

# Sonoma County Sheriff's Office

## Policies

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### **SHERIFF'S PREFACE**

As the most visible symbol of the law, Members of the Sonoma County Sheriff's Office must conduct themselves in a manner that inspires respect for the law. To be worthy of public trust, law enforcement authority must be exercised in a manner consistent with the highest principles of a free society.

The nation's political system is founded on the belief that certain rights are inalienable and that government may not deny or abridge these rights. The office "Policy Manual" sets forth the limits of police conduct and the exercise of police power. The policies are designed to instill a high degree of public trust in law enforcement while, at the same time, providing fair and reasonable standards of conduct for Deputy Sheriff's and members.

Whenever there are such written policies, there is also law enforcement professionalism. Law enforcement professionals view standards of conduct as positive ethical goals that are basic and fundamental elements of an effective professional organization. An organization is a reflection of its leadership. Sonoma County Sheriff's Office is a professional community department staffed by individuals who cherish the highest standards of conduct and performance.

This Policy Manual is a reflection of these concepts and, when fairly applied, the policies confirm this commitment to ourselves and to our community.

Sheriff Eddie Engram

Sonoma County Sheriff

# Sonoma County Sheriff's Office

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### **LAW ENFORCEMENT CODE OF ETHICS**

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

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### **CORE VALUES**

IN PARTNERSHIP WITH OUR

COMMUNITIES,

WE COMMIT TO PROVIDE

**PROFESSIONAL, FIRM, FAIR AND COMPASSIONATE**

PUBLIC SAFETY SERVICES

WITH

**INTEGRITY AND RESPECT**

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## **Chapter 1 - Law Enforcement Role and Authority**

## **\*Law Enforcement Authority\***

### **100.1 PURPOSE AND SCOPE**

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

### **100.1 POLICY**

It is the policy of the Sonoma 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 the abuse of law enforcement authority.

### **100.4 INTERSTATE PEACE OFFICER POWERS**

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 an adjoining state in close or fresh pursuit of a person believed to have committed a felony (ARS § 13-3832; NRS 171.158; ORS 133.430).

The person arrested out of state must be taken without unnecessary delay before a magistrate of the county in which the arrest was made (ARS § 13-3833; NRS 171.158; 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 California Constitutions.

### **100.6 PEACE OFFICER POWERS**

Sworn members of this office are authorized to exercise peace officer powers pursuant to applicable state law (Penal Code § 830.1 et seq.).

#### **100.6.1 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE SONOMA COUNTY SHERIFF'S OFFICE**

The arrest authority outside the jurisdiction of the Sonoma County Sheriff's Office includes (Penal Code § 830.1; Penal Code § 836):

- (a) When the deputy has probable cause to believe the person committed a felony.
- (b) When the deputy has probable cause to believe the person has committed a misdemeanor in the presence of the deputy and the deputy reasonably believes there is immediate danger to person or property or of escape.
- (c) When the deputy has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized even if not committed in the presence of the deputy such as certain domestic violence offenses and there is immediate danger to person or property or of escape or the arrest is mandated by statute.

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#### *\*Law Enforcement Authority\**

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- (d) When authorized by a cross jurisdictional agreement with the jurisdiction in which the arrest is made.
- (e) In compliance with an arrest warrant.

On-duty arrests will not generally be made outside the jurisdiction of this office except in cases of hot or fresh pursuit, while following up on crimes committed with the County or while assisting another agency.

On-duty deputies who discover criminal activity outside the jurisdiction of the County should when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

#### 100.6.2 DELIVERY TO NEAREST MAGISTRATE

When a deputy makes an arrest pursuant to a warrant with bail set, and the warrant was issued in a county other than where the person was arrested, the deputy shall inform the person in writing of the right to be taken before a magistrate in the county where the arrest occurred (Penal Code § 821; Penal Code § 822).

#### 100.6.3 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE SONOMA COUNTY SHERIFF'S OFFICE

The arrest authority within the jurisdiction of the Sonoma County Sheriff's Office includes (Penal Code § 830.1; Penal Code § 836):

- (a) When the deputy has probable cause to believe the person has committed a felony, whether or not committed in the presence of the deputy.
- (b) When the deputy has probable cause to believe the person has committed a misdemeanor in this jurisdiction and in the presence of the deputy.
- (c) When the deputy has probable cause to believe the person has committed a public offense outside this jurisdiction, in the presence of the deputy and the deputy reasonably believes there is an immediate danger to person or property, or of escape.
- (d) When the deputy has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized or required by statute even though the offense has not been committed in the in the presence of the deputy such as certain domestic violence offenses.
- (e) In compliance with an arrest warrant.

#### 100.6.4 TIME OF MISDEMEANOR ARRESTS

Deputies shall not arrest a person for a misdemeanor between the hours of 10:00 p.m. of any day and 6:00 a.m. of the next day unless (Penal Code § 840):

- (a) The arrest is made without a warrant pursuant to Penal Code § 836 which includes:
  - 1. A misdemeanor committed in the presence of the deputy.
  - 2. Misdemeanor domestic violence offenses (See the Domestic Violence Policy).
- (b) The arrest is made in a public place.

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## *\*Law Enforcement Authority\**

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- (c) The arrest is made with the person in custody pursuant to another lawful arrest.
- (d) The arrest is made pursuant to a warrant which, for good cause shown, directs that it may be served at any time of the day or night.

## **\*Chief Executive Officer\***

### **101.1 PURPOSE AND SCOPE**

The California Commission on Peace Officer Standards and Training (POST) has mandated that all sworn officers and dispatchers employed within the State of California shall receive certification by POST within prescribed time periods.

#### **101.1.1 SHERIFF CANDIDATEREQUIREMENTS**

Prior to filing for the office of Sheriff, any candidate shall at minimum meet the requirements of Government Code § 24004.3.

## **\*Oath of Office\***

### **102.1 PURPOSE AND SCOPE**

Deputies of this office are sworn to uphold the federal and state constitutions and to enforce federal, state and local laws.

#### **102.1.1 OATH OF OFFICE**

Upon employment, all sworn employees shall be required to affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer (Cal. Const. Art. 20, § 3; Government Code § 3102). The oath shall be as follows:

I, (employee name), do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

## **\*Policy Manual\***

### **103.1 PURPOSE AND SCOPE**

The manual of the Sonoma County Sheriff's Office is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this office. All members are to conform to the provisions of this manual.

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, procedures, orders and other regulations that have not been included herein shall remain in effect, provided that they do not conflict with the provisions of this manual.

### **103.2 POLICY**

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement is not always predictable and circumstances may arise which warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this office under the circumstances reasonably available at the time of any incident.

#### **103.2.1 DISCLAIMER**

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Sonoma County Sheriff's Office and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the County, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for office administrative action, training or discipline. The Sonoma County Sheriff's Office reserves the right to revise any policy content, in whole or in part.

### **103.3 AUTHORITY**

The Sheriff shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Sheriff or the authorized designee is authorized to issue General Orders, which shall modify those provisions of the manual to which they pertain. General Orders shall remain in effect until such time as they may be permanently incorporated into the manual.

### **103.4 DEFINITIONS**

The following words and terms shall have these assigned meanings throughout the Policy Manual, unless it is apparent from the content that they have a different meaning:

**Adult** - Any person 18 years of age or older.

**CCR** - California Code of Regulations (Example: 15 CCR 1151).

**CHP**- The California Highway Patrol.

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**CFR** - Code of Federal Regulations.

**County** - The County of Sonoma.

**Deputy** - Those employees, regardless of rank, who are sworn peace officers of the Sonoma County Sheriff's Office.

**DMV** - The Department of Motor Vehicles.

**Employee** - Any person employed by the Office.

**Juvenile**- Any person under the age of 18 years.

**Manual** - The Sonoma County Sheriff's Office Policy Manual.

**May** - Indicates a permissive, discretionary or conditional action.

**Member** - Any person employed or appointed by the Sonoma County Sheriff's Office, including:

- Full- and part-time employees
- Sworn peace officers
- Reserve, auxiliary deputies
- Professional Staff employees
- Volunteers

**Office/SCSO**- The Sonoma County Sheriff's Office

**On-duty** - A member's status during the period when he/she is actually engaged in the performance of his/her assigned duties.

**Order** - A written or verbal instruction issued by a superior.

**POST** - The California Commission on Peace Officer Standards and Training.

**Professional Staff** - Employees and volunteers who are not sworn peace officers.

**Rank** - The title of the classification held by a deputy.

**Shall or will** - Indicates a mandatory action.

**Should** - Indicates a generally required or expected action, absent a rational basis for failing to conform.

**Supervisor** - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other office members, directing the work of other members or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., deputy-in-charge, lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank or compensation.

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## *\*Policy Manual\**

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When there is only one office member on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the member's off-duty supervisor or an on-call supervisor.

**USC** - United States Code.

### **103.5 ISSUING THE POLICY MANUAL**

An electronic version of the Policy Manual will be made available to all members on the office network for viewing and printing. No changes shall be made to the manual without authorization from the Sheriff or the authorized designee.

Each member shall acknowledge that he/she has been provided access to, and has had the opportunity to review the Policy Manual and General Orders. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

### **103.6 PERIODIC REVIEW OF THE POLICY MANUAL**

The Sheriff will ensure that the Policy Manual is periodically reviewed and updated as necessary.

### **103.7 REVISIONS TO POLICIES**

All revisions to the Policy Manual will be provided to each member on or before the date the policy becomes effective. Each member will be required to acknowledge that he/she has reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Members are responsible for keeping abreast of all Policy Manual revisions.

Each Captain will ensure that members under his/her command are aware of any Policy Manual revision.

All office members suggesting revision of the contents of the Policy Manual shall forward their written suggestions through the chain of command, who will consider the recommendations and forward them to the Division Captains, as appropriate.

## De-Escalation

### 104.1 PURPOSE AND SCOPE

De-Escalation tactics and techniques include nearly every action undertaken by a deputy(s) to reduce the chances of and control physical confrontations. How and when the tools of de-escalation are applied is of great importance to the Community and the Sheriff. The Sheriff's Office recognizes and respects the value of all human life and dignity without prejudice.

### 104.2 POLICY

It is the policy of this Office that when all of the reasonably known circumstances indicate it is safe, prudent, and feasible to do so, a deputy(s) should attempt to slow down, reduce the intensity of, and stabilize potential violent encounters.

#### 104.2.1 DEPUTY RESPONSIBILITIES

When time and circumstances reasonably permit, a deputy(s) should consider whether a subject's lack of compliance is a deliberate attempt to resist or is the result of an inability to comply based on factors including, but not limited to:

- Medical Conditions
- Mental Impairment
- Developmental Disability
- Physical Limitation
- Language Barrier
- Drug Interaction
- Behavioral Crisis

A deputies awareness of these possible limitations should be balanced against the facts of the incident and which tactical options are the most appropriate to bring the situation to a safe resolution, when time and circumstances reasonably permit. A deputy is not expected to engage in force de-escalation measures that could jeopardize the safety of Sheriff Office members and/or the community.

Where circumstances and time reasonably permit, a deputy(s) should take reasonable and prudent actions to attempt to mitigate the immediacy of the threat. Thereby giving the deputy(s) the opportunity to call more officers, utilize other tactics, or request specialty assistance, such as deputies trained in Crisis Intervention Techniques. Reducing the overall force used may be promoted by considering the use of other viable alternatives, such as:

- Containing the threat within a controlled area
- Decreasing the exposure to the potential threat by using distance between an uncooperative subject and a deputy

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#### *De-Escalation*

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- Maximizing the use of cover or concealment to reduce deputy(s) exposure to potential threats by placing the deputy(s) in a safer position
- Communicating from a safe position to gain the subject's compliance through the use of verbal persuasion, advisement, and/or warnings. Generally, communication techniques should engage active listening to calm agitated individuals and promote rational decision-making
- The deputy's physical actions may also de-escalate a potentially volatile/violent situation, ie, exhibiting a relaxed body language

When the circumstances warrant an application of force, deputies are required to be knowledgeable of the Sonoma County Sheriff's Office "Use of Force" Policy (#300), and follow the guidance and direction of that policy. The Use of Force policy directs that each deputy shall use only that force which is objectively reasonable, given the facts and circumstances known at the time of the event to effectively bring an incident under control.

This policy does not dictate when and how force should be applied. Instead, it serves to describe how deputies should work to decrease the intensity of a situation or potentially violent encounter. It is well recognized that the reduction of the intensity of an encounter may provide more desirable outcomes to various situations. However, not every situation can or will be resolved through the use of de-escalation techniques. That being understood, it is the Sheriff's Office's intent to resolve stressful encounters in the safest manner possible for the subject, the public, and the deputies involved.

## **Chapter 2 - Organization and Administration**

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## \*Organizational Structure and Responsibility\*

### 200.1 PURPOSE AND SCOPE

The organizational structure of this office is designed to create an efficient means to accomplish our mission and goals and to provide for the best possible service to the public.

[See attachment: Operational Org Chart.pdf](#)

### 200.2 DEFINITIONS

- A. **Organizational Definitions:** The following definitions govern terminology to be used in all communication and when referring to any organizational unit, except County budget documents. This will provide uniformity and clarification when discussing the operations and organization of the Sonoma County Sheriff's Office.
1. **Sheriff/Sheriff's Office:** The source of a county sheriff's legal authority in California comes from case law and the California Constitution. The constitution includes the Sheriff's Office as one of the four constitutionally required offices in all California counties. In 1998, in *County of L.A. v. Superior Court*, 68 Cal App 4th 1166, the California Court of Appeal observed that "formal designations of sheriffs as county officials are outweighed by the functional independence of sheriffs from control by county boards of supervisors in performing their law enforcement functions." It is formally referred to as the Sonoma County Sheriff's Office, informally as the Sheriff's Office.
  2. **Division:** A functional unit of the Sheriff's Office managed by an Assistant Sheriff and the Administrative Services Chief who report directly to the Sheriff. This is the highest organizational unit within the Sheriff's Office. There are three divisions of the Sheriff's Office:
    - Law Enforcement
    - Detention
    - Administration
  3. **Section:** A functional unit of the Sheriff's Office managed by a Captain, an Administrative Services Director, or a Lieutenant who reports directly to a Division leader.
  4. **Bureau:** A functional unit of a Division managed by a Manager, or Lieutenant who reports directly to a Section or Division leader.
  5. **Unit:** A sub-group of a Bureau which reports to a Bureau leader.
  6. **Shift:** A designated span of time within a twenty-four (24) hour period during which personnel are actually engaged in the performance of their duties.
  7. **Team:** Members of the Sheriff's Office, sometimes from more than one unit, grouped together for the accomplishment of a specified mission, such as the SWAT Team, Dive Team, or SERT Team.

