



## General Order 41.3 Patrol

**PURPOSE:** Define specific procedures in regards to civilian observers, animal control, mental cases (emergency commitments), civil matters, entry alarms, robbery alarms, Stand-by-to-prevent-disturbances, domestic violence, field testing of controlled substances by patrol deputies; prisoner transport to hospital by patrol deputies and stalking procedures.

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ISSUED BY : Sheriff Jeffrey T. Easter

REVIEWED BY: Standard Review Committee

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### DEFINITIONS:

A. Stalking is defined as:

1. Defined in K.S.A. 2008 Supp. 21-3438 (a)(1) - Intentionally or recklessly engaging in a course of conduct targeted at a specific person which would cause a reasonable person in the circumstances of the targeted person to fear for

- (1) such person's safety, or
- (2) the safety of a member of such person's immediate family
- (3) and the targeted person is actually placed in such fear;

*[First conviction under this section is a misdemeanor; second or subsequent*

*conviction is a felony.]*

2. As defined at K.S.A. 2008 Supp. 21-3438(a)(2)
  - (a) Intentionally engaging in a course of conduct targeted at a specific person
  - (b) which the individual knows will place the targeted person in fear for
    - (1) such person's safety or
    - (2) the safety of a member of such person's immediate family.

*[First conviction under this section is a misdemeanor; second or subsequent conviction is a felony.]*

3. [As defined at K.S.A. 2008 Supp. 21-3438(a)(3)]
  - (a) After being served with, or otherwise provided notice of, any protective order included in K.S.A. 21-3843, and amendments thereto,
  - (b) that prohibits contact with a targeted person,
  - (c) intentionally or recklessly engaging in at least one act listed in "course of conduct" in this policy
  - (d) that violates the provisions of the order and
  - (e) would cause a reasonable person to fear for
    - (1) such person's safety, or
    - (2) the safety of a member of such person's immediate family and
  - (f) the targeted person is actually placed in such fear.

*[Stalking under this section is always a felony.]*

**B. Course of conduct** is defined as:

- a. Two or more acts regardless of the time between acts which show a continuity of purpose. A course of conduct includes, but is not limited to, any of the following acts or a combination thereof directed toward the targeted person or the targeted person's immediate family:
  1. Threatening the safety of such person.
  2. Following, approaching or confronting such person.
  3. Appearing in close proximity to, or entering such person's residence, place of employment, school or other place where the person can be found.
  4. Causing damage to such person's residence or property.
  5. Placing an object on such person's property either directly or through a third person.
  6. Causing injury to such person's pet.
  7. Any act of communication.

A course of conduct does not include constitutionally protected activity or conduct that was necessary to accomplish a legitimate purpose independent of making contact with the targeted person. K.S.A. 2008 Supp. 21-3438(f)(1).

- C. **Communication** is defined as: To impart a message by any method of transmission, including, but not limited to: Telephoning, personally delivering, sending or having delivered, any information or material by written or printed note or letter, package, mail, courier service or electronic transmission, including electronic transmissions generated or communicated via a computer or other programmable device capable of processing data such as cell phone text messaging, or e-mail. K.S.A. 2008 Supp. 21-3438(f)(2) and (f)(3).
- D. **Immediate Family** is defined as: Father, mother, stepparent, child, stepchild, sibling, spouse or grandparent of the targeted person; any person residing in the household of the targeted person; or any person involved in an intimate relationship with the targeted person. K.S.A. 2008 Supp. 21-3438(f)(5).

#### 41.3.1 CIVILIAN OBSERVERS

- A. Sheriff's Office cadet deputies may ride in Sedgwick County sheriff's vehicles only if said cadets are in compliance with the current rules and regulations of the cadet post and if approved to ride by the cadet advisor.
- B. University interns and other student groups may ride as observers in Sedgwick County sheriff's vehicles only after completing the approved forms (release from liability, etc.) and obtaining the approval of the division commander in the division with which they are to ride. The community liaison unit is responsible for the assignment and scheduling of all such observers and for assuring that the forms have been completed.
- C. Civilians that are verified and approved by a deputy may ride in Sedgwick County sheriff's vehicles only after completing the appropriate forms (release from liability, etc.) and obtaining permission from the watch lieutenant or sergeant to ride.
- D. Observers not included in A or B above shall not be allowed to ride more than three (3) times in a calendar year unless they obtain special permission of the division commander.
- E. Civilians who desire to ride in vehicles operated by the Sedgwick County sheriff as observers and who are not subject to the provisions of A, B, or C above may submit an application for permission to ride. The name, address, phone number, date of birth, and sex of said applicants must be submitted to the administrative office of the division to which they seek assignment as observers, and a warrant and record check shall be run through N.C.I.C., the Wichita Police Department, and the Sedgwick County Sheriff's Office. The name and information shall be submitted at least twenty-four (24) hours prior to any requested riding time. No such person shall be allowed to observe unless permission is granted by the division commander.
- F. Observers must dress appropriately for the duties of the deputy to which he/she is assigned.
- G. A deputy's spouse or children may ride in Sedgwick County sheriff's vehicles as observers only after completing the appropriate forms (release from liability, etc.) and

obtaining permission from the watch lieutenant or division commander. The deputy's sergeant or lieutenant must authorize these arrangements.

