

# DOSH DIRECTIVE

Division of Occupational Safety and Health

Department of Labor and Industries

*Keeping Washington safe and working*

## 32.00

## Law Enforcement

Updated: May 6, 2021

### I. Purpose

This DOSH Directive establishes inspection procedures and enforcement policies related to patrol operations, tactical stand-by, and planned operations when law enforcement officers are involved.

For the purposes of this directive, “CSHO” refers to both DOSH Inspectors and Consultants.

### II. Scope and Application

**A.** This Directive applies to all DOSH operations statewide. The Directive has been reviewed and updated with current references, and supersedes DD 32.00, dated December 8, 2017.

**B.** This Directive applies to all activities, operations and equipment related to the patrol, tactical, mutual aid, emergency response and any other related operations of general authority law enforcement agencies as defined in RCW 10.93.020(1). Specifically, this directive focuses on the law enforcement activities of commissioned officers that occur away from the police station at non-emergency planned events, the workplace of another employer or other central facilities (such as a maintenance facility). This policy does not apply to limited authority law enforcement employees, as defined in RCW 10.93.020(2).

1. Inspections involving buildings, administrative or general business activities at police stations or related facilities are not included in this directive. Such inspections are typically handled according to the guidelines in the DOSH Compliance and Consultation Manuals.
2. This directive does **not** exempt law enforcement employers from compliance with other applicable safety and health standards.

### III. References

- RCW 10.93.020, Washington Mutual Aid Peace Officers Powers Act
- Chapter 49.17 RCW, Washington Industrial Safety & Health Act of 1973
- Chapter 296-24 WAC, General Safety and Health Standards
- Chapter 296-27 WAC, Recordkeeping and Reporting
- Chapter 296-62 WAC, General Occupational Health Standards
- Chapter 296-800 WAC, Safety & Health Core Rules
- Chapter 296-809 WAC, Confined Spaces
- Chapter 296-823 WAC, Bloodborne Pathogens

- Chapter 296-900 WAC, Administrative Rules
- Chapter 296-817 WAC, Hearing Loss Prevention (Noise)
- Chapter 296-843 WAC, Hazardous Waste Operations
- Chapter 296-842 WAC, Respirators
- Chapter 296-880 WAC, Unified Safety Standards for Fall Protection
- WAC 296-62-07521, Lead
- Manual on Uniform Traffic Control Devices (MUTCD) (*current edition*)

#### IV. Definition

**Washington peace (law) officer** means any full-time, fully compensated and elected, appointed, or employed officer of a general authority Washington law enforcement agency who is commissioned to enforce the criminal laws of the state of Washington generally.

#### V. Background

Law enforcement, by nature, is an unpredictable and inherently dangerous occupation dealing with volatile and constantly changing situations. Careful consideration must be given to the fact that law enforcement officers are placed into situations in which they do not have total control, and by virtue of their mission, must respond to and handle unsafe situations.

#### VI. Enforcement Policies

##### A. **Written APP.**

WAC 296-800-14005 requires employers to “develop a formal accident-prevention program (APP), tailored to the needs of the particular plant or operation and to the type of hazards involved.” Law enforcement employers must provide guidance regarding the hazards related to law enforcement patrol, emergency response operations, and administration. The written APP must include guidance on hazards common to performing the duties of law enforcement during patrol, arrests, raids, communications (frequency zones), and vehicle pursuits.

1. If a law enforcement employer has not provided guidance on recognized hazards as part of their written APP, or in a separate policy relevant to safety and health, the employer must be cited for a violation of WAC 296-800-14005. APP violations are issued as “general” violations unless a serious hazard is found during the inspection. All “serious” violations must be reviewed by the DOSH Technical Specialist for the law enforcement industry and approved by the Statewide Compliance Manager before they are issued.
2. Law enforcement employers must ensure that all employees have been trained on the employer’s specific policies and procedures relevant to assigned duties. **Flagger training is based upon the MUTCD.**

3. Radio communication inoperability presents a hazard to law enforcement when radio transmit/receive capability failures are encountered in certain areas referred to as radio dead zones. When radio dead zones exist, the APP or other written procedures must address the hazard. Methods to address the hazard can include:
  - Procedures to report incidences of radio transmit/receive capability failures
  - The identification or mapping of geographic areas where radio dead zones are known to exist, **and**
  - Procedures for the use of backup communication or backup patrol when entering known dead zones.

#### **B. First-Aid Kits.**

The first-aid kit requirements of WAC 296-800-15020 require employers to make sure appropriate first-aid supplies are readily available. These requirements apply to patrol vehicles even when only one employee is present. If a first-aid kit is not readily available **within or on the patrol car, or similar means**, the employer must be cited for a violation of WAC 296- 800-15020.

#### **C. Safe Place Violations.**

Safe Place citations must conform to the guidance in the DOSH Compliance Manual. Recognized industry standards or guidelines include, but are not limited to, those published by the following organizations:

- National Institute of Justice
- Department of Justice (DOJ)
- Washington State Criminal Justice Training Commission (WSJTC)
- Washington Association of Sheriffs and Police Chiefs (WASPC)
- Commission on Accreditation for Law Enforcement (CALEA)

All safe place violations involving a law enforcement employer must be reviewed and approved by the DOSH Statewide Compliance Program.