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8. **Zone:** A geographic area of variable size administratively designated, to which one or more members are specifically assigned (i.e., patrol reporting).
  9. **Post:** A location to which any member is assigned for duty other than a zone.
  10. **Fixed Post:** A location assigned administratively that must be staffed constantly during a specified period.
  11. **Chain of Command:** The unbroken line of authority extending from the Sheriff through a single subordinate at each level of command to the level of execution.
  12. **Command Staff:** Consists of Sheriff, Assistant Sheriffs and Captains.
  13. **Executive Staff:** Consists of Sheriff, Assistant Sheriffs, Captains, and the Chief of Financial and Administrative Services.
  14. **Management Staff:** Consists of Executive Staff and all personnel designated as management.
- B. **Personnel Definitions:** The following definitions govern terminology to be used in all official communications, verbal or written, when reference is made to Sheriff's Office members.
1. **Member:** All persons employed by, appointed or assigned to the Sheriff's Office (including sworn and non-sworn personnel), plus reserve deputies, interns, and volunteers.
  2. **Deputy:** A peace officer, as defined in § 830.1 of the Penal Code of the State of California.
  3. **Correctional Deputy:** A custodial peace officer as defined in § 830.1(c) of the Penal Code of the State of California.
  4. **Support Staff:** All members who are not peace officers or Correctional Deputies.
  5. **Volunteers:** Non-paid members.
  6. **Intern:** Paid or non-paid student members.
  7. **Reserve Deputy:** Any person designated by the Sheriff as a member of the Sheriff's Office Reserves, as defined in § 830.6 of the Penal Code of the State of California
  8. **Trainer:** Member responsible for instruction and evaluation of another member while in a training program
  9. **Supervisor:** Member assigned to designated positions requiring the exercise of immediate supervision over activities of subordinates.
  10. **Manager:** Member, regardless of division, assigned to designated positions requiring personnel, budgetary and operational responsibility.
  11. **Watch Commander:** Member responsible for operational function of Patrol, MADF or NCDF, for a given shift.

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12. **Grade or Rank:** Members serving in the Sheriff's Office shall be given grade or rank according to the provisions of applicable county ordinances or resolutions of the Board of Supervisors. The number of personnel in any grade shall conform to that provided or allowed by the County of Sonoma.
13. **Seniority:** Seniority is determined first by rank, and second by continuous service in rank.

### **200.3 DIVISIONS**

The Sheriff is responsible for administering and managing the Sonoma County Sheriff's Office. There are three divisions in the Sheriff's Office as follows:

- Administrative Services Division
- Law Enforcement Division
- Detention Division

#### **200.3.1 ADMINISTRATION SERVICES DIVISION**

The Administrative Services Division is led by the Chief of Financial and Administrative Services, whose primary responsibility is to provide general management direction and control for the Division. The Administrative Services Division consists of:

- Administrative Services Section
- Civil Bureau
- Radio/Telecommunications Bureau
- Technical Services Bureau
- Fiscal Unit
- Purchasing Unit
- Payroll Unit
- Accounting Unit

#### **200.3.2 LAW ENFORCEMENT DIVISION**

The Law Enforcement Division is led by an Assistant Sheriff, whose primary responsibility is to provide general management direction and control for the Division. The Law Enforcement Division consists of:

- Field Services Section
- Special Services Section

#### **200.3.3 DETENTION DIVISION**

The Detention Division is led by an Assistant Sheriff, whose primary responsibility is to provide general management direction and control for the Division. Facility administrator(s) shall develop

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and publish a manual of policy and procedures for the facility. The manual shall provide a table of organization, including channels of communications. (15 CCR 1029(a)(1) )

The Detention Division consists of:

- Operations Section
- Special Service Section

### **200.4 SECTIONS**

#### **200.4.1 LAW ENFORCEMENT DIVISION SECTIONS**

##### **A. Special Services Section**

The Special Services Section is led by a Law Enforcement Captain, whose primary responsibility is to provide general management direction and control for the Special Services Section. The Special Services Section consists of the following Bureaus:

- Investigations Bureau
- Professional Standards Bureau
- Coroner Bureau (Special Services)
- Personnel Unit
- Community Engagement/Crime Prevention Unit
- Public Information Officer/Social Media Unit
- Crime Analysis Unit
- Court Security/Transportation Bureau

##### **B. Field Services Section**

The Field Services Section is led by a Law Enforcement Captain, whose primary responsibility is to provide general management direction and control for the Field Service Section. The Field Services Section consists of the following Bureaus:

- Patrol Bureau
- Windsor Police Department
- Sonoma Police Department
- Dispatch Bureau
- Records Bureau

#### **200.4.2 DETENTION SECTION**

##### **A. Operations Section**

The Operations Section is led by a Detention Captain, whose primary responsibility is to provide general management direction and control for the Operations Section. The

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Operations Section consists of overall operations for the Main Adult Detention Facility and North County Detention Facility. Operations include:

- Classifications
- Discipline/Grievances
- Electronic Monitoring
- Inmate Programs

### B. Special Services Section

The Special Services Section is led by a Detention Captain, whose primary responsibility is to provide general management direction and control for the Special Services Section. The Special Services consists of:

- Planning and Research
- Operations Administration
- Detention Records
- Training Compliance

## **200.5 COMMAND PROTOCOL**

### 200.5.1 SUCCESSION OF COMMAND

The Sheriff exercises command over all personnel in the Office. During planned absences the Law Enforcement Assistant Sheriff will serve as acting Sheriff.

The order of command authority in the absence or unavailability of the Sheriff or Law Enforcement Division Assistant Sheriff is as follows:

1. Detention Assistant Sheriff (if sworn)
2. Special Services Captain
3. Field Services Captain
4. Investigations Bureau Lieutenant
5. Designated Watch Commander

Such assignment shall remain in effect during the absence of the Sheriff. The person acting in this capacity shall assume and be vested with the authority and responsibility vested in the Office of the Sheriff.

### 200.5.2 AUTHORITY

Ranking members have authority to carry out Sheriff's Office policies and shall manage/supervise the work of the various divisions, bureaus, and units.

- A. Ranking members shall exercise the authority of their positions under all conditions which require that the authority be used in the best interest of the Sheriff's Office. The ranks shall be recognized by all members of the Sheriff's Office regardless of

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assignment, but authority can only be exercised in the division assigned. However, in emergency situations the Law Enforcement Watch Commander can exercise Sheriff's Office-wide authority.

- B. All members shall strive to work together in harmony and in a spirit of cooperation rather than strictly by authority or seniority. When a supervisor/manager notices serious inappropriate behavior that necessitates immediate action in any area of the Sheriff's Office, he/she shall take the appropriate action, and notify the member's manager or supervisor as soon as possible.

#### 200.5.3 MEMBERS OF EQUAL RANK

Where two or more members of equal rank are working together on the same assignment or detail, such authority shall not be exercised except when a situation necessitates it. If authority has not been designated, the senior member of the rank has authority.

#### 200.5.4 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Office. Generally, each employee shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment (e.g., K-9, SWAT, SERT), any supervisor may temporarily direct any subordinate if an operational necessity exists.

#### 200.5.5 ORDERS

Members shall respond to and make a good faith and reasonable effort to comply with the lawful order of superior officers and other proper authority.

## **\*General Orders\***

### **201.1 PURPOSE AND SCOPE**

General Orders establish an inter-office communication that may be used by the Sheriff to make immediate changes to policy and procedure consistent with the current Memorandum of Understanding and as permitted by Government Code § 3500 et seq. General Orders will immediately modify or change and supersede sections of this manual to which they pertain.

#### **201.1.1 GENERAL ORDER PROTOCOL**

General Orders will be incorporated into the manual as required upon approval of Staff. General Orders will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

All existing General Orders have now been incorporated in the updated Policy Manual as of the below revision date.

Any General Orders issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number 01. For example, 12-01 signifies the first General Order for the year 2012.

### **201.2 RESPONSIBILITIES**

#### **201.2.1 STAFF**

The staff shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by a General Order.

#### **201.2.2 SHERIFF**

The Sheriff or his/her designee shall issue all General Orders.

### **201.3 ACCEPTANCE OF GENERAL ORDERS**

All employees are required to read and obtain any necessary clarification of all General Orders. All employees are required to acknowledge in writing the receipt and review of any new General Order. Signed acknowledgement forms and/or e-mail receipts showing an employee's acknowledgement will be maintained by the Professional Standards Bureau Lieutenant.

## **\*Emergency Management Plan\***

### **202.1 PURPOSE AND SCOPE**

The County has prepared an Emergency Management Plan for use by all employees in the event of a major disaster or other emergency event. The plan provides for a strategic response by all employees and assigns specific responsibilities in the event that the plan is activated (Government Code § 8610).

### **202.2 ACTIVATING THE EMERGENCY PLAN**

The Emergency Management Plan can be activated on the order of the official designated by local ordinance.

#### **202.2.1 RECALL OF PERSONNEL**

In the event that the Emergency Management Plan is activated, all employees of the Sonoma County Sheriff's Office are subject to immediate recall. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Sheriff or the authorized designee.

Failure to promptly respond to an order to report for duty may result in discipline.

### **202.3 LOCATION OF THE PLAN**

The Emergency Management Plan is available in Administration and the Watch Commander's office. All supervisors should familiarize themselves with the Emergency Management Plan. The Administration supervisor should ensure that office personnel are familiar with the roles police personnel will play when the plan is implemented.

### **202.4 UPDATING OF MANUALS**

The Sonoma County Office of Emergency Services is tasked with reviewing the Emergency Operation Plan (EOP), to ensure that the manual conforms to any revisions made by the National Incident Management System (NIMS) and the Standardized Emergency Management System (SEMS).

## **\*Training Policy\***

### **203.1 PURPOSE AND SCOPE**

It is the policy of this office to administer a training program that will provide for the professional growth and continued development of its personnel. By doing so, the Office will ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the community.

### **203.2 POLICY**

The Office shall administer a training program that will meet the standards of federal, state, local, and POST training requirements. It is a priority of this office to provide continuing education and training for the professional growth and development of its members.

The Office seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels, and legal mandates. Whenever possible, the Office will use courses certified by the California Commission on Peace Officer Standards and Training (POST).

### **203.3 OBJECTIVES**

The objectives of the Training Program are to:

- (a) Enhance the level of law enforcement service to the public.
- (b) Increase the technical expertise and overall effectiveness of our personnel.
- (c) Provide for continued professional development of office personnel.
- (d) Ensure compliance with POST rules and regulations concerning law enforcement training.

### **203.4 TRAINING PLAN**

A training plan will be developed and maintained by the Professional Standards Bureau Lieutenant. It is the responsibility of the Professional Standards Bureau Lieutenant to maintain, review, and update the training plan on an annual basis. The plan will address the following areas:

- (a) POST and OSHA mandated annual trainings
- (b) Emergency Vehicle Operations
- (c) Defensive Tactics
- (d) Firearms

A separate 2 year training plan will be developed and maintained to cover the topics required in the POST Perishable Skills program.

### **203.5 USE OF FORCE QUALIFICATIONS**

Qualification requirements will be approved by the Professional Standards Bureau Lieutenant. The qualification requirements shall be designated and in the annual training plan.

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#### *\*Training Policy\**

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Assistant Sheriffs are required to ensure that all sworn personnel under their command qualify in accordance with policy.

- (a) A designated instructor will keep a record of all those who attend training.
- (b) All sworn personnel must qualify each quarter:
  - (a) First Quarter: January through March
  - (b) Second Quarter: April through June
  - (c) Third Quarter: July through September
  - (d) Fourth Quarter: October through December
- (c) Failure to comply with regulation governing Use of Force qualifications (attendance and qualification) may result in disciplinary action.
  - 1. Only the Sheriff, Assistant Sheriff, or his designee, may exempt a member from the provisions mandated in this policy.
  - 2. If a member fails to attend at least one Use of Force training during a quarter, the member shall attend the first training offered of the following quarter.
- (d) Management is not required to attend.
- (e) If the Deputy fails to qualify after remediation, the Use of Force Instructor shall immediately notify the Deputy's Assistant Sheriff or designee verbally, and shall prepare a memo to be sent, via chain of command, as soon as practical, for determination of action. A copy of the memo shall be placed in the Deputy's personnel file.

All instructors will attend periodic update training, relative to their assignments.

The Professional Standards Unit will conduct an annual training needs assessment of the Office. The needs assessment will be reviewed by staff. Upon approval by the staff, the needs assessment will form the basis for the training plan for the fiscal year.

#### **203.5.1 TRAINING RESTRICTION**

The Professional Standards Bureau Lieutenant is responsible for establishing a process to identify deputies who are restricted from training other deputies for the time period specified by law because of a sustained use of force complaint (Government Code § 7286(b)).

#### **203.6 TRAINING COMMITTEE**

The Professional Standards Bureau Lieutenant shall establish a Training Committee, which will serve to assist with identifying training needs for the Office.

The Training Committee shall be comprised of at least three members, with the senior ranking member of the committee acting as the chairperson. Members should be selected based on their abilities at post-incident evaluation and at assessing related training needs. The Professional Standards Bureau Lieutenant may remove or replace members of the committee at his/her discretion.

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#### *\*Training Policy\**

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The Training Committee should review certain incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to the incident. Specific incidents the Training Committee should review include, but are not limited to:

- (a) Any incident involving the death or serious injury of an employee.
- (b) Incidents involving a high risk of death, serious injury or civil liability.
- (c) Incidents identified by a supervisor as appropriate to review to identify possible training needs.