- H. All civilian observers must be at least sixteen (16) years of age unless a specific exemption is granted by the division commander.

#### **41.3.2 ANIMAL CONTROL PROCEDURE**

- A. Deputies must obtain authority from a supervisor before killing an animal, except in situations where the life or health of the deputy, another person, or another animal is placed in jeopardy.
- B. Upon a supervisor's authorization as specified above, a deputy may kill an injured or diseased animal in accordance with [K.S.A. 47-1803](#) and these guidelines:
  - 1. Wildlife may be killed if, in the judgment of the deputy, the animal is injured or diseased beyond recovery.
    - a. Deputies may contact SPIDER to have them access a list of individuals who want to pick up fresh deer carcasses. Deputies will have to provide them with a deer tag.
  - 2. Domesticated animals may be killed when injured or diseased beyond recovery and the death of the animal appears imminent, and:
    - a. Reasonable efforts are made to contact the owner prior to the killing of the animal;

OR

    - b. A licensed veterinarian states the animal is injured or diseased beyond recovery and the death of the animal is imminent.
  - 3. In addition, all actions are subject to the provisions of [K.S.A. 47-1803](#).
  - 4. See also section 1.3.2 C on the killing of animals involving a complaint of an animal bite.
- C. All dog bite reports are handled by Animal Control. In all cases of dog bites, contact Sedgwick County Animal Control. Animal Control will conduct the follow-up investigation.
- D. Sedgwick County Animal Control is responsible for vicious, injured, dead, or stray animals.
- E. Sedgwick County Animal Control responds to complaints of possibly abandoned, neglected, or abused animals, such as animals left in a home or pen with the owner having no intentions of returning.
  - 1. Deputies may initiate criminal animal cruelty or neglect cases if appropriate per K.S.A. 21-6412

- F. Sedgwick County Animal Control may assist in controlling large live animals. A list of animal owners that have been contacted in the past is maintained by Sedgwick County Animal Control.
- G. In the case of an injured bird of prey (owls, eagles, kestrels, hawks, kites, and vultures etc), the Eagle Valley Raptor Center or Nate Mathews can be contacted. SPIDER will have the contact information as well for injured birds of prey.
- H. There is an Animal Resource List located on the MCT Directory that can assist deputies with these types of animal related calls.

#### **41.3.3 MENTAL, ALCOHOL OR DRUG ABUSE CASES (CARE AND TREATMENT EMERGENCY DETENTION PROCEDURE**

##### **A. Definitions.**

“Crisis Intervention Team” (CIT) deputy means a deputy who has been trained in how to deal with citizens with mental health issues. That training includes a basic knowledge of major diagnoses the deputy might encounter on the street or in the jail, tips for identifying these diagnoses in crisis and how best to communicate with mental consumers at that time.

The following definitions apply for emergency detention of **mentally ill persons** (for other definitions, refer to K.S.A. 59-2946):

1. “Mentally ill person” means any person who is suffering from a mental disorder which is manifested by a clinically significant behavioral or psychological syndrome or pattern and associated with either a painful symptom or an impairment in one or more important areas of functioning, and involving substantial behavioral, psychological or biological dysfunction, to the extent that the person is in need of treatment.
2. "Likely to cause harm to self or others" means that the person, by reason of the person's mental disorder: (a) Is likely, in the reasonably foreseeable future, to cause substantial physical injury or physical abuse to self or others or substantial damage to another's property, as evidenced by behavior threatening, attempting or causing such injury, abuse or damage; except that if the harm threatened, attempted or caused is only harm to the property of another, the harm must be of such a value and extent that the state's interest in protecting the property from such harm outweighs the person's interest in personal liberty; or (b) is substantially unable, except for reason of indigency, to provide for any of the person's basic needs, such as food, clothing, shelter, health or safety, causing a substantial deterioration of the person's ability to function on the person's own. (See K.S.A. 59-2946(f)(3) exclusion for treatment by prayer).

The following definitions apply for emergency detention of **persons with alcohol or substance abuse problems** (for other definitions, refer to K.S.A. 59-29b46):

