

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Kitsap County Sheriff's Office to perform their functions based on established legal authority.

100.2 POLICY

It is the policy of the Kitsap County Sheriff's Office to limit its members to only exercise the authority granted to them by law.

While this office recognizes the power of peace officers to make arrests and take other enforcement action, deputies are encouraged to use sound discretion in the enforcement of the law. This office does not tolerate abuse of law enforcement authority.

100.3 PEACE OFFICER POWERS

Sworn members of this office are authorized to exercise peace officer powers pursuant to applicable state law.

100.3.1 ARREST AUTHORITY

The arrest authority of the Kitsap County Sheriff's Office includes (RCW 10.31.100):

- (a) When a general authority Washington peace officer has probable cause to believe that a person has committed or is committing a felony, the officer shall have the authority to arrest the person without a warrant.
- (b) A general authority Washington peace officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of an officer, except as provided in RCW 10.31.100 (e.g., when there is probable cause for certain offenses that involve domestic violence, driving under the influence, motor vehicle accidents).
- (c) A general authority Washington peace officer may arrest a person in compliance with an arrest warrant.
 1. After detaining a person, the warrant must be confirmed via Kitsap911, or issuing agency, and
 2. Extradition must be verified via Kitsap911, WACIC/NCIC, or issuing agency for out of county warrants.

100.3.2 OREGON AUTHORITY

General authority Washington peace officers of this office who enter the state of Oregon in order to provide or attempt to provide law enforcement assistance have Oregon peace officer authority within 50 miles of the Washington-Oregon border under the following circumstances (ORS 133.405):

- (a) In response to a request for law enforcement assistance initiated by an Oregon sheriff, constable, marshal, municipal police officer or member of the Oregon State Police.

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- (b) In response to a reasonable belief that emergency law enforcement assistance is necessary to preserve life and circumstances make it impractical for Oregon law enforcement officials to formally request assistance.
- (c) For the purpose of assisting Oregon law enforcement officials with emergency assistance in response to criminal activity, traffic accidents, emergency incidents or other similar public safety situations, whether or not an Oregon law enforcement official is present at the scene of the incident.

Kitsap County Sheriff's Office deputies have no authority to enforce Oregon traffic or motor vehicle laws.

Whenever practicable, deputies should seek permission from an office supervisor before entering Oregon to provide law enforcement services. As soon as practicable, deputies exercising law enforcement authority in Oregon shall submit any appropriate written reports concerning the incident to the Oregon agency having primary jurisdiction over the area in which the incident occurred.

100.4 INTERSTATE PEACE OFFICER POWERS

General authority Washington peace officer powers may be extended to other states:

- (a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.
- (b) When a deputy enters Idaho or Oregon in fresh pursuit of a person believed to have committed a felony (Idaho Code 19-701; ORS 133.430).

When a deputy makes an arrest in Idaho or Oregon, the arresting deputy shall cause the person to be taken without delay to a magistrate in the county where the arrest was made (Idaho Code 19-702; ORS 133.440).

100.5 CONSTITUTIONAL REQUIREMENTS

All members shall observe and comply with every person's clearly established rights under the United States and Washington Constitutions.

100.6 SHERIFF'S AUTHORITY AND JURISDICTION

The Kitsap County Sheriff's Office (KCSO) operates under the authority of RCW 36.28. This statute states that the Sheriff of the county is the Chief Executive Officer and the conservator of the peace of the county. The statute gives the Sheriff the authority to appoint deputies and confer on them the full powers of the Sheriff. The authority of KCSO deputies is conferred through a commission issued by the Sheriff.

The Sheriff or any deputy may make arrests for violations of state law anywhere within Kitsap County and for violations of county ordinances in the unincorporated areas of the county. The physical jurisdictional boundaries of Kitsap County are set by RCW 36.04.180.

The Sheriff is invested by law with power and authority to select, appoint, employ deputies, or other necessary employees subject to civil service

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100.7 SPECIAL COMMISSIONS

The Sheriff has the power, under RCW 36.28, to confer special commissions as needed to carry out the duties of the agency. Special commissions may be withdrawn at the discretion of the Sheriff. The agency utilizes the following special commission personnel:

Corrections Officers - appointed to provide all county correction services.

Court Security Personnel - appointed to provide security to the court.

Reserve Deputies - Reserve deputies are specially commissioned and trained deputies that augment the staffing of the agency at times determined by the Sheriff. While on duty, reserve deputies have full authority to enforce criminal laws of the state and Kitsap County Ordinances.

Citizen's On Patrol personnel are appointed to enforce parking ordinances and other duties as specified by the Sheriff.