The Training Committee should convene on a regular basis as determined by the Professional Standards Bureau Lieutenant to review the identified incidents. The committee shall determine by consensus whether a training need exists and then submit written recommendations of its findings to the Professional Standards Bureau Lieutenant. The recommendation should not identify specific facts of any incidents, such as identities of employees involved or the date, time and location of the incident, but should focus on the type of training being recommended.

The Professional Standards Bureau Lieutenant will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Office and available resources.

#### **203.7 TRAINING PROCEDURES**

- (a) All employees assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to the following:
  - 1. Court appearances
  - 2. First choice vacation
  - 3. Sick leave
  - 4. Physical limitations preventing the employee's participation.
  - 5. Emergency situations
- (b) When an employee is unable to attend mandatory training, that employee shall:
  - 1. Notify his/her supervisor as soon as possible but no later than one hour prior to the start of training.
  - 2. Document his/her absence in a memorandum to his/her supervisor.
  - 3. Make arrangements through his/her supervisor and the Professional Standards Bureau Lieutenant to attend the required training on an alternate date.

## **\*Electronic Mail\***

### **204.1 POLICY**

Refer to the County of Sonoma Administrative Policy:

#### **9-2 Departmental Computer Use**

(Located on the County of Sonoma Intranet Site)

## **\*Administrative Communications\***

### **205.1 PURPOSE AND SCOPE**

Administrative communications of this office are governed by the following policies.

### **205.2 DEPARTMENT EMAIL**

Office Email may be issued periodically by the Sheriff, or his/her designee, to announce and document all promotions, transfers, hiring of new personnel, separations, personnel and group commendations, or other changes in status.

### **205.3 CORRESPONDENCE**

In order to ensure that the letterhead and name of the Office are not misused, all external correspondence shall be on Office letterhead. Personnel should use Office letterhead only for official business and with approval of their supervisor.

### **205.4 SURVEYS**

All surveys made in the name of the Office shall be authorized by the Sheriff or his/her designee.

## **\*Staffing Levels\***

### **206.1 PURPOSE AND SCOPE**

The purpose of this policy is to ensure that proper supervision is available for all shifts. The Office intends to balance the employee's needs against the need to have flexibility and discretion in using personnel to meet operational needs. While balance is desirable, the paramount concern is the need to meet operational requirements of the Office.

### **206.2 MINIMUM STAFFING LEVELS**

Minimum staffing levels should result in the scheduling of at least two regular supervisors on duty between the hours of 0700 and 2400 whenever possible. Watch Commanders will ensure that at least one field supervisor is deployed during each shift.

#### **206.2.1 SUPERVISION DEPLOYMENTS**

In order to accommodate training and other unforeseen circumstances, a field training officer may be used as field supervisors in place of a field sergeant.

With prior authorization from the Patrol Captain, a Sergeant may act as the Watch Commander for a limited period of time.

## License to Carry a Firearm

### 207.1 PURPOSE AND SCOPE

The purpose of this policy is to provide a written process for the application, issuance, denial, appeal, and revocation of a license to carry a firearm (Penal Code § 26150; Penal Code § 26155).

#### 207.1.1 APPLICATION OF POLICY

Nothing in this policy shall preclude the Chief or other head of a municipal police office from entering into an agreement with the Sheriff of the county or preclude the Sheriff of the county from entering into an agreement with the Chief of any municipal police office to process all applications and license renewals for the carrying of concealed weapons (Penal Code § 26150; Penal Code § 26155).

### 207.2 POLICY

The Sonoma County Sheriff's Office will fairly and impartially consider all applications to carry firearms in accordance with applicable law and this policy.

### 207.3 QUALIFIED APPLICANTS

In order to qualify for a license to carry a firearm, the applicant must:

- (a) Be a resident of the County of Sonoma, two proofs of residency required. Acceptable documents are mortgage statements, rental lease agreements, vehicle registration, two current home utility bills. Be deemed not to be a disqualified person as provided in Penal Code § 26202.
- (b) Be deemed not to be prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm (Penal Code § 26185; Penal Code § 26195).
- (c) Be a resident of the County of Sonoma (Penal Code § 26150; Penal Code § 26155).
- (d) Be at least 21 years of age, and present clear evidence of identity and age as defined in Penal Code § 16400 (Penal Code § 26150; Penal Code § 26155).
- (e) Fully complete the California Department of Justice (DOJ) application (Penal Code § 26175).
- (f) Submit fingerprints and a complete criminal background check (Penal Code § 26185).
- (g) Pay all associated application fees (Penal Code § 26190).
- (h) Be the recorded owner of the firearm, with the California DOJ, for which the license will be issued, as determined by the Sonoma County Sheriff's Office (Penal Code § 26162).
- (i) Be free from any psychological conditions that might make the applicant unsuitable for carrying a firearm (Penal Code § 26190).
- (j) Complete required training described in Penal Code § 26165.

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## *License to Carry a Firearm*

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### **207.4 APPLICATION PROCESS**

The application process for a license to carry a firearm shall consist of two phases. Upon the successful completion of each phase, the applicant will advance to the next phase until the process is completed and the license is either issued or denied.

#### **207.4.1 PHASE ONE (TO BE COMPLETED BY ALL APPLICANTS)**

- (a) Any individual applying for a license to carry a firearm shall first fully complete a California DOJ application to be signed under penalty of perjury. Any applicant who provides false information or statements on the application will be removed from further consideration and may be prosecuted for a criminal offense (Penal Code § 26180).
  - 1. If an incomplete application package is received, the Sheriff or the authorized designee may do any of the following:
    - (a) Require the applicant to complete the package before any further processing.
    - (b) Advance the incomplete package to phase two for conditional processing pending completion of all mandatory conditions.
    - (c) Issue a denial if the materials submitted at the time demonstrate that the applicant would not qualify for a license to carry a firearm even if the package was completed (e.g., not a resident, disqualifying criminal conviction).
- (b) Applicant fees shall be submitted and processed according to office-established procedures and Penal Code § 26190.
  - 1. Additional fees may be required for fingerprinting, training, or psychological testing, in addition to the application fee.
  - 2. Full payment of the remainder of the application fee will be required upon issuance of a license.
  - 3. Payment of related fees may be waived if the applicant is a duly appointed reserve peace officer as defined in Penal Code § 830.6 (a) or (b) (Penal Code § 26170).
- (c) Additional documents may be requested of the applicant as required to complete the application process (e.g., photograph, proof of residency).
- (d) The applicant shall submit proof of ownership or registration of each firearm to be licensed.

Within 120 days of receiving the completed application for a new license, the Office shall give written notice to the applicant of the Office's initial determination, based on its preliminary investigation, whether or not the applicant is a disqualified person (Penal Code § 26202).

If the determination is that the applicant is not a disqualified person, the notice shall inform the applicant to proceed with the training requirements as specified in Penal Code § 26165.

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### 207.4.2 DENIAL APPEAL PROCEDURE

- a. The applicant shall be notified of the license denial by letter, which will include instructions for an appeal through the court system.
- b. The applicant must initiate the appeal by contacting the Sonoma County Superior Court.

### 207.5 ISSUED FIREARMS PERMITS

In the event a license to carry a firearm is issued by the Sheriff, the following shall apply:

- (a) The license will be subject to any and all reasonable restrictions or conditions the Sheriff has deemed warranted, including restrictions as to the time, place, manner, and circumstances under which a person may carry the firearm (Penal Code § 26200(b)).
  1. All such restrictions or conditions shall be conspicuously noted on any license issued (Penal Code § 26200(c)).
  2. The licensee will be required to sign a Restrictions and Conditions Agreement. Any violation of any of the restrictions and conditions may result in the immediate revocation of the license.
- (b) The license shall clearly identify the licensee, bear a photograph and fingerprints of the licensee with the expiration date, type of firearm, restrictions, and other pertinent information as described by Penal Code § 26175.
  1. Each license shall be numbered and clearly identify the licensee.
  2. All licenses shall be subjected to inspection by the Sheriff or any law enforcement officer.
- (c) The license will be valid for a period not to exceed two years from the date of issuance (Penal Code § 26220).
  1. A license issued to a state or federal magistrate, commissioner, or judge will be valid for a period not to exceed three years.
  2. A license issued to any reserve peace officer as defined in Penal Code § 830.6(a) or (b), or a custodial officer employed by the Sheriff as provided in Penal Code § 831.5 will be valid for a period not to exceed four years, except that such license shall be invalid upon the individual's conclusion of service as a reserve officer.
- (d) If the licensee's place of residence was the basis for issuance of a license and the licensee moves out of the county of issuance, the license shall expire 90 days after the licensee has moved (Penal Code § 26210).
- (e) The licensee shall notify this office in writing within 10 days of any change of place of residency. Within 10 days of receiving such notice, the Office shall notify the California DOJ (Penal Code § 26210).

### 207.5.1 LICENSE RESTRICTIONS

- (a) The Sheriff may place special restrictions limiting time, place, manner and circumstances under which any license shall be valid. In general, these restrictions will prohibit the licensee from:

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1. Consuming any alcoholic beverage while armed.
  2. Falsely representing him/herself as a peace officer.
  3. Unjustified or unreasonable displaying of a firearm.
  4. Committing any crime.
  5. Being under the influence of any medication or drug while armed.
  6. Interfering with any law enforcement officer's duties.
  7. Refusing to display his/her license or firearm for inspection upon demand of any peace officer.
  8. Loading the permitted firearm with illegal ammunition.
  9. No trigger modifications. Red dot sights, lasers, and light attachments are approved. Must be listed during the CCW approval process. Applicants must qualify with and without sight modifications.
- (b) The Sheriff reserves the right to inspect any license or licensed firearm at any time.
- (c) The alteration of any previously approved firearm including, but not limited to adjusting the trigger pull, or other mechanical modifications shall void any license and serve as grounds for revocation.
1. Caliber not to exceed 45 cal. Single action approved.

#### 207.5.2 AMENDMENTS TO LICENSES

Any licensee may apply to amend a license at any time during the period of validity by completing and submitting a written Application for License Amendment along with the current processing fee to the Office in order to (Penal Code § 26215):

- (a) Add or delete authority to carry a firearm listed on the license.
- (b) Change restrictions or conditions previously placed on the license.
- (c) Change the address or other personal information of the licensee (Penal Code § 26210).

In the event that any amendment to a valid license is approved by the Sheriff, a new license will be issued reflecting the amendment. An amendment to any license will not serve to extend the original expiration date and an application for an amendment will not constitute an application for renewal of the license.

#### 207.5.3 REVOCATION OF LICENSES

Any license issued pursuant to this policy shall be revoked by the Sheriff for any of the following reasons (Penal Code § 26195):

- (a) The licensee is prohibited by state or federal law from owning or purchasing a firearm.
- (b) The licensee has become a disqualified person and cannot receive such a license in accordance with the standards set forth in Penal Code § 26202.

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- (c) The licensee has breached any of the conditions or restrictions described in Penal Code § 26200.
- (d) Any information provided by a licensee in connection with an application for a new license or a license renewal is inaccurate or incomplete.
- (e) If the license is one to carry "loaded and exposed," the license shall be revoked immediately upon a change of the licensee's place of residence to another county (Penal Code § 26210).

The issuance of a license by the Sheriff shall not entitle the holder to either a property or liberty interest as the issuance, amendment, or revocation of such license remains exclusively within the discretion of the Sheriff as set forth herein.

If any license is revoked, the Office will immediately notify the licensee in writing and the California DOJ (Penal Code § 26225).

#### 207.5.4 LICENSE RENEWAL

No later than 90 days prior to the expiration of any valid license to carry a firearm, the licensee may apply to the Sheriff for a renewal by:

- (a) Verifying all information submitted in the original application under penalty of perjury.
- (b) Completing a training course pursuant to Penal Code § 26165.
- (c) Submitting any firearm to be considered for a license renewal to the Firearms Instructor for a full safety inspection. The Sheriff reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910).
- (d) Paying the applicable renewal application fee.

Within 90 days of receiving the completed application for a renewal license, the Office shall give written notice to the applicant of the office's initial determination whether or not the applicant is a disqualified person (Penal Code § 26202).

If the determination is that the applicant is not a disqualified person, the notice shall inform the applicant to proceed with the training requirements as specified in Penal Code § 26165. The Office shall then submit the renewal notification to the California DOJ as provided in Penal Code § 26185.

Once the Sheriff or the authorized designee has verified the successful completion of the renewal process, the renewal of the license to carry a firearm will either be granted or denied.

#### **207.6 OFFICE REPORTING AND RECORDS**

The Office shall maintain a record of the following and immediately provide copies of each to the California DOJ (Penal Code § 26225):

- (a) The denial of a license
- (b) The denial of an amendment to a license
- (c) The issuance of a license

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- (d) The amendment of a license
- (e) The revocation of a license

The Sheriff shall annually submit to the State Attorney General the total number of licenses to carry firearms issued to reserve peace officers and judges.

### **207.7 CONFIDENTIAL RECORDS**

The home address and telephone numbers of any peace officer, public defender, prosecutor, magistrate, court commissioner, or judge contained in an application shall not be considered a public record (Government Code § 7923.805).

### **207.8 WRITTEN NOTICE FOR DENIAL OF LICENSE**

The Sheriff or the authorized designee shall give written notice to the applicant for a new license that the license is approved or denied within 120 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the California DOJ, whichever is later (Penal Code § 26205).

Written notice to an applicant for a renewal license that is approved or denied shall be given within 120 days of receiving the completed application (Penal Code § 26205).

Additionally, regardless of the type of license, if the license is denied, the notice shall state which requirement was not satisfied (Penal Code § 26205).

#### **207.8.1 ADDITIONAL REQUIREMENTS**

If an application for a new license, renewal of a license, or revocation is denied based on a determination that the person is a disqualified person as provided by Penal Code § 26202, the Sheriff or the authorized designee shall provide the person with the notice of determination as provided by Penal Code § 26202(d), Penal Code § 26205, or Penal Code § 26195(b)(3). The notice shall state the reason why the determination was made and inform the applicant that they may request a hearing from a court. The Office shall also provide the most recent California DOJ hearing request form to the applicant (Penal Code § 26206).