1. "Person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment" means a person with an alcohol or substance abuse problem who also is incapacitated by alcohol or any substance and is likely to cause harm to self or others.
  2. "Person with an alcohol or substance abuse problem" means a person who: (a) Lacks self-control as to the use of alcoholic beverages or any "controlled substance" as defined in K.S.A. 21-5701; or (b) Uses alcoholic beverages or any "controlled substance" as defined in K.S.A. 21-5701 to the extent that the person's health may be substantially impaired or endangered without treatment.
  3. "Likely to cause harm to self or others" means that the person, by reason of the person's use of alcohol or any substance:
    - (a) Is likely, in the reasonably foreseeable future, to cause substantial physical injury or physical abuse to self or others or substantial damage to another's property, as evidenced by behavior threatening, attempting or causing such injury, abuse or damage; except that if the harm threatened, attempted or caused is only harm to the property of another, the harm must be of such a value and extent that the state's interest in protecting the property from such harm outweighs the person's interest in personal liberty; or
    - (b) is substantially unable, except for reason of indigency, to provide for any of the person's basic needs, such as food, clothing, shelter, health or safety, causing a substantial deterioration of the person's ability to function on the person's own.
- B. When available, a CIT Deputy should be utilized when dealing with mental, alcohol or substance abuse cases.
- C. Deputies may take a person into custody without a warrant when the deputy has a reasonable belief formed upon investigation that the person may be:
1. Mentally ill and because of such person's mental illness is likely to cause harm to self or others if allowed to remain at liberty; or
  2. A person with an alcohol or substance abuse problem subject to involuntary commitment and is likely to cause harm to self or others if allowed to remain at liberty.
- D. A deputy may detain and admit such persons for evaluation pursuant to K.S.A 59-2953 for mental illness and K.S.A. 59-29b53 for alcohol or substance abuse problems.
- E. When a deputy is dispatched to a mental, alcohol, or substance abuse report (if available a CIT Deputy will assist) and after investigating the totality of the circumstances, the deputy reasonably believes the individual meets the requirements in section C.1 or C.2, the deputy may take custody of the individual and call the Crisis Intervention Services (CIS) of COMCARE at 660-7500. The deputy should explain the circumstances leading

to their involvement with the individual. CIS staff will advise whether to transport the individual to CIS at 934 N. Water or give additional options/instructions.

- F. The individual is secured in restraining devices and transported to COMCARE CIS or to a hospital emergency room (as per Department Policy 71.3).
- G. Deputies are authorized to use necessary force to maintain control of the individual until turned over to COMCARE or Via Christi-St. Joseph Hospital or other hospital. Deputies may not continue to restrain the individual upon a finding that the person does not meet the criteria in section C.1 or C.2.
- H. After arriving at COMCARE the deputy MUST fill out the Application for Emergency Admission and Hold for Observation for Mental Health, Alcohol or Substance Abuse Treatment.
  - 1. The application form is available at COMCARE.
  - 2. If additional documentation is available it should be provided as well, e.g. witness statements, deputy's narratives, prior cases, etc.
- I. When a deputy takes an individual into custody who is ONLY suffering from alcohol or substance abuse AND they meet any one of the following criteria, the deputy will transport the subject to any area hospital emergency department for examination:
  - 1. Physically injured or requiring medical attention.
  - 2. Combative, needing physical restraint.
  - 3. Unable to converse due to alcohol consumption or substance impairment.
  - 4. Advised to do so by COMCARE CIS Staff.
  - 5. Other relevant facts the deputy can articulate.
- J. When a deputy takes an individual into custody who is mentally ill AND they meet any one of the following criteria, the deputy will transport the subject to Via Christi-St. Joseph hospital emergency room for examination. Military veterans with VA benefits may be transported to the Robert J. Dole VA Medical Center for examination:
  - 1. Physically injured or requiring medical attention.
  - 2. Combative, needing physical restraint.
  - 3. Unable to converse due to alcohol consumption or substance impairment.
  - 4. Advised to do so by COMCARE CIS Staff.
  - 5. Other relevant facts the deputy can articulate.
- K. If a deputy reasonably believes he/she cannot transport the person without complications, the deputy shall call for an E.M.S. unit to assist in transportation. The deputy must then follow or meet the E.M.S. unit to/at the hospital. If necessary, the deputy may accompany E.M.S. in the unit.
- L. After arriving at the medical facility the deputy MUST fill out the Application for Emergency Admission and Hold for Observation for Mental Health, Alcohol or Substance Abuse Treatment.
  - 1. The application form is available in the medical facility.

