



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

**APPLICABILITY
FIELD**

REVISION DATE
1/27/25

PAGE NUMBER
1 of 9

NUMBER
DOC 420.390

POLICY

TITLE

ARREST AND SEARCH

REVIEW/REVISION HISTORY:

Effective:	10/25/00	Revised:	1/17/11
Revised:	7/23/03	Revised:	4/19/12
Revised:	8/25/04	Revised:	6/1/12
Revised:	10/7/04	Revised:	12/6/13
Revised:	9/19/05	Revised:	9/28/15
Revised:	9/25/07	Revised:	1/13/16
Revised:	6/16/08	Revised:	9/26/19
Revised:	8/5/09 AB 09-027	Revised:	2/10/22
Revised:	10/26/09	Revised:	1/27/25

SUMMARY OF REVISION/REVIEW:


Major changes to include adding directive for partial confinement. Read carefully!

APPROVED:

Signature on file

CHERYL STRANGE, Secretary
Department of Corrections

12/30/24
Date Signed

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY FIELD		
	REVISION DATE 1/27/25	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 9.94A.716](#); [RCW 10.31.040](#); DOC 350.750 Warrants, Detainers, and Holds; DOC 390.585 Community Parenting Alternative; DOC 390.590 Graduated Reentry; DOC 400.230 Badges and Identification Apparel; DOC 410.920 Use of Force in the Community; DOC 420.100 Transportation Standards (RESTRICTED); DOC 420.110 Escorted Leaves and Furloughs; DOC 420.395 Evidence/Property Procedures for Field; DOC 460.130 Response to Violations and New Criminal Activity

POLICY:

- I. The Department has the authority to:
 - A. Arrest an individual under the Department's jurisdiction who:
 1. Is accused of violating the conditions or requirements of supervision/ community custody or has committed a crime in an employee's presence.
 - a. Employees will respond to known violations per DOC 460.130 Response to Violations and New Criminal Activity.
 2. Is on partial confinement in the community (i.e., Graduated Reentry, Community Parenting Alternative) and has violated the conditions of the program, is no longer determined eligible/suitable for the program, or has committed a crime in an employee's presence.
 - B. Search and/or seize an individual or the individual's residence, vehicle, and/or personal property if there is reasonable cause to believe that the individual has violated a condition or requirement of the sentence per RCW 9.94A.631.

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 based solely on immigration status

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	<p>APPLICABILITY FIELD</p>		
	<p>REVISION DATE 1/27/25</p>	<p>PAGE NUMBER 3 of 9</p>	<p>NUMBER DOC 420.390</p>
	<p>TITLE ARREST AND SEARCH</p>		

3. Providing information not available to the public regarding an individual's location or place of birth to Immigration and Customs Enforcement or other immigration personnel.
- B. Individuals will be transported per DOC 420.100 Transportation Standards (RESTRICTED).
- C. Employees must consider the risk to themselves and the public when taking an individual into custody.
- D. Employees will:
 1. Ensure proper documentation is completed and distributed per DOC 350.750 Warrants, Detainers, and Holds and local procedures.
 2. Document all arrests, searches, and transports in the individual's electronic file within one business day.
 - a. Property and evidence seized during a search/arrest will be documented, secured, and controlled per DOC 420.395 Evidence/Property Procedures for Field.

II. Arrest

- A. Community Corrections Officers (CCOs), Community Corrections Supervisors (CCSs), Corrections Specialists (CSs), and others authorized by the Assistant Secretary for Community Corrections have the authority to arrest an individual.
- 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, employee safety concerns, and the following:
 1. Before an arrest, the arresting employee 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.

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY FIELD		
	REVISION DATE 1/27/25	PAGE NUMBER 4 of 9	NUMBER DOC 420.390
	TITLE ARREST AND SEARCH		


- 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.
 - 6) Notifying and communicating with family or friends of the individual, if applicable.

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. Individuals arrested will be monitored while in custody.
- E. Use of force will comply with DOC 410.920 Use of Force in the Community.
- 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.

III. Planned Arrest

- A. Planned arrests will be briefed, contain the following components as applicable, and be shared with all appropriate employees:
 1. Primary CCO
 2. A current photo of the individual(s)
 3. Additional photos, as needed
 4. Personal information related to the individual, to include:
 - a. Date of birth

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY FIELD		
	REVISION DATE 1/27/25	PAGE NUMBER 5 of 9	NUMBER DOC 420.390
	TITLE ARREST AND SEARCH		

- b. DOC number
- c. Height
- d. Weight
- e. Telephone number
- f. Vehicle information
- g. Emergency contact information

- 5. Known associates of the individual
- 6. Arrest location
- 7. Known healthcare concerns (e.g., mental health, drug/alcohol use)
- 8. Roles and telephone numbers for involved personnel
- 9. Medical plan (e.g., nearest hospital)
- 10. Notification of law enforcement, if applicable
- 11. Safety concerns (e.g., history of violence/weapons/resisting arrest, threatening others, dogs, third party issues, Security Threat Group)

IV. Unplanned Arrest


- A. When necessary to make an arrest without prior planning and/or authorization, employees will notify the CCS/designee of the arrest/transport as soon as possible and continue to provide updates as necessary.
- B. Following the arrest and transport of the individual(s), the CCS will debrief the arrest team, impacted employees, and local law enforcement, as applicable.