If an application for a new license, renewal of a license, or revocation is denied for any other reason as described in Penal Code § 26206(i), the Sheriff or the authorized designee shall provide the person with the notice required under Penal Code § 26205 or Penal Code § 26195(b)(3), as applicable, and inform the applicant they may apply to the county Superior Court for a writ of mandate pursuant to Code of Civil Procedure § 1085 (Penal Code § 26206).

### **207.9 POLICY AVAILABILITY**

This policy shall be made accessible to the public as provided by Penal Code § 26160.

## Retiree Concealed Firearms

### 208.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of Sonoma County Sheriff's Office identification cards under the Law Enforcement Officers' Safety Act (LEOSA) and California law (18 USC § 926C; Penal Code § 25455).

### 208.2 POLICY

It is the policy of the Sonoma County Sheriff's Office to provide identification cards to qualified former or retired deputies as provided in this policy.

### 208.3 LEOSA

The Sheriff may issue an identification card for LEOSA purposes to any qualified former deputy of this office who (18 USC § 926C(c)):

- (a) Separated from service in good standing from this office as a deputy.
- (b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this office.
- (c) Has not been disqualified for reasons related to mental health.
- (d) Has not entered into an agreement with this office where the deputy acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.
- (e) Is not prohibited by federal law from receiving or possessing a firearm.

#### 208.3.1 LEOSA IDENTIFICATION CARD FORMAT

The LEOSA identification card should contain a photograph of the former deputy and identify him/her as having been employed as a deputy.

If the Sonoma County Sheriff's Office qualifies the former deputy, the LEOSA identification card or separate certification should indicate the date the former deputy was tested or otherwise found by this Office to meet the active duty standards for qualification to carry a firearm.

#### 208.3.2 AUTHORIZATION

Any qualified former law enforcement officer, including a former deputy of this office, may carry a concealed firearm under 18 USC § 926C when he/she is:

- (a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:
  - 1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

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2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.
  - (b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
  - (c) Not prohibited by federal law from receiving a firearm.
  - (d) Not in a location prohibited by California law or by a private person or entity on his/her property if such prohibition is permitted by California law.

#### **208.4 CALIFORNIA IDENTIFICATION CARD ISSUANCE**

Any full-time sworn deputy of this office who was authorized to, and did, carry a concealed firearm during the course and scope of his/her employment shall be issued an identification card with a Carrying Concealed Weapon endorsement, "CCW Approved," upon honorable retirement (Penal Code § 25455).

- (a) For the purpose of this policy, honorably retired includes all peace officers who have qualified for, and accepted, a service or disability retirement. It shall not include any deputy who retires in lieu of termination.
- (b) No CCW Approved endorsement shall be issued to any deputy retiring because of a psychological disability (Penal Code § 26305).

#### **208.4.1 CALIFORNIA IDENTIFICATION CARD FORMAT**

The identification card issued to any qualified and honorably retired deputy shall be 2 inches by 3 inches, and minimally contain (Penal Code § 25460):

- (a) A photograph of the retiree.
- (b) The retiree's name and date of birth.
- (c) The date of retirement.
- (d) The name and address of this office.
- (e) A stamped CCW Approved endorsement along with the date by which the endorsement must be renewed (not more than one year). If a CCW endorsement has been denied or revoked, the identification card shall be stamped "No CCW Privilege."

#### **208.4.2 QUALIFIED RETIREES FROM INCORPORATED JURISDICTION**

The Sonoma County Sheriff's Office shall provide an identification card with a CCW Approved endorsement to honorably retired peace officers from any jurisdiction that this office now serves under the following conditions (Penal Code § 25905):

- (a) The retiree's previous agency is no longer providing law enforcement services or the relevant government body is dissolved.

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- (b) This office is in possession of the retiree's complete personnel record or can verify the retiree's honorably retired status.
- (c) The retiree is in compliance with all of the requirements of this office for the issuance of a CCW Approved endorsement.

### 208.4.3 QUALIFIED RETIRED RESERVES

Qualified retired reserve officers who meet the office requirements shall be provided an identification card with a CCW Approved endorsement (Penal Code § 26300).

### **208.5 FORMER DEPUTY RESPONSIBILITIES**

A former deputy with a card issued under this policy shall immediately notify the Watch Commander of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Employee Convictions policy.

#### 208.5.1 RESPONSIBILITIES UNDER LEOSA

In order to obtain or retain a LEOSA identification card, the former deputy shall:

- (a) Sign a waiver of liability of this Office for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of this Office.
- (b) Remain subject to all applicable office policies and federal, state and local laws.
- (c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.
- (d) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

#### 208.5.2 MAINTAINING A CALIFORNIA IDENTIFICATION CARD CCW ENDORSEMENT

In order to maintain a CCW Approved endorsement on an identification card issued under California law, the retired deputy shall (Penal Code § 26305):

- (a) Qualify annually with the authorized firearm at a course approved by this office at the retired deputy's expense.
- (b) Remain subject to all applicable office policies and federal, state and local laws.
- (c) Not engage in conduct that compromises public safety.
- (d) Only be authorized to carry a concealed firearm inspected and approved by this Office.

### **208.6 DENIAL, SUSPENSION OR REVOCATION OF A LEOSA IDENTIFICATION CARD**

A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by this Office. In the event that an identification card is denied, suspended or revoked, the former deputy may request a review by the Sheriff. The decision of the Sheriff is final.

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### **208.7 DENIAL, SUSPENSION OR REVOCATION OF A CALIFORNIA CCW ENDORSEMENT CARD**

A CCW endorsement under Penal Code § 25470 for any deputy retired from this office may be denied or revoked only upon a showing of good cause. The CCW endorsement may be immediately and temporarily revoked by the Watch Commander when the conduct of a retired peace officer compromises public safety.

- (a) In the event that a CCW endorsement is initially denied, the retired deputy shall have 15 days from the date of denial to request a formal hearing. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received.
- (b) Prior to revocation of any CCW endorsement, this Office shall provide the affected retiree with written notice of a hearing by either personal service or first class mail, postage prepaid, return receipt requested to the retiree's last known address (Penal Code § 26315).
  1. The retiree shall have 15 days from the date of service to file a written request for a hearing.
  2. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received (Penal Code § 26315).
  3. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.
- (c) A hearing for the denial or revocation of any CCW endorsement shall be conducted before a hearing board composed of three members, one selected by this Office, one selected by the retiree or his/her employee organization and one selected jointly (Penal Code § 26320).
  1. The decision of such hearing board shall be binding on the Office and the retiree.
  2. Any retiree who waives the right to a hearing or whose CCW endorsement has been revoked at a hearing shall immediately surrender his/her identification card. This Office will then reissue a new identification card which shall be stamped "No CCW Privilege."
- (d) Members who have reason to suspect the conduct of a retiree has compromised public safety shall notify the Watch Commander as soon as practicable. The Watch Commander should promptly take appropriate steps to look into the matter and, if warranted, contact the retiree in person and advise him/her of the temporary suspension and hearing information listed below.
  1. Notification of the temporary suspension should also be promptly mailed to the retiree via first class mail, postage prepaid, return receipt requested (Penal Code § 26312).
  2. The Watch Commander should document the investigation, the actions taken and, if applicable, any notification made to the retiree. The memo should be forwarded to the Sheriff.

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3. The personal and written notification should be as follows:
  - (a) The retiree's CCW endorsement is immediately and temporarily suspended.
  - (b) The retiree has 15 days to request a hearing to determine whether the temporary suspension should become permanent revocation.
  - (c) The retiree will forfeit his/her right to a hearing and the CCW endorsement will be permanently revoked if the retiree fails to respond to the notice of hearing within the 15-day period.
4. In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the Watch Commander should attempt to make the above notice of temporary suspension through another law enforcement officer. For example, if a retiree was arrested or detained by a distant agency, the Watch Commander may request that a law enforcement officer from that agency act as the agent of this Office to deliver the written notification.

#### **208.8 FIREARM QUALIFICATIONS**

The Firearms Instructor may provide former deputies from this office an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Firearms Instructor will maintain a record of the qualifications and weapons used.

## **Chapter 3 - General Operations**

## Use of Force

### 300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this office is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner (Government Code § 7286).

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

Retaliation prohibitions for reporting suspected violations are addressed in the Anti-Retaliation Policy.

#### 300.1.1 DEFINITIONS

**ACTIVE RESISTANCE/ASSAULTIVE BEHAVIOR:** When a subject verbally or physically indicates their intent to inflict bodily injury, assaults a deputy, or any other person. The deputy reasonably believes there is an imminent danger of violence. The subject may assume a fighting stance, display boxing or mixed martial art skills, attempt to escape, prevent his/her arrest, interfere with a deputy's lawful authority by inflicting pain or physical injury to the deputy, or any other person.

**COMPLIANCE TECHNIQUE:** The level of force utilized by a deputy to gain the compliance and control of a subject who refused to comply with a deputy's verbal commands or physical control techniques.

**COOPERATIVE/COMPLIANT:** The actions of a subject when they yield to the authority of a deputy with whom they have official contact.

**DEADLY FORCE:** Any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to the discharge of a firearm (Penal Code § 835a).

**DE-ESCALATION:** When reasonable, deputies should consider slowing down an incident in a manner that allows them to decrease the intensity of a situation by creating more time, distance, and space which can allow for evaluating different tactical options during dynamic situations.

**FEASIBLE FORCE:** Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the deputy or another person (Government Code § 7286(a)).

**FORCE:** The application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

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**LESS-LETHAL WEAPON:** An authorized weapon used to launch, fire, or propel less-lethal munitions to engage a subject with the intent to gain their compliance and overcome a subject's active resistance or assaultive behavior. Less-lethal munitions when used properly, are less likely to result in a serious bodily injury or fatality and can be used to de-escalate a potentially deadly situation. (Examples of less-lethal munitions include: Taser, foam/rubber batons, and chemical agents).

**NO FORCE:** The professional command presence or de-escalation skills used by deputies to control an incident and gain the voluntary compliance of a subject in any given situation.

**PASSIVE RESISTANCE/NON-COMPLIANT:** Refusal by a subject to comply with a deputy's verbal commands. When a subject is passive or resists a deputy's authority and direction. This includes verbal and physical cues of non-compliance, not physically resistive, but not complying.

**REASONABLENESS:** The Fourth Amendment "reasonableness" inquiry is whether the peace officers' actions were "objectively reasonable" in light of the facts and circumstances confronting them, at that moment, without regard to their underlying intent or motivation. The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that peace officers are often forced to make split-second decisions about the amount of force necessary in a particular situation.

**REPORTABLE FORCE:** Any use of physical force by a deputy of this Sheriff's Office shall be documented. It is the responsibility of the deputy using force to ensure that the use of force is documented completely, promptly, and accurately in an appropriate report. The use of particular weapons such as chemical agents may require the completion of additional report forms as specified in Sheriff's Office policy or law. Actions not considered physical use of force are Sheriff's Office-approved searching or handcuffing when the suspect does not resist.

**SERIOUS BODILY INJURY:** A serious impairment of physical condition, including but not limited to the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement (Penal Code § 243(f)(4)).

**TOTALITY OF THE CIRCUMSTANCES:** All facts known to the deputy at the time, including the conduct of the officer and the subject leading up to the use of force (Penal Code § 835a).

**VIOLENT FELONY:** A violent, forcible, act committed by a subject which threatens serious bodily injury or fatality to the deputy, or any other person.

### **300.2 POLICY**

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. On a daily basis, deputies are involved in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Deputies must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

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The Office recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting deputies with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests. It is the policy of this Office that deputies shall use only that force which is objectively reasonable, given the facts and circumstances known at the time of the event to effectively bring an incident under control.

"Reasonableness" of the use of force will be determined from the perspective of a reasonable deputy on scene at the time of the incident.

#### **300.2.1 DUTY TO INTERCEDE**

Any deputy present and observing another law enforcement officer or an employee using force that is clearly beyond that which is necessary, as determined by an objectively reasonable deputy under the circumstances, shall, when in a position to do so, intercede (as defined by Government Code § 7286) to prevent the use of unreasonable force.

When observing force used by a law enforcement officer, each deputy should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject (Government Code § 7286(b)).

#### **300.2.2 FAIR AND UNBIASED USE OF FORCE**

Deputies are expected to carry out their duties, including the use of force, in a manner that is fair and unbiased (Government Code § 7286(b)). See the Bias-Based Policing Policy for additional guidance.

#### **300.2.3 DUTY TO REPORT EXCESSIVE FORCE**

Any deputy who observes a law enforcement officer or an employee use force that potentially exceeds what the deputy reasonably believes to be necessary shall immediately report these observations to a supervisor (Government Code § 7286(b)).

As used in this subsection, "immediately" means as soon as it is safe and feasible to do so.

#### **300.2.4 FAILURE TO INTERCEDE**

A deputy who has received the required training on the duty to intercede and then fails to act to intercede when required by law, may be disciplined in the same manner as the deputy who used force beyond that which is necessary (Government Code § 7286(b)).

### **300.3 USE OF FORCE**

Deputies shall use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances known to or perceived by the deputy at the time of the event to accomplish a legitimate law enforcement purpose (Penal Code § 835a).

The reasonableness of force will be judged from the perspective of a reasonable deputy on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that deputies are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

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Given that no policy can realistically predict every possible situation a deputy might encounter, deputies are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident. Deputies may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance (Government Code § 7286(b)).

It is also recognized that circumstances may arise in which deputies reasonably believe that it would be impractical or ineffective to use any of the approved or authorized tools, weapons, or methods provided by the Office. Deputies may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires a deputy to retreat or be exposed to possible physical injury before applying reasonable force.

#### 300.3.1 LEGAL AUTHORITY FOR USE OF FORCE

California Penal Code Section 835: An arrest is made by an actual restraint of the person, or by submission to the custody of an officer. The person arrested may be subject to such restraint as is reasonable for his/her arrest and detention.

California Penal Code Section 835a: Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance of the subject being arrested; nor shall such officer be deemed an aggressor or lose their right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance. Retreat does not mean tactical repositioning or other de-escalation techniques (Penal Code § 835a).

Title 15, California Code of Regulations Section 3268: (Reasonable Force) The force that an objective, trained and competent employee, faced with similar facts and circumstances, would consider necessary and reasonable to subdue an attacker, overcome resistance, effect custody, or gain compliance with a lawful order.