2. If additional documentation is available it should be provided as well (witness statements, deputy's narratives, prior cases, etc.).
- ~~M.~~ The deputy MUST meet with the attending physician and hospital staff (Triage Nurse, Assessment Nurse, or Charge Nurse), and explain in full the reasonable belief for the emergency detention. This must be done in addition to the physician meeting with family members or concerned parties. A copy of the Application for Emergency Admission and Hold for Observation for Mental Health, Alcohol or Substance Abuse Treatment should be given to the Charge Nurse and Assessment Nurse. Security personnel should be informed of any SAFETY concerns. Once the medical staff has been briefed and has accepted responsibility of the patient, the deputy may then return to service.
- N. If a deputy is dispatched to a mental, alcohol, or substance abuse report, but after investigating the totality of the circumstances DOES NOT believe that the individual meets the criteria in section C.1 or C.2 above, the deputy:
1. Shall direct the reporting party to contact the patient's physician in reference to the matter, and to make arrangements for medical, psychological, alcohol or substance abuse treatment of the individual in question. The Sedgwick County District Attorney's Office can be contacted at 660-3700 or [Probate/CareAndTreatment@sedgwick.gov](mailto:Probate/CareAndTreatment@sedgwick.gov) in reference to an Involuntary Commitment proceeding.
  2. May recommend that the individual contact COMCARE at 660-7500 and/or offer to transport the individual to COMCARE so they may seek assistance in obtaining mental health, alcohol or substance abuse services. COMCARE can also provide transportation for individuals who do not want Law Enforcement assistance.
  3. In the case of a minor child under the age of 18, the deputy shall contact the parent or legal guardian of the individual in question if different from the reporting party.
    - (a) If the parent or legal guardian requests the minor child be taken to COMCARE or Via Christi-St. Joseph hospital because the parent reasonably believes he/she cannot transport the minor child without complications, the deputy should assist in transporting the minor child. The parent or legal guardian would be required to accompany the deputy to the facility at the time of transport.
- O. If a call is received to respond to the Detention Facility to transport an inmate to COMCARE, a deputy will respond to the Detention facility to pick up the inmate.
1. Only inmates that have stated or otherwise exhibited that they might be a danger to themselves or others are transported to COMCARE.
  2. The Detention Clinic will fill out an Application for Emergency Admission and Hold for Observation for Mental Health, Alcohol or Substance Abuse Treatment form and a copy will be provided to the deputy.
  3. The inmate is formally released from detention custody and is now held pursuant to K.S.A. 59-2953/K.S.A. 59-29b53.
  4. The former inmate is secured in restraining devices and transported to COMCARE (as per Department Policy 71.3).



5. Deputies are authorized to use necessary force to maintain control of the former inmate until turned over to COMCARE.
  6. When the former inmate is turned over to a COMCARE clinician or therapist, the inmate is released from custody. The deputy is then free to return to service.
- P. Upon a finding by COMCARE or the hospital that the person detained is not likely to be a **mentally ill person** subject to involuntary commitment for care and treatment or that the person detained is not likely to be a **person with an alcohol or substance abuse problem** subject to involuntary commitment for care and treatment, the deputy will return the person as provided in K.S.A. 59-2953/K.S.A. 59-29b53.
- Q. Duties required by a CIT deputy involved in the handling of the subject include:
1. A CIT Deputy will be responsible for documenting mental health related incidents on the Consumer Contact Form (located on e-line).
  2. All Consumer Contact Forms will be forwarded to the CIT Coordinator.
  3. The Consumer Contact Form is completed in addition to the appropriate case paperwork (KSOR, KSAR, etc) that is completed by the Deputy assigned the case.

#### **41.3.4 CIVIL MATTERS**

- A. A civil matter is a non-criminal problem in which deputies have no jurisdiction or authority, except to carry out the lawful orders of the court.
- B. If a deputy reasonably believes he/she is dealing with a civil matter, the complainant may be advised it is a civil matter and that the complainant may seek private legal advice. Deputies may not recommend any specific attorney or law firm, or give legal advice.
- C. If the complainant cannot afford an attorney, the deputy may advise him/her to contact Legal Aid.
- D. If the deputy has reason to believe a temporary court order has been issued in a civil action (such as in a divorce case or a case pursuant to the Protection From Abuse Act) the deputy shall call the records section and determine if a court order is on file.
  1. The deputy shall request the temporary court order to be read over the phone to determine if it requires one (1) party to leave the premises.
  2. If the temporary court order requires one (1) party to leave or remain away from the property, and if the individual subject to the temporary court order refuses to leave the scene, the individual may be arrested for criminal trespass ([K.S.A. 21-3721](#)) or violation of a protective order ([K.S.A. 21-3843](#)). The temporary court order may include specific language as to how law enforcement will deal with a party that refuses to abide by the order.
  3. If the individual subject to the temporary court order had not previously been served with the order and said individual willingly leaves the scene, only a case will be cut.

4. If the deputy reasonably believes that a violation of a court order has occurred, a case shall be cut. All such cases will be assigned to a detective for follow-up and possible prosecution for criminal trespass or violation of a protective order.
- E. If a temporary court order requires a person to vacate certain premises due to an emergency situation or on a weekend, the following will be required:
1. If the person subject to the order is on the premises of the person entitled to the protection, the temporary court order will be served. A copy of the temporary order will be returned to the records section, noting the time and date it was served.
  2. If the person subject to the order is not on the premises of the person entitled to the protection, then the deputy may advise him/her to call the communications dispatcher requesting a deputy if the individual comes to that location. The temporary court order will then be served.
- F. Patrol deputies should not attempt to interpret civil papers. If the meaning, intent, or scope of the civil process is not clear to the deputy, the deputy should contact his/her supervisor. The field supervisor may contact a Technical Services Division supervisor for assistance.
- G. Mental or alcohol commitment papers that cannot be served during daytime hours will be left in the records section during evening hours. Prior to picking up an individual for a mental or alcohol commitment after normal working hours, deputies will:
1. Confirm the order with the records section;
  2. Determine which hospital/treatment facility is designated in the order;
  3. Contact the designated hospital/treatment facility to confirm available bed space; and
  4. Either deliver the order to the hospital with the patient or ask the records section to advise the Technical Services Division of the commitment the following day so that service may be made on the hospital/treatment facility.
- H. See also section 41.3.8 on domestic violence procedures, and/or Chapter 74 general orders on civil process.