#### **D. PPE.**

One of the general employer obligations under the Washington Industrial Safety and Health Act (WISHA) is to identify and provide personal protective equipment (PPE) appropriate to the hazards of the job. WAC 296-800-160 requires the employer to assess the PPE necessary to the job, to select and require the use of appropriate and properly fitted PPE, and to ensure that employees are properly trained in its use.

*Note: For body armor, see DOSH Directive 5.09 (Body Armor as PPE).*

1. The requirements of WAC 296-800-160 (PPE) do not apply to night sticks, capstuns, and firearms. Self-defense equipment of this nature must be addressed within the context of rules about providing a safe work place, APP, and training.
2. When law enforcement personnel conduct any non-emergency planned event or are assigned to the workplace of another employer, and where fall hazards exist, the requirements in Chapter 296-880 WAC apply.
3. All workers, including emergency responders must wear high-visibility safety apparel that meets the Performance Class 2 or 3 requirements of ANSI/ISEA 107–2004 (American National Standard for High-Visibility Safety Apparel and Headwear).
4. Emergency and incident responders and law enforcement personnel within the TTC zone may wear high visibility safety apparel that meets the performance requirements of ANSI/ISEA 207-2006 (American National Standard for High-Visibility Public Safety Vests).
5. For the purpose of this Directive, Uniformed Law Enforcement Personnel (on duty or off-duty) conducting traffic control for private employers outside their agency, must receive prior written consent from the sheriff or chief of police of the involved jurisdiction.
6. Citations involving an insufficient PPE assessment must be reviewed by the DOSH Statewide Compliance Manager.

#### **E. Industrial Hygiene.**

While industrial hygiene requirements apply to employers generally, DOSH staff must give specific consideration to the following for law enforcement:

1. Hazardous waste requirements of Chapter 296-843 WAC, in relation to meth labs.
2. Hearing conservation requirements of Chapter 296-817 WAC, in relation to cab noise (sirens and radio volume), traffic control activities, and firearms.
3. Confined space requirements of Chapter 296-809 WAC, if officers are expected to enter confined spaces as part of their duties.
4. Bloodborne pathogen requirements of Chapter 296-823 WAC, in relation to the potential for contact with human blood or other potentially infectious materials.
5. Respirator requirements of Chapter 296-842 WAC, in relation to the use of respirators for crowd control, homemade explosives (HME), and illicit drug production labs.
6. Airborne lead exposure requirements in WAC 296-62-07521, in relation to shooting range activities.

**F. Specialized DOSH Staff for Inspections or Consultations.**

Prior to assignment of an inspection or consultation of law enforcement patrol or emergency response activities, the DOSH compliance or consultation supervisor must determine if any DOSH CSHOs are available who are trained or experienced in law enforcement operations.

1. In places where there are no properly trained or experienced CSHOs, or where the resources are limited, the CSHO supervisor must contact the Regional Compliance or Consultation Manager, or Technical Services for assistance. The Regional Compliance or Consultation Manager will determine if other state-wide staff are readily available to assist with the inspection or consultation, and in collaboration with the Statewide Compliance or Consultation Manager, will make the assignment to the appropriate staff available.
2. If the Regional Compliance Manager (RCM) believes the inspection involves complex hazards beyond the expertise of available resources within DOSH, the RCM must consult with the Statewide Compliance Manager to determine whether expert assistance from outside the agency is needed.
3. All inspections or consultations involving law enforcement patrol, tactical, mutual aid, emergency response or other field related activities will be coordinated and reviewed by the DOSH Technical Specialist throughout the course of the enforcement or consultation activity.

**G. Crime Scenes.**

**DOSH staff will not enter any crime scene until the law enforcement officer with active control over the scene indicates that they may do so.** DOSH staff conducting an inspection may pursue interviews or other inspection activities that do not interfere with the activities at the scene or require immediate entry to the site.

**H. Immediate Restraint Authority.**

DOSH staff must not exercise immediate restraint authority under the provisions of RCW 49.17.130, in relation to any law enforcement activities in the field, including vehicles on patrol, without the approval of the DOSH Assistant Director. This does not include patrol vehicles while in the motor pool or otherwise not currently assigned for duty.

**I. Dual Employer or Off Duty Relations Inspections.**

Inspections involving “dual employer” or “off duty relations,” must be reviewed and approved by the DOSH Statewide Compliance Manager and AGO prior to issuance.

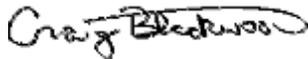
**VII. Who to Contact**

DOSH staff should contact Technical Services if they have questions or need additional guidance regarding the enforcement policies in this Directive.

**VIII. Review and Cancellation**

DOSH will review this Directive within two years from the issue date, and it will remain effective until superseded or canceled.

Approved: \_\_\_\_\_



Craig Blackwood, L&I Acting Assistant Director  
Division of Occupational Safety and Health