#### 300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether a deputy has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit (Government Code § 7286(b)). These factors include but are not limited to:

- (a) The apparent immediacy and severity of the threat to deputies or others (Penal Code § 835a).

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- (b) The conduct of the individual being confronted, as reasonably perceived by the deputy at the time (Penal Code § 835a).
- (c) Deputy/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of deputies available vs. subjects).
- (d) The conduct of the involved deputy leading up to the use of force (Penal Code § 835a).
- (e) The effects of suspected drugs or alcohol.
- (f) The individual's apparent mental state or capacity (Penal Code § 835a).
- (g) The individual's apparent ability to understand and comply with deputy commands (Penal Code § 835a).
- (h) Proximity of weapons or dangerous improvised devices.
- (i) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (j) The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).
- (k) Seriousness of the suspected offense or reason for contact with the individual prior to and at the time force is used.
- (l) Training and experience of the deputy.
- (m) Potential for injury to deputies, suspects, bystanders, and others.
- (n) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the deputy.
- (o) The risk and reasonably foreseeable consequences of escape.
- (p) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (q) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the deputy or others.
- (r) Prior contacts with the subject or awareness of any propensity for violence.
- (s) Any other exigent circumstances.

#### 300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a passively or actively resisting individual. Deputies may only apply those pain compliance techniques for which they have successfully completed Office-approved training. Deputies utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the subject can comply with the direction or orders of the deputy.
- (c) Whether the subject has been given sufficient opportunity to comply.

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The application of any pain compliance technique shall be discontinued once the deputy determines that compliance has been achieved, or is ineffective.

#### 300.3.4 RESTRICTIONS ON THE USE OF CAROTID CONTROL HOLD

Deputies of this office are not authorized to use a carotid restraint hold, except in situations where the use of deadly force is allowed by law. A carotid restraint means a vascular neck restraint or any similar restraint, hold, or other defensive tactic in which pressure is applied to the sides of a person's neck that involves a substantial risk of restricting blood flow and may render the person unconscious in order to subdue or control the person (Government Code § 7286.5).

#### 300.3.5 USE OF FORCE TO SEIZE EVIDENCE

In general, deputies may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, deputies are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, deputies should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Deputies are encouraged to use techniques and methods taught by the Sonoma County Sheriff's Office for this specific purpose.

#### 300.3.6 ALTERNATIVE TACTICS - DE-ESCALATION

As time and circumstances reasonably permit, and when community and officer safety would not be compromised, deputies should consider actions that may increase deputy safety and may decrease the need for using force:

- (a) Summoning additional resources that are able to respond in a reasonably timely manner.
- (b) Formulating a plan with responding deputies before entering an unstable situation that does not reasonably appear to require immediate intervention.
- (c) Employing other tactics that do not unreasonably increase deputy jeopardy.

In addition, when reasonable, deputies should evaluate the totality of circumstances presented at the time in each situation and, when feasible, consider and utilize reasonably available alternative tactics and techniques that may persuade an individual to voluntarily comply or may mitigate the need to use a higher level of force to resolve the situation before applying force (Government Code § 7286(b)). Such alternatives may include but are not limited to:

- (a) Attempts to de-escalate a situation.
- (b) If reasonably available, the use of crisis intervention techniques by properly trained personnel.

#### 300.3.7 RESTRICTIONS ON THE USE OF A CHOKE HOLD

Deputies of this office are not authorized to use a choke hold, except in situations where the use of deadly force is allowed by law. A choke hold means any defensive tactic or force option in which direct pressure is applied to a person's trachea or windpipe (Government Code § 7286.5).

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##### **300.3.8 ADDITIONAL RESTRICTIONS**

Terms such as "positional asphyxia," "restraint asphyxia," and "excited delirium" continue to remain the subject of debate among experts and medical professionals, are not universally recognized medical conditions, and frequently involve other collateral or controlling factors such as narcotics or alcohol influence or pre-existing medical conditions. While it is impractical to restrict a deputy's use of reasonable control methods when attempting to restrain a combative individual, deputies are not authorized to use any restraint or transportation method which might unreasonably impair an individual's breathing or respiratory capacity for a period beyond the point when the individual has been adequately and safely controlled. Once the individual is safely secured, deputies should promptly check and continuously monitor the individual's condition for signs of medical distress (Government Code § 7286.5).

##### **300.4 DEADLY FORCE APPLICATIONS**

Where feasible, the deputy shall, prior to the use of deadly force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the deputy has objectively reasonable grounds to believe the person is aware of those facts (Penal Code § 835a).

If an objectively reasonable deputy would consider it safe and feasible to do so under the totality of the circumstances, deputies shall evaluate and use other reasonably available resources and techniques when determining whether to use deadly force. To the extent that it is reasonably practical, deputies should consider their surroundings and any potential risks to bystanders prior to discharging a firearm (Government Code § 7286(b)).

The use of deadly force is only justified when the deputy reasonably believes it is necessary in the following circumstances (Penal Code § 835a):

- (a) A deputy may use deadly force to protect themselves or others from what the deputy reasonably believes is an imminent threat of death or serious bodily injury to the deputy or another person.
- (b) A deputy may use deadly force to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the deputy reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

Deputies shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable deputy would believe the person does not pose an imminent threat of death or serious bodily injury to the deputy or to another person (Penal Code § 835a).

Additionally, a deputy should not use deadly force against a person whose actions are a threat solely to property.

An "imminent" threat of death or serious bodily injury exists when, based on the totality of the circumstances, a reasonable deputy in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the deputy or another person. A deputy's subjective fear of future harm alone is insufficient as

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an imminent threat. An imminent threat is one that from appearances is reasonably believed to require instant attention (Penal Code § 835a).

#### **300.4.1 SHOOTING AT OR FROM MOVING VEHICLES**

Shots fired at or from a moving vehicle are rarely effective and involve considerations and risks in addition to the justification for the use of deadly force. When feasible, deputies should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. A deputy should only discharge a firearm at a moving vehicle or its occupants when the deputy reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the deputy or others (Government Code § 7286(b)).

Deputies should not shoot at any part of a vehicle in an attempt to disable the vehicle.

#### **300.4.2 DISPLAYING OF FIREARMS**

Given that individuals might perceive the display of a firearm as a potential application of force, deputies should carefully evaluate each tactical situation and use sound discretion when drawing a firearm in public by considering the following guidelines (Government Code § 7286(b)):

- (a) If the deputy does not initially perceive a threat but reasonably believes that the potential for such threat exists, firearms should generally be kept in the low-ready or other position not directed toward an individual.
- (b) If the deputy reasonably believes that a threat exists based on the totality of circumstances presented at the time (e.g., high-risk stop, tactical entry, armed encounter), firearms may be directed toward such threat until the deputy no longer perceives such threat.

Once it is reasonably safe to do so, deputies should carefully secure all firearms.

#### **300.5 REPORTING THE USE OF FORCE**

Any use of physical force by a member of this Sheriff's Office shall be documented. Actions not considered physical use of force are Sheriff's Office-approved searching or handcuffing when the suspect does not resist.

It is the responsibility of the member using force to ensure that the use of force is documented completely, promptly, and accurately in an appropriate report depending on the nature of the incident. The use of particular weapons such as chemical agents may require the completion of additional report forms as specified in Sheriff's Office policy and/or law.

- (a) Body worn camera video footage shall be uploaded into Evidence.com and categorized as Use of Force.
- (b) Photographs of all involved parties shall be taken to document both physical injury and/or the lack of physical injury to any party.
  - 1. If for some reason a deputy is unable to capture body worn camera video footage or take photographs to document the physical condition of the parties involved in

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a use of force when he/she has a sustained or alleged an injury, the deputy shall document the reason these actions were not taken in a Sheriff's Office report.

#### **300.5.1 NOTIFICATION TO SUPERVISORS**

Any use of force by a deputy shall be reported immediately to a supervisor, including but not limited to the following circumstances (Penal Code § 832.13):

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable deputy to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of a TASER device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.
- (j) All incidents where a firearm is directly pointed at a person to gain compliance. This does not include the drawing of a firearm and maintaining it at a low ready, or safe direction away from the person contacted.

As used in this subsection, "immediately" means as soon as it is safe and feasible to do so.

#### **300.5.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE**

The Professional Standards Lieutenant, or the authorized designee shall ensure that data required by the Department of Justice (DOJ) regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is collected and forwarded to the DOJ as required by Government Code § 12525.2.

#### **300.5.3 REPORT RESTRICTIONS**

Deputies shall not use the term "excited delirium" to describe an individual in an incident report. Deputies may describe the characteristics of an individual's conduct, but shall not generally describe the individual's demeanor, conduct, or physical and mental condition at issue as "excited delirium" (Health and Safety Code § 24402).

#### **300.6 MEDICAL CONSIDERATION**

Once it is reasonably safe to do so, properly trained deputies should promptly provide or procure medical assistance for any person injured or claiming to have been injured in a use of force incident (Government Code § 7286(b)).

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing

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pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

Based upon the deputy's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff, or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another deputy and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling deputy shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the deputy reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain or who require a protracted physical encounter with multiple deputies to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Deputies who reasonably suspect a medical emergency should request medical assistance as soon as practical. In the Detention Division, all incarcerated inmates shall be seen by jail medical staff for any use of force.

See the Medical Aid and Response Policy for additional guidelines.

#### **300.7 SUPERVISOR RESPONSIBILITY**

A supervisor should respond to any reported use of force, if reasonably available. The responding supervisor is expected to (Government Code § 7286(b)):

- (a) Obtain the basic facts from the involved deputies. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:
  1. The content of the interview should not be summarized or included in any related criminal charges.
  2. The fact that a recorded interview was conducted should be documented in a property or other report.
  3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.

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- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the subject may pursue civil litigation.
  - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

Prior to going on their regular days off, the supervisor will complete a supplemental use of force report. A copy will be attached to the report writing data base and will be forwarded to the Watch Commander for review. An additional use of force report shall be completed in the Administrative Investigation Management (AIM) database and forwarded to the Watch Commander and Professional Standards Lieutenant for review.

In the event that the supervisor believes the incident may give rise to potential civil litigation, the Watch Commander and Risk Management shall be notified.

#### **300.7.1 WATCH COMMANDER RESPONSIBILITY**

The Watch Commander shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues. If a use of force is determined to be potentially outside the parameters of this policy. Internal Affairs will be notified if additional investigation is needed to determine if there were any violations of this, or any other policy.

#### **300.8 TRAINING**

Deputies, investigators, and supervisors will receive annual training on this policy and demonstrate their knowledge and understanding (Government Code § 7286(b)).

#### **300.8.1 TRAINING REQUIREMENTS**

Assistant Sheriffs are required to ensure that all sworn personnel under their command qualify in accordance with this policy.

- (a) Use of Force Instructors refers to Defensive Tactics and Firearms Instructors.
- (b) The Use of Force Instructors will keep a record of all those who attend training.
- (c) All sworn personnel must attend use of force training each quarter.

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- (a) For the Law Enforcement Division, it will consist of, at minimum, four (4) hours of training: Two (2) hours of defensive tactics and two (2) hours of firearms.
- (b) For the Detention Division, it will consist of, at minimum, two (2) hours of defensive tactics training.
- (d) The quarters will be divided as follows:
  - 1. First Quarter: January through March
  - 2. Second Quarter: April through June
  - 3. Third Quarter: July through September
  - 4. Fourth Quarter: October through December
- (e) Failure to comply with this training (attendance and/or qualification) may result in disciplinary action.
  - 1. Only the Sheriff, or his designee, may exempt a deputy from the provisions mandated in this policy.
  - 2. If a deputy fails to attend at least one use of force training during a quarter, the deputy shall attend the first training offered of the following quarter.
- (f) Management is not required to attend the defensive tactics portion of this training. Management from the Law Enforcement division is required to attend the firearms portion of the training.

If a deputy fails to qualify after remediation, the Use of Force Instructor shall immediately notify the Use of Force Lieutenant verbally, and shall prepare a memo to be sent, via chain of command, as soon as practical, for determination of action.

Required annual training shall include:

- 1. Legal updates.
- 2. De-escalation tactics, including alternatives to force.
- 3. The duty to intercede.
- 4. The duty to request and/or render medical aid.
- 5. Warning shots (see the Firearms Policy).
- 6. All other subjects covered in this policy (e.g., use of deadly force, chokeholds and carotid holds, discharge of a firearm at or from a moving vehicle, verbal warnings).
- 7. Training courses required by and consistent with POST guidelines set forth in Penal Code §13519.10

See the Training Policy for restrictions relating to deputies who are the subject of a sustained use of force complaint.

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### **300.8.2 STATE-SPECIFIC TRAINING REQUIREMENTS**

Required state-specific training shall include guidelines regarding vulnerable populations, including but not limited to children, elderly persons, pregnant individuals, and individuals with physical, mental, and developmental disabilities (Government Code § 7286(b)).

### **300.9 USE OF FORCE ANALYSIS**

At least annually, the Law Enforcement Division Administration Captain and the Detention Division Captain, or their designee, should prepare a report on use of force incidents. The report should be submitted to the Sheriff. The report should not contain the names of deputies, suspects or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

### **300.10 RECORDS RETENTION**

Use of Force Reports shall be kept on file for a period of five (5) years, after which time such reports shall be deleted according to applicable State of California statute and County of Sonoma Ordinance.

### **300.11 USE OF FORCE COMPLAINTS**

The receipt, processing, and investigation of civilian complaints involving use of force incidents should be handled in accordance with the Personnel Complaints Policy (Government Code § 7286(b)).

### **300.12 POLICY REVIEW**

The Sheriff or the authorized designee should regularly review and update this policy to reflect developing practices and procedures (Government Code § 7286(b)).

### **300.13 POLICY AVAILABILITY**

The Sheriff or the authorized designee should ensure this policy is accessible to the public (Government Code § 7286(c)).

### **300.14 PUBLIC RECORDS REQUESTS**

Requests for public records involving a deputy's personnel records shall be processed in accordance with Penal Code § 832.7 and the Personnel Records and Records Maintenance and Release policies (Government Code § 7286(b)).