#### **41.3.5 ENTRY ALARM PROCEDURES**

- A. The communications dispatcher will broadcast the call by alarm type (silent - audible) and location and direct which deputies are to respond.
- B. Two (2) deputies will be dispatched to all entry alarms unless the building requires additional deputies. The decision to dispatch additional deputies may be made by the responding deputy or the field supervisor.
1. The first deputy to arrive will take charge and coordinate the arrival of the remaining deputies.

- C. Two (2) deputies should be dispatched to all "burglary-in-progress" calls. If additional deputies are required, the field supervisor or deputies on the scene will request them.
- D. When assisting outside agencies, only one (1) deputy will respond unless the field supervisor directs otherwise.
- E. Deputies responding will take positions of opposing corners. Deputies will not move in until the building is covered off and either the deputy responsible for the call area or the field supervisor advises.
- F. A minimum of two (2) deputies will do the building search.
- G. If the building is determined to be secure and the owner is not enroute, the deputies will return to their response areas.
- H. If the building appears to be secure and the owner or an authorized agent is enroute, deputies shall maintain their positions on opposing corners of the building. Upon the owner or agent's arrival, the interior of the building will then be checked.
- I. Deputies may request aerial assistance if circumstances warrant the use of the helicopter.
- J. The communications dispatcher will cancel alarms if a proper authority advises them to do so (e.g., alarm companies, employees with proper code numbers, etc.).

#### **41.3.6 ROBBERY ALARM PROCEDURES**

- A. See general order 81.1 for dispatching guidelines for robberies.
  - 1. The arrival of the first deputy in the area will take a vantage position and observe. The first deputy will then coordinate the arrival of the remaining deputies.
  - 2. Deputies will stand off until it is determined that it is safe or necessary to enter the building.
  - 3. The first deputy to arrive will determine if a confirmation call is in order.
    - a. If the deputy requests a confirmation call, the communications dispatcher will make the call and advise the victim to contact the deputies outside of the building.
  - 4. No less than two (2) deputies will enter the building initially.
  - 5. If a deputy advises that the alarm is false, a second deputy will confirm prior to the clearance of the alarm.
  - 6. Only in unconfirmed robbery alarms may the first deputy to arrive enter the building alone. This will only be done if that deputy determines it is safe to enter and prior to entry advises the communications dispatcher he/she is entering the building. After determining the status, the deputy will relay the necessary information to the communications dispatcher.
  - 7. If the first deputy to arrive enters and establishes the alarm to be false, a second deputy will enter and confirm prior to the clearance of the alarm.

8. The communications dispatcher will cancel alarms if a proper authority advised them to do so, i.e., alarm companies, employees with proper code numbers, etc.

#### **41.3.7 STAND-BY-TO-PREVENT-DISTURBANCE PROCEDURE**

- A. The field supervisor will first be consulted by the communications dispatcher prior to any deputy being dispatched on a "stand-by-to-prevent-disturbance" call.
- B. The communications dispatcher will broadcast the call as a "stand-by-to-prevent-disturbance", give the address, and which deputies are to respond.
- C. No less than two (2) deputies will respond to any "stand-by-to-prevent-disturbance" call.
- D. The first deputy to arrive will take a position where the location can be observed until the second deputy arrives. Upon the arrival of the second deputy, both may move to the location.
- E. The deputies will advise the calling party that they will remain on public property unless a disturbance erupts or both civilian parties request the presence of the deputies.
- F. Deputies responding to a disturbance or to a "stand-by-to-prevent-disturbance" call will not knowingly act in a manner that will result in their involvement in any civil case unless there is a court order directing specific law enforcement response.
- G. When the deputies reasonably determine there is no longer a threat of a disturbance, the deputies may then return to their response areas.

#### **41.3.8 DOMESTIC VIOLENCE PROCEDURES**

- A. Domestic violence is any harmful physical contact or threat thereof, or destruction of non-communal property between associated individuals or formerly associated individuals, used as a method of coercion, control, revenge, or punishment.
  1. Associated individuals and formerly associated individuals: Domestic violence applies to incidents involving the following individuals:
    - a. Spouses and former spouses, whether residing together or not;
    - b. Person's who have a child in common regardless of whether or not they have been married or lived together at any time;
    - c. A man and a woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have lived together at any time;
    - d. Persons who are, or have in the past been involved in an ongoing intimate relationship;
    - e. Persons, eighteen (18) years of age or older, who are blood-related or step-related and are presently residing together or who have resided together in the past. Parents or stepparents and children or stepchildren when both the offender and the victim are eighteen (18) years of age or older;
    - f. Persons who are presently residing together or who have resided together in the past.

