

## 2.03 PRISONER HANDLING

When a crime is committed, officers are to initiate a prompt and thorough investigation and to make every reasonable effort to identify and arrest the suspect. The constitutional rights of the suspect must not be infringed upon during this process. Infringement of constitutional rights can negatively impact the investigation and/or subsequent prosecution as well as trigger civil rights liability for the officer and City.

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Officers will ensure that all constitutional rights are afforded to suspects during custodial interrogations, to guarantee that any confessions or admissions are made freely and voluntarily and that all suspects are afforded access to defense counsel, upon request. If an officer has ANY question regarding custodial interrogations, for example questions regarding *Miranda* warnings or interrogation tactics, the officer will immediately obtain assistance from a supervisor, an online resource such as the Washington Association of Prosecuting Attorneys "Confessions, Search, Seizure, and Arrest Guide," or the department's legal advisor. The WAPA guide can be located at either website below:

- [www.waprosecutors.org](http://www.waprosecutors.org)
- [www.fortress.wa.gov/citc/www/led/ledpage.html](http://www.fortress.wa.gov/citc/www/led/ledpage.html)

The Public Defender's Office on call number will be posted in the prisoner holding areas of both precincts. Access to defense council, via the telephone, will be afforded to all prisoners at their request, or as soon as reasonably possible. Officer will note any such requests in their reports, and will further note whether or not the suspect was able to speak with council as requested.

Officers must treat the arrested individual with reasonable respect. No officer will physically mistreat or verbally harass any individual in their custody. Medical care will be provided when necessary.

Officers will use only the force necessary to affect the arrest of an individual or to overcome the resistance offered by the individual.

Officers shall use only that amount and duration of force which is objectively reasonable and necessary to perform a lawful duty, given the facts and circumstances perceived by the officer at the time of the event, including whether a reasonably effective alternative to use force appeared to exist.

In the event that an officer uses force on is used and an officer of this Department injures an individual and the individual is injured or complains of injury, appropriate medical treatment will follow be summoned.

The appropriate Use of Force report will be made to outline the details of the incident resulting in the injury.?????Actions taken under this section are subject to the same reporting requirements as outlined in EPD Procedure Chapter 16: Reportable Use of Force.

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Officers are responsible for advising suspects of their constitutional rights in the proper manner. When an adult is arrested and/or taken into custody, that adult must be advised of their right to an attorney, whether there is questioning or not. **(See Washington State Court Rule CrR3.1)**

The language used in the admonishment of rights will be the same as on the card issued to each member. The language on the Constitutional Rights Waiver form is also acceptable. It may be necessary for members to testify to the precise language used to warn the suspect of their rights.

All persons arrested should be searched by the arresting officer at the incident scene. Whenever possible, a member of the same gender should conduct the search. This does not preclude opposite gender officers from conducting a search when it is consistent with officer safety and current law.

#### **Strip Searches**

A strip search, by its very nature, is significantly invasive. A warrantless strip search of a prisoner cannot be justified under exigent circumstances or as a search incident to arrest State v. Audley, 77 Wn. App. 897 (1995).

A warrantless strip search should be conducted only after the suspect is booked and in custody at the Corrections Facility. Any request for a strip search should be made to jail personnel. If the request is appropriate under the guidelines set forth in RCW 10.79.130 and are within jail policy, a search will occur. If the jail refuses to do the strip search and an officer believes that one is necessary the officer should speak to their supervisor about obtaining a warrant.

Under no circumstances should an officer take the initiative to conduct a warrantless strip search.

Warrantless strip searches are permissible in this State **under RCW 10.79.130 and RCW 10.79.140**, once a person has been placed in custody. A strip search is defined as having a person remove or arrange some or all of his or her clothing so as to permit an inspection of the genitals, anus, or undergarments of the person, or breast of a female. **RCW 10.79.070(1)**

The person doing the strip search must make a written record of any strip search under **RCW 10.79**.