## **\*Escape Procedures\***

### **301.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide guidelines to Detention and Law Enforcement members in the event of an escape by a Sonoma County Sheriff's inmate. Office members should work cooperatively in the identification and apprehension of any Sonoma County Sheriff's inmate escapee, within the guidelines of this policy.

### **301.2 PROCEDURES**

- (a) When the Detention Division is reasonably certain there has been an escape, except Electronic Monitoring Program walkaways, the Correctional Deputy will immediately notify the On-Duty Supervisor and Central Control. This can be done by radio if the Correctional Deputy feels it will not jeopardize the security of the facility. The Correctional Deputy will immediately relay information regarding the location or possible location of the escapee, along with names of the escapee(s) if known at the time.
- (b) Central Control will immediately notify Sheriff's Dispatch of the escape. This will enable law enforcement to respond to the immediate area of escape. Correctional Deputies working Central Control will provide Sheriff's dispatch with the following information:
  - 1. The name(s) of the escapee(s)
  - 2. A physical description of the escapee(s)
  - 3. The approximate time of the escape
  - 4. The escapee(s) clothing description
  - 5. The escapee(s) direction and mode of travel (on foot, in vehicle)
  - 6. The escapee(s) custody status and charges
- (c) The following notifications will be made:
  - 1. The on-duty Correctional Sergeant will notify the on-duty Correctional Watch Commander
  - 2. The on-duty Law Enforcement Sergeant will notify the on-duty Law Enforcement Watch Commander
  - 3. Both Detention and Law Enforcement Watch Commanders will notify their respective chain of command
- (d) The on-duty Correctional Watch Commander, or designee, will complete the following:
  - 1. If the method of escape or location of escape is known, Correctional Deputies will be directed to secure the area to prevent further escape and preserve evidence.
  - 2. Order an immediate emergency lockdown of the facility. Visitor's within the facility will be positively identified and safely escorted out of the facility.
  - 3. Correctional Deputies will conduct an immediate count of all inmates and report the count and any discrepancies to the supervisor.

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- (e) If the escapee has not been immediately captured, the on-duty patrol Sergeant, or designee, will notify the on-call Property Crimes Detective of the escape. The Property Crimes Investigations Unit will assume responsibility of the investigation and apprehension of the inmate. If other crimes were committed by the escapee during the time the escapee was being sought, patrol deputies will respond for the crime report.

## **\*Handcuffing and Restraints\***

### **302.1 PURPOSE AND SCOPE**

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

### **302.2 POLICY**

The Sonoma County Sheriff's Office authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy and office training. Restraint devices shall not be used to punish, to display authority or as a show of force.

### **302.3 USE OF RESTRAINTS**

Only members who have successfully completed Sonoma County Sheriff's Office-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, deputies should carefully balance officer safety concerns with factors that include, but are not limited to:

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- If known to be pregnant, the use of leg irons, waist chains, or handcuffing behind the body should be avoided and only applied in circumstances of extreme safety concerns.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

#### **302.3.1 RESTRAINT OF DETAINEES**

Situations may arise where it may be reasonable to restrain a person who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to ensure the safety of deputies and others.

When deciding whether to remove restraints from a detainee, deputies should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

#### **302.3.2 RESTRAINT OF PREGNANT PERSONS**

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg irons, waist chains, or handcuffs behind the body should not be used unless the deputy has a reasonable suspicion that the person may resist, attempt escape, injure self or others, or damage property.

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No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the arrestee, deputies, or others (Penal Code § 3407; Penal Code § 6030).

### **302.3.3 RESTRAINT OF JUVENILES**

A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the deputy has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the deputy or damage property.

### **302.3.4 NOTIFICATIONS**

Whenever a deputy transports a person with the use of restraints other than handcuffs, the deputy shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the deputy reasonably believes would be potential safety concerns or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during, transportation to the jail.

### **302.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS**

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Sheriff's Office. Deputies should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, deputies should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances.

In most situations handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the individual or may cause unreasonable discomfort due to the person's size, deputies should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

### **302.5 APPLICATION OF SPIT HOODS**

Spit hoods are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods may be placed upon persons in custody when the deputy reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

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Deputies utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and so that the restrained person can breathe normally. Deputies should provide assistance during the movement of a restrained person due to the potential for impairing or distorting that person's vision. Deputies should avoid comingling those wearing spit hoods with other detainees.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated, including hair, head, and clothing, prior to application of a spit hood.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

#### **302.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES**

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.

Only office-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

#### **302.7 APPLICATION OF MAXIMUM RESTRAINT DEVICES**

Maximum restraint is used to give Deputies a medically approved technique that places the combative or self-destructive, handcuffed suspect into a position which allows the suspect to be safely transported to a medical facility, county jail or juvenile hall.

The maximum restraint position will be used to control violent, handcuffed individuals who continue to kick and resist. Good judgment and appropriate care must be used during and after application of the technique. Deputy Sheriffs will be issued a cord cuff and instructed in its proper use, emphasizing the safety of both the Deputies and suspects.

- (a) CORD CUFF: Nylon cord with a loop at one end and a snap hook attached to the other end.
- (b) HOG TIE: The disallowed technique of attaching the cord cuff to the suspect's feet and handcuffs.

Once the suspect is handcuffed behind his back, and it is determined he must be maximally restrained for his safety as well as the Deputy's, he/she will be temporarily placed in a prone position. A figure-four leg lock will be used on the suspect while the cord cuff is run under and around his/her waist to the middle of the back. The snap hook is pulled through the loop and pulled tight, above the individual's hips. A knot is made next to the loop to prevent the cord cuff from loosening. The excess in the cord cuff is brought back to the feet, which are bent toward the

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individual's buttocks. The cord is wrapped around the ankles until all the excess is used up and the snap hook is attached to the cord going up to the waist.

- (a) Once the suspect is maximally restrained, roll them onto their side and monitor consciousness and breathing.
- (b) Call for emergency medical assistance if the suspect is not at a recognizable level of consciousness, having difficulty breathing, convulsing, having a seizure, injured or complaining of pain.
- (c) Do not transport in a prone position. Suspects transported in a patrol car will be seat belted in.
- (d) Maximally restrained suspects shall not be left unattended.
- (e) The "hog tie" technique will not be used.
- (f) Deputies will notify their supervisor as soon as practical when the technique is used, as well as notifying jail and/or medical personnel.
- (g) Deputies will note in their report that the maximum restraint was used.

#### **302.8 REQUIRED DOCUMENTATION**

If an individual is restrained and released without an arrest, there is no documentation necessary.

If an individual is arrested, the use of restraints other than handcuffs shall be documented in the related report. The deputy should include, as appropriate:

- (a) The amount of time the suspect was restrained.
- (b) How the suspect was transported and the position of the suspect.
- (c) Observations of the suspect's behavior and any signs of physiological problems.
- (d) Any known or suspected drug use or other medical problems.

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## **\*Control Devices and Techniques\***

### **303.1 PURPOSE AND SCOPE**

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

### **303.2 POLICY**

In order to control subjects who are violent or who demonstrate the intent to be violent, the Sonoma County Sheriff's Office authorizes deputies to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

### **303.3 ISSUING, CARRYING AND USING CONTROL DEVICES**

Control devices described in this policy may be carried and used by members of this office only if the device has been issued by the Office or approved by the Sheriff or the authorized designee.

Only deputies who have successfully completed office-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

When using control devices, deputies should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

### **303.4 RESPONSIBILITIES**

#### **303.4.1 WATCH COMMANDER RESPONSIBILITIES**

The Watch Commander may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

#### **303.4.2 FIREARMS SUPERVISORS RESPONSIBILITIES**

The Firearms Supervisors shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the Firearms Supervisor or the designated instructor for a particular control device. The inspection shall be documented.

#### **303.4.3 USER RESPONSIBILITIES**

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Firearms Sergeant

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for disposition. Damage to County property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

#### **303.5 BATON GUIDELINES**

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the deputy reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the deputy or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

#### **303.6 TEAR GAS GUIDELINES**

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Watch Commander, Incident Commander or Special Operations Unit Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation if needed.

#### **303.7 OLEORESIN CAPSICUM (OC) GUIDELINES**

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

##### **303.7.1 OC SPRAY**

Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

##### **303.7.2 PEPPER PROJECTILE SYSTEMS**

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the deputy reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the deputy or others.

Deputies encountering a situation that warrants the use of a pepper projectile system should notify a supervisor as soon as practicable. A supervisor should respond to all pepper projectile system

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incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

Each deployment of a pepper projectile system shall be documented. Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

#### **303.7.3 TREATMENT FOR OC SPRAY EXPOSURE**

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

#### **303.8 POST-APPLICATION NOTICE**

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, deputies should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean up will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

#### **303.9 KINETIC ENERGY PROJECTILE GUIDELINES**

This office is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

##### **303.9.1 DEPLOYMENT AND USE**

Only office-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Deputies are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved deputy determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and deputies takes priority over the safety of subjects engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- (b) The suspect has made credible threats to harm him/herself or others.
- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or deputies.

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- (d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

#### 303.9.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the deputy should consider such factors as:

- (a) Distance and angle to target.
- (b) Type of munitions employed.
- (c) Type and thickness of subject's clothing.
- (d) The subject's proximity to others.
- (e) The location of the subject.
- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of deputies or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other deputies and individuals that the device is being deployed.

Deputies should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, deputies are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the deputy reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the deputy or others.

#### 303.9.3 SAFETY PROCEDURES

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

Deputies will inspect the shotgun and projectiles at the beginning of each shift to ensure that the shotgun is in proper working order and the projectiles are of the approved type and appear to be free from defects.

When it is not deployed, the shotgun will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy projectile shotgun, the deputy shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

Absent compelling circumstances, deputies who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a

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safety measure in which a second deputy watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

### **303.10 AUTHORIZED CONTROL AND DISTRACTION DEVICES FOR THE DETENTION DIVISION**

The following is equipment, including but not limited to, office-approved weapons, tools and chemical agents that may be possessed and used only by custody staff members who have received office-authorized training and are qualified to use them:

- (a) Oleoresin Capsicum (OC) Spray: Correctional Staff and SERT
- (b) OC Fogger Grenades: Correctional Staff and SERT
- (c) Taser X-26/X-26P/X-2: Correctional Staff and SERT
- (d) Impact Weapons (Batons to Include Expandable/Side Handle): SERT
  - 1. Flashlights: Correctional Staff and SERT
- (e) Pepperball (OC) Launcher: SERT
- (f) Chemical Agents (CN/CS - to include muzzle blast dispersion rounds, Ferret Rounds, Direct Impact OC and Pyrotechnic): SERT
- (g) Kinetic Energy Projectiles - Less Lethal (FN303 Less Lethal Launcher System, 12 Gauge Shotguns, 37mm and 40mm Launchers): SERT
- (h) Lightfield NOVA DR
- (i) Flashbangs (To include training devices)
- (j) Stinger Rubber Ball Grenade - OC, CN/CS and Non OC/CN/CS (To include training devices)
- (k) Distraction Smoke

Office-approved weapons, tools and chemical agents shall only be allowed inside the secure perimeter of the detention facility with the approval of the Facility Manager or authorized designee.

### **303.11 STORAGE OF WEAPONS, CHEMICAL AGENTS AND CONTROL DEVICES FOR THE DETENTION DIVISION**

The armory shall be located in a secure and readily accessible repository outside of inmate housing and activity areas. It shall be secured at all times. Access to the armory shall be limited to the Facility Manager and the Watch Commander or the authorized designee. Only personnel who have received office-approved training in the maintenance of the stored equipment and who have been designated by the Facility Manager are authorized to be inside the armory.

The following equipment shall be stored and secured in the armory:

- (a) All office-approved weapons
- (b) All office-approved control devices and associated supplies, with the exception of the TASER device

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- (c) All equipment, such as helmets, face shields, stab or protective vests and handheld shields
- (d) All office-approved chemical agents

Explosive materials will be stored in a safe approved by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and in compliance with 27 CFR 555.201 et seq.

The Facility Manager should designate one or more properly trained staff to be responsible for maintaining all weapons, chemical agents and control devices in a safe and secure manner, and to inventory and report the condition and availability of the facility's weapons and control devices on a monthly basis.

#### **303.12 WEAPONS LOCKER**

There should be a secure weapons locker located outside of the secure perimeter of the detention facility.

#### **303.13 TRAINING FOR CONTROL DEVICES**

The Lieutenant responsible for training oversight shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the deputy's training file.
- (c) Deputies who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If a deputy cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the deputy will be restricted from carrying the control device and may be subject to discipline.

#### **303.14 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES**

Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

## **\*Conducted Energy Device\***

### **304.1 PURPOSE AND SCOPE**

This policy provides guidelines for the issuance and use of the conducted energy device (CED).

### **304.2 POLICY**

The CED is used in an attempt to control a violent or potentially violent individual. The appropriate use of such a device may result in fewer serious injuries to deputies and suspects.

### **304.3 ISSUANCE AND CARRYING CEDS**

Only members who have successfully completed office-approved training may be issued and may carry the CED.

The Use of Force Sergeant(s) should keep a log of issued CED devices and the serial numbers of cartridges/magazines issued to members.

CEDs are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the office inventory.

Deputies shall only use the CED and cartridges/magazines that have been issued by the Office. Cartridges/magazines should not be used after the manufacturer's expiration date.

Uniformed deputies who have been issued the CED shall wear the device in an approved holster.

Deputies who carry the CED while in uniform shall carry it in a holster on the side opposite the duty weapon (Penal Code § 13660).

- (a) All CEDs shall be clearly distinguishable to differentiate them from the duty weapon and any other device.
- (b) For single-shot devices, whenever practicable, deputies should carry an additional cartridge on their person when carrying the CED.
- (c) Deputies should not hold a firearm and the CED at the same time.

Non-uniformed deputies may secure the CED in a concealed, secure location in the driver's compartment of their vehicles.

#### **304.3.1 USER RESPONSIBILITIES**

Deputies shall be responsible for ensuring that the issued CED is properly maintained and in good working order. This includes a function test and battery life monitoring, as required by the manufacturer, and should be completed prior to the beginning of the deputy's shift.