- B. The primary objectives in responding to domestic violence calls are to de-escalate violent situations, reduce deputy injury, reduce repeat calls, enforce the law against violators, and facilitate prosecution, where applicable. Therefore, it is the policy of the Sedgwick County Sheriff's Office to refer abusers and victims of domestic violence to professional agencies for counseling and arrest persons found to be responsible for crimes in domestic situations.
- C. When a deputy has probable cause to believe that a crime is being committed or has been committed, the deputy shall make an arrest in accordance with [K.S.A. 22-2401](#) and [K.S.A. 22-2307\(b\)](#).
  - 1. For information on warrantless arrest procedures, refer to [section 74.3.3](#).
- D. It is the responsibility of all deputies responding to the scene of a domestic violence call to seek to promote the safety of involved parties to the dispute, even if the deputies are informed that their assistance is not needed.
  - 1. The purpose of any on-scene investigation is to determine whether there is "probable cause" to believe a crime has been committed. This is accomplished through the interviewing of all parties, recording statements, preserving the potential crime scene, and collecting evidence. The "probable cause" standard applied to domestic violence crimes is the same as the standard applied to other crimes.
  - 2. When responding to a domestic violence call, the deputies will:
    - a. Restore order by separating the parties; however, deputies should keep in full view of each other at all times.
    - b. Immediately determine the need for medical attention and call for medical assistance, if needed.
    - c. Assign another deputy to check the location for other victims, especially children.
    - d. Interview all parties separately (the victim, suspect, and witnesses).
    - e. When appropriate, take color photographs of injuries and property damage; additional photos of injuries should be taken at a later time to demonstrate further development of the injury (e.g., black eye, abrasions, bruises, etc.).
    - f. Collect and record evidence.
  - 3. If the suspect has left the scene and the deputies have probable cause to believe a crime has been committed, the deputies will also:
    - a. Conduct a search of the immediate area.
    - b. Obtain information from the victim and witnesses as to where the suspect might be (work, a relative's or friend's house).
    - c. Refer the matter to the Investigations Division.

- d. Inform the parties at the scene that crimes involving domestic violence, without intervention, often increase in frequency and severity.
    - e. Inform the victim in writing of available domestic violence programs and other agencies that provide victim services. The deputy shall provide other written information as required by [K.S.A. 22-2307\(b\)](#).
    - f. If possible, the deputy should attempt to obtain a handwritten, signed statement from the victim and witnesses.
  4. Deputies must fully document their response to every domestic violence call on the standard offense report, regardless of whether or not probable cause exists to believe a DV crime has been committed or an arrest has been made. In those instances where probable cause exists and no arrest has been made, the deputies must document their reasons for not making an arrest. **DEPUTIES MUST MAKE AN ARREST IF THERE IS PROBABLE CAUSE TO BELIEVE A CRIME WAS COMMITTED AND THE SUSPECT COMMITTED THE CRIME, PROVIDED THE SUSPECT IS STILL AT THE SCENE OR IS LOCATED PRIOR TO REVIEWING THE MATTER WITH THE DISTRICT ATTORNEY'S OFFICE OR SEEKING A WARRANT**
- E. In domestic violence cases where the deputy has probable cause to believe that a crime has occurred or is occurring, the following procedures shall apply:
  1. The deputy shall arrest the suspect, if present, in accordance with arrest procedures. In all domestic violence cases, particularly those involving personal injury to the victim, the arrest of an accused person who is still at the scene of the crime shall be made regardless of the victim's inclination to prosecute. The deputy shall advise the victim the case will be presented to the office of the district attorney.
  2. If the suspect is no longer at the scene of the crime, the deputy shall:
    - a. Gather information from the victim for a dispatch broadcast of suspect information to other deputies;
    - b. If the suspect can be located within a reasonable period of time, an arrest should be made in accordance with [K.S.A. 22-2401](#) and [K.S.A. 22-2307](#).
    - c. Place the suspect information on the Interwatch; and
    - d. Notify deputy's supervisor of the situation.
  3. The supervisor shall ensure that the suspect information is transmitted to all deputies coming on duty for the succeeding watch, especially the deputies whose beats contain the scene of the incident or the location where the victim is presently located.
  4. If a deputy subsequently arrests the suspect, the person shall be booked into the Detention Facility.