V. Equipment, Identification, and Apparel

- A. Authorized employees participating in a planned arrest will wear/carry the following Department-issued equipment:
 - 1. Official identification and/or Department badge, worn in a visible location per DOC 400.230 Badges and Identification Apparel,
 - 2. Department-issued ballistic armor,
 - 3. Handcuffs approved by the National Institute of Justice,
 - 4. Firearm, if armed,
 - 5. Less lethal tools (e.g., oleoresin capsicum, taser),
 - 6. Personal Protective Equipment (e.g., gloves),
 - 7. First aid kit, and
 - 8. Communication device.


VI. Forced Entry

- A. Forced entry occurs anytime an employee crosses a threshold or breaks open any outer or inner door, windows of a dwelling, house or other building, or any

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY FIELD		
	REVISION DATE 1/27/25	PAGE NUMBER 6 of 9	NUMBER DOC 420.390
	TITLE ARREST AND SEARCH		

other enclosure (e.g., vehicle) if the employee is refused admittance after notice of their office and purpose per RCW 10.31.040.

- B. Employees may force entry into a first party residence when:
 1. Probable cause exists that it is a first party residence, and
 2. Reasonable cause exists that the individual:
 - a. Has violated a condition of the sentence/placement or supervision, and
 - b. Is in the residence, or an approved search for evidence shows that the individual has violated a condition of the sentence/placement or supervision.
- C. Employees faced with exigent circumstances may be justified in making an immediate, warrantless entry and search of a dwelling or vehicle if one of the following conditions are met:
 1. To address a threat to the safety of law enforcement officers or the public.
 2. While engaging in fresh pursuit to prevent escape.
 - a. Fresh pursuit does not necessarily imply immediate pursuit, but pursuit without unreasonable delay.
 3. To render assistance to an injured person or to protect a person who is threatened with serious injury.
- D. Before forcibly entering any residence, an employee must:
 1. Identify themselves as a Department employee,
 2. State a lawful purpose, and
 3. Provide a reasonable opportunity to comply.
- E. If forced entry is used, the employee will:
 1. Take photographs of forced entry area/damage and make reasonable efforts to secure the residence, and
 2. Document the forced entry in the individual's electronic file to include the elements met for forced entry, and any damage that occurred.

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY FIELD		
	REVISION DATE 1/27/25	PAGE NUMBER 7 of 9	NUMBER DOC 420.390
	TITLE ARREST AND SEARCH		

- a. The CCS/designee will complete a debrief with involved employees and submit a report in the Incident Management Reporting System.

VII. Third Party


- A. Employees may enter a third party residence (i.e., a residence where the individual does not have control/dominion over), when:
 1. The third party is a competent person in constructive control of the premises,
 2. Consent is freely given, and
 3. Consent is clear and explicit.
- B. Employees may frisk a third party when:
 1. The third party gives consent,
 2. There are reasonable employee safety concerns, or
 3. Acting under the direction of a Washington peace officer.

VIII. Miranda Warning

- A. Employees will inform detained individuals of their Miranda Warnings before questioning them regarding activity that may lead to a new criminal charge.
- B. If the individual invokes the right to remain silent or requests an attorney, the individual will not be questioned about new criminal charges.

IX. Searches

- A. Authorized employees may direct an individual to submit to a pat search without reasonable cause/suspicion when in, on, or before entering Department premises, grounds, or facilities, or before entering a Department vehicle.
- B. If there is reasonable cause to believe that an individual has violated a condition or requirement of the sentence/placement, a CCO/CCS/CS may require the individual to submit to a search and seizure of their person, residence, vehicle, or other personal property per RCW 9.94A.631.
 1. The search must relate (i.e., nexus) to the violation or specific condition for which the search was authorized.
 2. Planned searches require CCS/designee approval.
 3. Law enforcement may assist with searches

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY FIELD		
	REVISION DATE 1/27/25	PAGE NUMBER 8 of 9	NUMBER DOC 420.390
	TITLE ARREST AND SEARCH		

a. Searches will not occur at the request of, or as an agent for, a law enforcement agency.

4. Employees will only search a residence with the individual or another adult present at the scene unless approved by the CCS/designee.

5. When a cross-gender search is necessary, employees are required to report the search to the CCS/designee and document the search in the individual's electronic file.

X. Pre-Booking Clearance

A. 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.

B. When pre-booking clearance is required prior to confinement (i.e., directed by the Nurse Desk or the individual is rejected from a local facility), authorized employees will transport the individual to a 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.

2. If the individual must be admitted to a local hospital, the CCO will notify the CCS/designee.

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.

XI. Individuals on Partial Confinement


A. Violations for individuals on partial confinement will be addressed per DOC 390.585 Community Parenting Alternative or DOC 390.590 Graduated Reentry.

B. Employees will contact the Nurse Desk before:

1. An individual is booked into a jail, or

2. A Transfer Order is finalized when transferring to a Department facility.

C. If an individual is admitted to a local hospital, the employee will notify the CCS to approve a furlough per DOC 420.110 Escorted Leaves and Furloughs.

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY FIELD		
	REVISION DATE 1/27/25	PAGE NUMBER 9 of 9	NUMBER DOC 420.390
	TITLE ARREST AND SEARCH		

DEFINITIONS:

The following words/terms are important to this policy and are defined in the glossary section of the Policy Manual: Community Custody. Other words/terms appearing in this policy may also be defined in the glossary.

ATTACHMENTS:

None

DOC FORMS:

None