CEDs that are damaged or inoperative, or cartridges/magazines that are expired or damaged, shall be returned to the Use of Force Sergeant(s) for disposition. Deputies shall submit documentation stating the reason for the return and how the CED or cartridge/magazine was damaged or became inoperative, if known.

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### **304.4 VERBAL AND VISUAL WARNINGS**

A verbal warning of the intended use of the CED should precede its application unless it would otherwise endanger the safety of deputies or when it is not practicable due to the circumstances.

The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other deputies and individuals with a warning that the CED may be deployed.

If, after a verbal warning, an individual fails to voluntarily comply with a deputy's lawful orders and it appears both reasonable and feasible under the circumstances, the deputy may, but is not required to, activate any warning on the device, which may include display of the electrical arc, an audible warning, or the laser in a further attempt to gain compliance prior to the application of the CED. The laser should not be intentionally directed into anyone's eyes.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the deputy deploying the CED in the related report.

### **304.5 USE OF THE CED**

The CED has limitations and restrictions requiring consideration before its use. The CED should only be used when its operator can safely deploy the device within its operational range. Although the CED may be effective in controlling most individuals, deputies should be aware that the device may not achieve the intended results and be prepared with other options.

If sufficient personnel are available and can be safely assigned, a deputy designated as lethal cover for any deputy deploying a CED may be considered for officer safety.

#### **304.5.1 APPLICATION OF THE CED**

The CED may be used, when the circumstances reasonably perceived by the deputy at the time indicate that such application reasonably appears necessary to control a person who:

- (a) Is violent or is physically resisting.
- (b) Has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm deputies, themselves, or others.

Mere flight from a pursuing deputy, without additional circumstances or factors, is not good cause for the use of the CED to apprehend an individual.

The CED shall not be used to psychologically torment, to elicit statements, or to punish any individual.

#### **304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS**

The use of the CED on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the deputy, the subject or others, and the deputy reasonably believes that the need to control the individual outweighs the potential risk of using the device. This includes:

- (a) Individuals who are known to be pregnant.

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- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals known to have been recently sprayed with a flammable chemical agent or who are otherwise known to be in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capicum (OC) spray.
- (f) Individuals whose position or activity is likely to result in collateral injury (e.g., falls from height, located in water, operating vehicles).

Any CED capable of being applied in the drive-stun mode (i.e., direct contact without probes as a primary form of pain compliance) should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between deputies and the subject, thereby giving deputies time and distance to consider other force options or actions.

#### 304.5.3 TARGETING CONSIDERATIONS

Recognizing that the dynamics of a situation and movement of the subject may affect target placement of probes, when practicable, deputies should attempt to target the back, lower center mass, and upper legs of the subject, and avoid intentionally targeting the head, neck, area of the heart, or genitals. If circumstances result in one or more probes inadvertently striking an area outside of the preferred target zones, the individual should be closely monitored until examined by paramedics or other medical personnel.

#### 304.5.4 MULTIPLE APPLICATIONS OF THE CED

Once a deputy has successfully deployed two probes on the subject, the deputy should continually assess the subject to determine if additional probe deployments or cycles reasonably appear necessary. Additional factors deputies may consider include but are not limited to:

- (a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.
- (b) Whether the probes are making proper contact.
- (c) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (d) Whether verbal commands or other options or tactics may be more effective.

#### 304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Deputies should take appropriate actions to control and restrain the individual as soon as reasonably practicable to minimize the need for longer or multiple exposures to the CED. As soon as practicable, deputies shall notify a supervisor any time the CED has been discharged. If needed for evidentiary purposes, the expended cartridge, along with any probes and wire, should be submitted into evidence (including confetti tags, when equipped on the device). The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

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### 304.5.6 DANGEROUS ANIMALS

The CED may be deployed against an animal if the animal reasonably appears to pose an imminent threat to human safety.

### 304.5.7 OFF-DUTY CONSIDERATIONS

Deputies are not authorized to carry office CEDs while off-duty.

Deputies shall ensure that CEDs are secured while in their homes, vehicles, or any other area under their control, in a manner that will keep the device inaccessible to others.

## **304.6 DOCUMENTATION**

Deputies shall document all CED discharges in the related arrest/crime reports. Photographs should be taken of any obvious probe impact or drive-stun application sites and attached to the crime report. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, audible warning, laser activation, and arcing the device, other than for testing purposes, will also be documented on the report form. Data downloads from the CED after use on a subject should be done as soon as practicable using a office-approved process to preserve the data.

### 304.6.1 REPORTS

The deputy should include the following in the arrest/crime report:

- (a) Identification of all personnel firing CEDs
- (b) Identification of all witnesses
- (c) Medical care provided to the subject
- (d) Observations of the subject's physical and physiological actions
- (e) Any known or suspected drug use, intoxication, or other medical problems

## **304.7 MEDICAL TREATMENT**

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel or deputies trained in probe removal and handling should remove CED probes from a person's body. Used CED probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by CED probes or who have been subjected to the electric discharge of the device, or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.

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- (c) The person reasonably appears to be in need of medical attention.
- (d) The CED probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another deputy and/or medical personnel and shall be fully documented in related reports. If an audio/video recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting deputy shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the CED (see the Medical Aid and Response Policy).

#### **304.8 SUPERVISOR RESPONSIBILITIES**

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the CED may be used. A supervisor should respond to all incidents where the CED was activated.

A supervisor should review each incident where a person has been exposed to a CED. The device's internal logs should be downloaded by a supervisor or Firearms Instructor and saved with the related arrest/crime report. The supervisor should arrange for photographs of probe sites to be taken and witnesses to be interviewed.

#### **304.9 TRAINING**

Personnel who are authorized to carry the CED shall be permitted to do so only after successfully completing the initial office-approved training. Any personnel who have not carried the CED as a part of their assignments for a period of six months or more shall be recertified by a qualified CED instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued CEDs should occur every year. A reassessment of deputy's knowledge and/or practical skills may be required at any time, if deemed appropriate by the Training Lieutenant. All training and proficiency for CEDs will be documented in the deputy's training files.

Command staff, supervisors, and investigators should receive CED training as appropriate for the investigations they conduct and review.

Deputies who do not carry CEDs should receive training that is sufficient to familiarize them with the device and with working with deputies who use the device.

The Training Lieutenant is responsible for ensuring that all members who carry CEDs have received initial and annual proficiency training. Periodic audits should be used for verification.

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Application of CEDs during training could result in injuries and should not be mandatory for certification.

The Training Lieutenant should include the following training:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws until proficient to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes to the head, neck, area of the heart, and groin.
- (e) Scenario-based training, including virtual reality training when available.
- (f) Handcuffing a subject during the application of the CED and transitioning to other force options.
- (g) De-escalation techniques.
- (h) Restraint techniques that do not impair respiration following the application of the CED.
- (i) Proper use of cover and concealment during deployment of the CED for purposes of officer safety.
- (j) Proper tactics and techniques related to multiple applications of CEDs.

## Officer-Involved Shootings and Deaths

### 305.1 POLICY

The Sonoma County Sheriff's Office will follow the procedures and guidelines set forth in the Sonoma County Chief's Association Policy 93-1: Employee Involved Critical Incident Protocol.

[See attachment: 93-1 Critical Incident Protocol 10-03-19.pdf](#)

## **\*Firearms\***

### **306.1 PURPOSE AND SCOPE**

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those members who are authorized to carry firearms.

### **306.2 POLICY**

The Sonoma County Sheriff's Office will equip its members with firearms to address the risks posed to the public and office members by violent and sometimes well-armed persons. The Office will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

### **306.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS**

Members shall only use firearms that are issued or approved by the Office and have been thoroughly inspected by the Firearms Instructor. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized office range.

During the first quarter of each year the Lieutenant managing the firearms program will facilitate an audit of all firearms owned and issued by the Sheriff's Office.

All other weapons not provided by the Office, including, but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by office policy, may not be carried by members in the performance of their official duties without the express written authorization of the member's Captain. This exclusion does not apply to deputy sheriffs carrying a folding, lockblade or fixed blade knife with a single sharpened edge.

#### **306.3.1 HANDGUNS**

The authorized office-issued handgun is the Glock Model G17 9 mm. The Firearms Training Lieutenant, with the recommendation of the Firearms Supervisor, may approve personally owned handguns for duty use as stated in Section 306.3.4. The following additional handguns are approved for on-duty use:

- Beretta 9mm through.45ACP
- Colt.38Special through.45ACP
- Glock.380ACP through.45ACP
- Heckler & Koch 9mm through.45ACP
- Kimber USA 9mm through.45ACP

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- Smith & Wesson .38 Special through .45 ACP
- Springfield Armory 9mm through .45 ACP
- Sig Sauer 9mm through .45 ACP
- Staccato 9mm through .45 ACP

#### 306.3.2 SHOTGUNS

The authorized office-issued shotgun is the Remington 870 12 gauge with a 14" barrel and right-hand ejection. The following additional shotguns are approved for on-duty use:

Remington 870 12ga (right hand ejection)

When not deployed, the shotgun shall be properly secured consistent with office training in a locking weapons rack in the patrol vehicle.

#### 306.3.3 PATROL RIFLES

The authorized office-issued patrol rifle is the Colt M4. The Firearms Training Lieutenant, with the recommendation of the Firearms Supervisor, may approve personally owned rifles for duty use as stated in Section 306.3.4. The following additional semi-automatic patrol rifles are pre-approved for on-duty use:

- Bravo Company Manf., .223/5.56mm to .30cal
- Daniel Defense, .223/5.56mm to .30cal
- FN, .223/5.56mm to .30cal
- Larue Tactical, .223/5.56mm to .30cal
- LMT, 223/5.56mm to .30cal
- Ruger, .223/5.56mm
- Smith & Wesson, .223/5.56mm to .30cal
- Springfield, .30cal

Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

- (a) Situations where the member reasonably anticipates an armed encounter.
- (b) When a member is faced with a situation that may require accurate and effective fire at long range.
- (c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- (e) When a member reasonably believes that a suspect may be wearing body armor.

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- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured consistent with office training in a locking weapons rack in the patrol vehicle.

#### 306.3.4 PERSONALLY OWNED DUTY FIREARMS

Members desiring to carry an authorized but personally owned duty firearm must receive written approval from the Firearms Training Lieutenant. Once approved, personally owned duty firearms are subject to the following restrictions:

- (a) The firearm shall be in good working order and on the office list of approved firearms.
- (b) The firearm shall be inspected by the Firearms Instructor prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the office qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.
- (d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the firearms supervisor.

#### 306.3.5 AUTHORIZED SECONDARY HANDGUN

Members desiring to carry office or personally owned secondary handguns are subject to the following restrictions:

- (a) The handgun shall be in good working order and on the office list of approved firearms.
- (b) Only one secondary handgun may be carried at a time.
- (c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Office.
- (d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (e) The handgun shall be inspected by the Firearms Instructor prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (f) Ammunition shall be the same as office issue. If the caliber of the handgun is other than office issue, the Sheriff or the authorized designee shall approve the ammunition.
- (g) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the office qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.
- (h) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Firearms Instructor, who will maintain a list of the information.

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#### 306.3.6 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by members while off-duty is permitted by the Sheriff, and encouraged, but may be rescinded should circumstances dictate (e.g., administrative leave for reasons beyond mere involvement in an OIS). Members who choose to carry a firearm while off-duty, based on their authority as peace officers, will be required to meet the following guidelines:

- (a) The member may use his/her duty firearm or may use a personally owned firearm that is carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy. A member carrying his/her duty firearm will be deemed to have complied with (c), (d) and (e) of this section.
  - 1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.
- (b) The firearm shall be carried concealed at all times when in a public place and in such a manner as to prevent accidental unintentional cocking, discharge or loss of physical control.
- (c) It will be the responsibility of the member to submit the firearm to the Firearms Instructor for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Firearms Instructor.
- (d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Firearms Instructor that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
- (e) The member will successfully qualify with the firearm prior to it being carried.
- (f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Firearms Instructor, who will maintain a list of the information.
- (g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
- (h) Members shall only carry office-authorized ammunition.
- (i) When armed, at a minimum, deputies shall carry their Sonoma County Sheriff's Office identification cards and are encouraged to carry their badge under circumstances requiring possession of such identification.

#### 306.3.7 AMMUNITION

Members shall carry only office-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all office-issued firearms during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Office shall be dispensed by the Firearms Instructor when needed, in accordance with established policy.

Members carrying personally owned authorized firearms of a caliber differing from office-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

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The Firearms Program will maintain a list of Office approved, commercially manufactured ammunition for those deputies who choose to carry ammunition other than that which is issued.

#### **306.4 EQUIPMENT**

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

##### 306.4.1 REPAIRS OR MODIFICATIONS

Each member shall be responsible for promptly reporting any damage or significant malfunction of an assigned firearm to the Firearms Program supervisor.

Firearms that are the property of the Office or personally owned firearms that are approved for office use may be repaired or modified only by a person who is office-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Firearms Program Supervisor.

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved in advance by the Professional Standards Bureau Lieutenant upon the recommendation of the armorers.

##### 306.4.2 HOLSTERS

Only office-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

##### 306.4.3 RIFLES

Deputy Sheriffs may be authorized to carry a Sheriff's Office-issued rifle, or may carry a privately owned rifle upon receipt of the written approval of the Firearms Program Manager or authorized designee. Deputy Sheriffs shall be required to have successfully completed a Sheriff's Office-approved qualification course (with that firearm) prior to carrying a rifle.

- (a) Large Capacity Magazines: California Penal Code § 32405 provides an exemption for peace officers from the prohibition on the sale to, lending to, transfer to, purchase by, receipt of, importation into California of, a large-capacity magazine as set forth in California Penal Code § 32310. Sonoma County Sheriff's Deputies are authorized by this Office to carry firearms with large-capacity magazines both on-duty and off-duty. Certain municipalities and other local government entities in the State of California have enacted prohibitions on the possession of large-capacity magazines with an exception for peace officers (qualified in some instances by the requirement that the peace officer who is carrying a firearm with a large-capacity magazine must do so "within the scope of his or her duties" in order to be eligible for such exception). It is the policy of the Sonoma County Sheriff's Office that any Sonoma County Sheriff's Deputy who is carrying a firearm with, or otherwise possesses, a large-capacity magazine is authorized to possess and carry the large-capacity magazine, and is considered by this policy to be doing so, within the scope of such deputy's duties both on-duty and off-duty.