5. The deputy or follow-up detective assigned to the case shall expedite application for a warrant, whether or not the suspect has been taken into custody. If a warrant is obtained, the deputy or detective shall immediately assure that the suspects warrant information is distributed to on-duty deputies when the suspect is not in custody. If at all possible, the victim should be notified as to whether the suspect was apprehended or the warrant was not issued.
- F. If a victim of an act of domestic violence accuses an associated individual or a formerly associated individual of a domestic-violence-related offense, the suspect shall be arrested and booked (if the suspect is present or can be located immediately) when the deputy has probable cause to believe that a crime has been committed or is being committed. The deputy must also have probable cause to believe that:
1. The person will not be apprehended or evidence of the crime will be irretrievably lost unless the person is arrested immediately;
  2. The person may cause injury to self or others, or damage to property unless arrested immediately;
  3. The person has intentionally inflicted bodily harm to another person; or
  4. Any crime, except a traffic infraction, has been or is being committed by the person in the deputy's view.
- G. In many cases involving two (2) participants, BOTH will accuse the other of domestic violence. Deputies should establish whether one (1) of the parties can be labeled the "primary physical aggressor" who caused the other to commit "defensive combat" only, or whether both participants instigated domestic violence and thus should be arrested. The accusations of each party should be evaluated independently, probable cause determined, and appropriate action taken.
1. No deputy investigating an incident of domestic violence shall threaten, suggest, or otherwise indicate the arrest of any party for the purpose of discouraging requests for law enforcement intervention by any party.
- H. When the suspect has fled the scene in the case of a misdemeanor, deputies shall:
1. Complete and sign a standard offense report to be turned in at the end of their watch.
    - a. The report should contain complete information on the suspect (full name, race, sex, date of birth, and current address).
    - b. If any of this information cannot be obtained during the deputies' initial investigation, the investigating detective shall ensure that a follow-up investigation is conducted according to policy.
- I. Often, victims of domestic violence seek additional ways to prevent reoccurrences of the violence. Deputies should advise victims in this category to pursue a court order for protection from abuse. Victims can file these papers themselves at the office of the district court clerk during regular business hours. If assistance is desired, deputies should

refer them to the appropriate person or agency. Personnel at these programs will help them through the process, step by step, if necessary.

- J. When deputies have reason to believe a court order has been issued, deputies shall take note of the following:
1. To be valid, a court order issued under the authority of the Protection from Abuse Act (K.S.A. [60-3101](#) through [60-3111](#)) or a divorce action ([K.S.A. 60-1607](#)) must be signed by a judge and certified.
  2. A victim at the scene of a domestic dispute may present responding deputies with a valid court order, or the victim may advise them that an order has been issued but the victim has no copy of it; (in this case, a deputy shall immediately call the sheriff/ records section to verify that an order is on file and to have it read to the deputy if it is). In either case, the deputy shall:
    - a. Determine whether the person named in the order as the defendant has been served with a copy of the order by: (1) asking him/her whether he/she has been served, and/or (2) calling the sheriff/ records section.
    - b. If the person has been previously served a copy of the order and is therefore knowingly in violation of it, he/she shall be arrested for criminal trespass or for violation of a protective order by the deputy and turned over to the custody of the appropriate personnel for the booking process. The detective shall turn the information over to the prosecuting attorney.
    - c. If a restraining order or order for protection from abuse has been issued but not legally served, the deputy will make a reasonable effort to serve the order.
  3. Whether or not the suspect is arrested at the scene, he/she is subject to possible prosecution for criminal trespass under [Kansas Statute 21-5924](#) and/or violation of a protective order under [Kansas Statute 21-5808](#). Therefore, the existence of such a court order and its violation require a report to be made by a deputy.
  4. Many times deputies are called to a domestic dispute and one (1) or more of the persons involved demand that deputies remove others from the premises. If the responding deputies do not have probable cause to make an arrest and none of the parties has a valid court order in hand or on file in the sheriff/ record section, the deputy shall attempt to reasonably determine the legally authorized access of each party to the premises. If one (1) or more of them does not have legally authorized access to the premises, the deputy shall ask the person or persons who does not have legal access to vacate the premises and explain to all involved the procedure for getting a court order. In any event, a standard offense report should be made on the incident.
- K. Whether or not an arrest is made, a case number shall be obtained and a standard offense report completed on all domestic-violence-related calls, documenting the origin and nature of the call, disposition of the parties involved, and all circumstances surrounding the incident. Kansas Standard Offense Reports relating to such investigations shall be sent to KBI per [K.S.A. 22-2307\(9\)](#).



L. Written information required by statute to be provided to victims of domestic violence is as follows:

1. Availability of emergency and medical telephone numbers, if needed.
2. The law enforcement agency's report number.
3. The address and telephone number of the Sedgwick County District Attorney's Office, victim/witness service (660-3600). The victim may call to obtain information about victim's rights pursuant to K.S.A. 1990 Supp. [74-7333](#) and [74-7335](#), and amendments thereto.
4. The name and address of the Kansas State Crime Victims' Compensation Board.
5. Advise the victim that the details of the crime may be made public.
6. Advise the victim of such victim's rights under K.S.A. 1990 Supp. [74-7333](#) and [74-7335](#), and amendments thereto.
7. Advise the victim of known available resources that may assist the victim.

