (Attachment 1)

DOC FORMS:

DOC 09-052 Miranda Warning Waiver