#### **41.3.9 FIELD TESTING OF CONTROLLED SUBSTANCES BY PATROL DEPUTIES**

- A. Deputies shall only use narcotic identification kits meeting the requirements outlined in [K.S.A. 22-2902c](#) for testing of suspected controlled substances.
- B. A deputy may conduct a field test of a controlled substance according to these procedures:
  1. Only those deputies who have completed and passed a course in the use of narcotics identification kits will conduct field tests on suspected controlled substances.
  2. Deputies must have reasonable suspicion that the substance to be tested is in fact a controlled substance.
  3. Deputies will include information about their field-testing procedures, to include the identification of the test kit used to identify the controlled substance in their case paperwork.

#### **41.3.10 PRISONER TRANSPORT TO HOSPITAL BY PATROL DEPUTIES**

- A. During normal business hours when the detention facility needs assistance in transporting prisoners to a local hospital for emergency or scheduled routine medical treatment, the Judicial Services Division will provide assistance.
- B. After hours, on weekends, and on holidays the Patrol Division will provide assistance in transportation of inmates for emergency medical treatment as follows:
  1. E.M.S. will transport the prisoner, accompanied by a detention deputy.
  2. A patrol deputy will follow the ambulance or meet the ambulance at the hospital.
  3. The patrol deputy will remain at the hospital until either the prisoner is admitted, or the prisoner is treated and released to return to the detention facility.

4. If the prisoner is admitted to the hospital, the deputy is released to return to his/her response area once the prisoner has been moved from the emergency room and secured in his/her assigned room. The detention deputy remains to guard the prisoner.
5. When determined by the Watch Commander (Patrol and Detention), the patrol deputy will stay with the inmate making sure they are guarded at all times. The Detention deputy will return to the detention facility.
6. It may become necessary to coordinate security of the inmate with the hospital staff. If the hospital requests to remove restraining devices, the patrol deputy shall make every effort to coordinate the security of the inmate with the hospital staff by recommending other means of securing the inmate, either with handcuffs, leg irons, or belly chains. The patrol deputy shall follow the directives of the medical staff for care and treatment of the inmate. If the request is questionable, the patrol deputy will contact the watch commander.

#### C. Standard Procedures

1. The patrol deputy shall secure the inmate to the hospital bed with leg irons and handcuffs.
2. Hospital security will be notified by a supervisor prior to transport.
3. The patrol deputy shall inspect the hospital room and remove all objects in reach of the inmate which can be used as weapon.
4. The inmate is not allowed to use the telephone.
5. If the inmate requests to use the restroom, the patrol deputy will attempt to secure all escape avenues. The inmate shall remain in leg irons, and handcuffs (if possible) while using the restroom.
6. Security restraints will be inspected at least once per hour.
7. A daily log sheet (Form number 04-C001) shall be maintained by the patrol deputy assigned to the watch.
8. Upon notification that the inmate is to be released from the hospital, the patrol deputy will notify the hospital security officer of the pending release.
9. When the inmate is released from the hospital the deputy will contact the watch commander.
10. All documentation will be turned over to the booking desk when the inmate is returned to the detention facility.

#### D. Hospital Visitation

1. If an inmate is being housed and treated in a local hospital, visitation will be arranged through a Detention Division commander, except when court ordered.

- E. If the prisoner is not admitted, the deputy will transport the prisoner and the detention deputy back to the detention facility.

- F. Patrol transportation of detention inmates for routine or scheduled medical treatment must be authorized through the office of the Patrol Division commander in advance of the scheduled medical appointment.

#### **41.3.11 STALKING PROCEDURES**

- A. A Kansas Standard Offense Report shall be completed on all incidents where a reporting party or victim alleges another person violated the stalking laws.
  - 1. Any past stalking incidents alleged by the victim to have been committed by the suspect will be included in said report.
  - 2. A copy of the report shall be sent to the Kansas Bureau of Investigation.
- B. When responding to a report of alleged stalking activity the deputy shall attempt to gather all relevant information and evidence necessary to determine whether probable cause exists to believe a crime of stalking has occurred.
- C. Victims shall be provided with the Information for Victims of Stalking Brochure and Sheriff's Office case number.
- D. If the stalking suspect is located at the scene of an alleged crime, the deputy shall consider the safety of the alleged victim, the suspect, the deputy and the public at-large when deciding whether to detain and question the suspect at the scene.
- E. If the stalking suspect of an alleged crime is not at the scene, the deputy shall make a reasonable attempt to locate the suspect.
- F. If the allegation includes a violation of a restraining order, protection order, or other court order the officer shall make all reasonable and prudent efforts to ascertain whether a valid order is in place, whether the order has been lawfully served upon the suspect, what the terms of the order require and whether the information and evidence in the case will provide probable cause to believe a violation of such order has occurred. If an order exists but has not been served, a reasonable attempt to serve the order or inform the person of the existence and restrictions included in the order shall be made. The details of those actions will be included in the report.
- G. When the suspect(s) in an alleged crime of stalking can be located, an arrest shall be made when the deputy has probable cause to believe a crime related to stalking is being committed or has been committed, and has probable cause to believe the suspect(s) committed the crime.
- H. Deputies making an arrest must make reasonable efforts to determine if the suspect has prior stalking convictions in order to determine if the suspect should be booked for a misdemeanor or felony.