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##### 306.4.4 TYPES OF RIFLES

- (a) The following rifles are approved for on-duty use: Colt AR-15 rifles or similar models from other manufacturers.
- (b) Other rifles, including quality semi-automatic rifles with detachable box magazines, bolt action or lever action rifles chambered for center fire cartridges with the approval of the firearms program manager.
- (c) Authorized calibers are non-magnum, center-fire between .223 through .30.
- (d) No fully automatic weapons outside of SWAT.

##### 306.4.5 TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined by an armorer and approved by the Firearms Program supervisor. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality of the firearm prior to carrying it.

##### 306.4.6 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined by an armorer and approved by the Firearms Program supervisor. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Except in an approved training situation, a member may only sight in on a person when the member would otherwise be justified in pointing a firearm at the person.

#### **306.5 SAFE HANDLING, INSPECTION AND STORAGE**

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

- (a) Members shall not unreasonably display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Firearms Instructor. Members are encouraged to engage in both dry fire and practice draws as long as they adhere to the fundamental firearms safety rules.
- (c) Members shall not clean, repair, load or unload a firearm anywhere in the Office, except in the armory or where clearing barrels are present.
- (d) When carrying rifles or shotguns into or out of the Office or sub-stations, the firearm shall be cased or carried unloaded, muzzle down, with the action open.
- (e) Members shall not place or store any firearm or other weapon on office premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons

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from outside agencies are responsible for Insuring firearms are not brought into the jail section.

- (f) Members should not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
- (g) If any authorized firearm is in need of repair it shall not be carried. It shall be promptly presented to an Office approved armorer or gunsmith for inspection and repair. Any firearm in need of repair or service by the Firearms Instructor will be immediately removed from service until repaired. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

#### 306.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Personally owned firearms may be safely stored in lockers at the end of the shift. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles may be stored unloaded, if uncased, or loaded, if in a case.

#### 306.5.2 STORAGE AT HOME

Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit office-issued firearms to be handled by anyone not authorized by the Office to do so. Members should be aware that negligent storage of a firearm could result in civil and criminal liability (Penal Code § 25100).

#### 306.5.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, or has taken any drugs or medication, in a combination that would tend to adversely affect the member's senses or judgment.

#### 306.5.4 STORAGE IN VEHICLES

Per Penal Code 25149, when leaving a handgun in an unattended vehicle, members shall:

- (a) Except as otherwise provided in subdivision (b), lock the handgun in the vehicle's trunk, lock the handgun in a locked container and place the container out of plain view, lock the handgun in a locked container permanently affixed to the vehicle's interior and not in plain view, or lock the handgun in a locked toolbox or utility box.
- (b) A peace officer leaving a handgun in an unattended vehicle not equipped with a trunk may, if unable to otherwise comply with subdivision (a), lock the handgun out of plain view within the center utility console of that motor vehicle with a padlock, keylock, combination lock, or other similar locking device.

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As used in this section, the following definitions shall apply:

- (a) "Locked container" means a secure container that is fully enclosed and locked by a padlock, keylock, combination lock, or similar locking device. The term "locked container" does not include a motor vehicle's utility or glove compartment.
  - (b) "Locked toolbox or utility box" means a fully enclosed container permanently affixed to the bed of a pickup truck or vehicle that does not contain a trunk and is locked by a padlock, keylock, combination lock, or other similar locking device.
  - (c) "Peace officer" means a sworn officer described in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, or a sworn federal law enforcement officer, who is authorized to carry a firearm in the course and scope of that officer's duties, while that officer is on a duty or off duty.
  - (d) "Trunk" means the fully enclosed and locked main storage or luggage compartment of a vehicle that is not accessible from the passenger compartment. A trunk does not include the rear of a hatchback, station wagon, or sport utility vehicle, any compartment which has a window, or a toolbox or utility box attached to the bed of a pickup truck.
1. For purposes of this section, a vehicle is unattended when a person who is lawfully carrying or transporting a handgun is not close enough to the vehicle to prevent unauthorized access to the vehicle or its contents reasonably.
  2. For purposes of this section, plain view includes any area of the vehicle that is visible by peering through the windows of the vehicle, including windows that are tinted, with or without illumination.
  3. This section does not apply to a peace officer during circumstances requiring immediate aid or action that are within the course of his or her official duties.
  4. This section does not supersede any local ordinance regulating handguns' storage in unattended vehicles if the ordinance was in effect before September 26, 2016.

Per Penal Code 25452, a peace officer and an honorably retired peace officer shall secure a handgun in an unattended vehicle pursuant to Section 25140 when leaving the handgun in the vehicle.

Per Penal Code 16850, as used in this part, "locked container" means a secure container that is fully enclosed and locked by a padlock, keylock, combination lock, or similar locking device. The term "locked container" does not include a motor vehicle's utility or glove compartment.

With the exception described below, armed personnel shall secure all firearms in gun lockers located at the entry points prior to entering the secure perimeter of the detention facility. Firearms shall not be stored inside the secure perimeter of the detention facility at any time. If it is necessary to load or unload a firearm, personnel shall use designated clearing barrels located outside of the facility's secure perimeter to facilitate the safe loading and unloading of firearms.

Firearms shall only be allowed in the secure facility of the detention facility with approval of the Facility Manager or authorized designee and when it is necessary to protect the safety and security of staff, inmates, contractors, volunteers or the public.

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## **306.6 FIREARMS TRAINING AND QUALIFICATIONS**

All members who carry a firearm while on-duty are required to successfully complete training quarterly with their duty firearms. In addition to quarterly training, all members will qualify annually with their on and off-duty firearms including back-up gun, rifle and shotgun. Training and qualifications must be on an approved lesson plan or course of fire.

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations.

### **306.6.1 NON-CERTIFICATION OR NON-QUALIFICATION**

If any member fails to meet minimum standards for use of force training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall notify his/her immediate supervisor as soon as reasonably practical. The supervisor will notify the Professional Standards Bureau Lieutenant.

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training and will be subject to the following requirements:

- (a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.
- (b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
- (c) No range credit will be given for the following:
  1. Unauthorized range make-up
  2. Failure to meet minimum standards or qualify after remedial training

Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.

## **306.7 FIREARM DISCHARGE**

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

- (a) If on-duty at the time of the incident, the member shall file a written report with his/her Captain or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.
- (b) If off-duty at the time of the incident, a written report shall be submitted or recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

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### 306.7.1 DESTRUCTION OF ANIMALS

Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, office members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, conducted energy device, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed, becomes impractical, or if the animal reasonably appears to pose an imminent threat to human safety.

### 306.7.2 INJURED ANIMALS

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical (Penal Code § 597.1(e)).

The on-duty supervisor will advise the deputy to write an incident report. The deputy shall write a report detailing the circumstances surrounding the incident and shall forward a copy to the supervisor as soon as practical. The supervisor will review the report, review the body worn camera footage to ensure proper procedures were followed and complete an entry in the Watch Commander's Log for review.

Injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made (Penal Code § 597.1(b)). Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed.

### 306.7.3 WARNING AND OTHER SHOTS

Generally, shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the member reasonably believes that they appear necessary, effective and reasonably safe.

## **306.8 FIREARMS INSTRUCTOR DUTIES**

The range will be under the exclusive control of the Firearms Instructor. All members attending will follow the directions of the Firearms Instructor. The Firearms Instructor will maintain a roster of all members attending the range and will submit the roster to the Professional Standards Bureau Lieutenant each quarter. Failure of any member to sign in and out with the Firearms Instructor may result in non-qualification.

The range shall remain operational and accessible to Office members during hours established by the Office.

The Firearms program has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this office to verify proper operation. The Firearms program has the authority to deem any office-issued or personally owned firearm unfit for service.

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The member will be responsible for all repairs to his/her personally owned firearm and it will not be returned to service until inspected by the Firearms Instructor.

The Firearms program has the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry.

The Firearms program shall complete and maintain documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Office, a list of each member who completes the training. The Firearms program should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Professional Standards Bureau Lieutenant.

#### **306.9 FLYING WHILE ARMED**

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to deputies who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219).

- (a) Deputies wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Office based on the law and published TSA rules.
- (b) Deputies must carry their Sonoma County Sheriff's Office identification card, bearing the deputy's name, a full-face photograph, identification number, the deputy's signature, and the signature of the Sheriff or the official seal of the Office, and must present this identification to airline officials when requested. The deputy should also carry the standard photo identification needed for passenger screening by airline and TSA officials (eg., driver license, passport).
- (c) The Sonoma County Sheriff's Office must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the deputy's travel. If approved, TSA will send the Sonoma County Sheriff's Office an NLETS message containing a unique alphanumeric identifier. The deputy must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Sheriff authorizing armed travel may also accompany the deputy. The letter should outline the deputy's need to fly armed, detail his/her itinerary, and include that the deputy has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Deputies must have completed the mandated TSA security training covering deputies flying while armed. The training shall be given by the office-appointed instructor.
- (f) It is the deputy's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.

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- (g) Any deputy flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The deputy must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Deputies should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative, or other management representative of the air carrier.
- (j) Deputies shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding and aircraft.

#### **306.10 CARRYING FIREARMS OUT OF STATE**

Qualified, active, full-time deputies of this office are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

- (a) The deputy shall carry his/her Sonoma County Sheriff's Office identification card whenever carrying such firearm.
- (b) The deputy is not the subject of any current disciplinary action.
- (c) The deputy may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The deputy will remain subject to this and all other office policies (including qualifying and training).

Deputies are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield a deputy from arrest and prosecution in such locally restricted areas.

Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.

## Vehicle Pursuits

### 307.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide deputies with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this policy is to reduce the potential for pursuit-related collisions. Vehicular pursuits require deputies to exhibit a high degree of common sense and sound judgment. Deputies must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing deputies.

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the potential risk to public safety created by vehicular pursuits, no deputy or supervisor shall be criticized or disciplined for deciding not to engage in a vehicular pursuit because of the risk involved. This includes circumstances where office policy would permit the initiation or continuation of the pursuit. It is recognized that vehicular pursuits are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Deputies must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Deputy's conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable deputy would do under the circumstances. An unreasonable individual's desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

#### 307.1.1 VEHICLE PURSUIT DEFINED

A vehicle pursuit is an event involving one or more law enforcement officers attempting to apprehend a suspect, who is attempting to avoid arrest while operating a motor vehicle by using high-speed driving or other evasive tactics, such as driving off a highway, turning suddenly, or driving in a legal manner but willfully failing to yield to a deputy's signal to stop.

### 307.2 DEPUTY RESPONSIBILITIES

It shall be the policy of this office that a vehicle pursuit shall be conducted only with red light and siren as required by Vehicle Code § 21055 for exemption from compliance with the rules of the road. The following policy is established to provide deputies with guidelines for driving with due regard and caution for the safety of all persons using the highway as required by Vehicle Code § 21056.

#### 307.2.1 WHEN TO INITIATE A PURSUIT

Deputies are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle.

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The following factors individually and collectively shall be considered in deciding whether to initiate a pursuit:

- (a) Seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to deputies, innocent motorists and others.
- (c) Apparent nature of the fleeing suspects (e.g., whether the suspects represent a serious threat to public safety).
- (d) The identity of the suspects has been verified and there is comparatively minimal risk in allowing the suspects to be apprehended at a later time.
- (e) Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic and the speed of the pursuit relative to these factors.
- (f) Pursuing deputies familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor and the driving capabilities of the pursuing deputies under the conditions of the pursuit.
- (g) Weather, traffic and road conditions that substantially increase the danger of the pursuit beyond the worth of apprehending the suspect.
- (h) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
- (i) Vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- (k) Availability of other resources such as helicopter assistance.
- (l) The sheriff's unit is carrying passengers other than sheriff's deputies. Pursuits should not be undertaken with a prisoner in the police vehicle.

#### 307.2.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be discontinued whenever the totality of objective circumstances known or which reasonably ought to be known to the deputy or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect's escape.

The factors listed in When to Initiate a Pursuit of this policy are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Deputies and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists and themselves when electing to continue a pursuit. In

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the context of this policy, the term “terminate” shall be construed to mean discontinue or to stop chasing the fleeing vehicle.

In addition to the factors listed in When to Initiate a Pursuit of this policy, the following factors should also be considered in deciding whether to terminate a pursuit:

- (a) Distance between the pursuing deputies and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance.
- (b) Pursued vehicle’s location is no longer definitely known.
- (c) Deputy’s pursuit vehicle sustains any type of damage that renders it unsafe to drive.
- (d) Extended pursuits of violators for misdemeanors not involving violence or risk of serious harm (independent of the pursuit) are discouraged.
- (e) There are hazards to uninvolved bystanders or motorists.
- (f) If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, deputies should strongly consider discontinuing the pursuit and apprehending the offender at a later time.
- (g) Pursuit is terminated by a supervisor.

#### **307.2.3 SPEED LIMITS**

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the deputy and supervisor. Evaluation of vehicle speeds shall take into consideration public safety, officer safety and the safety of the occupants of the fleeing vehicle.

Should high vehicle speeds be reached during a pursuit, deputies and supervisors shall also consider these factors when determining the reasonableness of the speed of the pursuit:

- (a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.
- (b) Pursuit speeds have exceeded the driving ability of the deputy.
- (c) Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

#### **307.3 PURSUIT UNITS**

The number of units involved in a pursuit will vary with the circumstances. A deputy or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of deputies involved would be insufficient to safely arrest the suspects. All other deputies should stay out of the pursuit, but should remain alert to its progress and location. Any deputy who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

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##### 307.3.1 MOTORCYCLE OFFICERS

A distinctively marked patrol vehicle equipped with emergency overhead lighting should replace a sheriff's motorcycle as primary and/or secondary pursuit unit as soon as practical.

##### 307.3.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Vehicles not equipped with red light and siren are generally prohibited from initiating or joining in any pursuit. Deputies in such vehicles, however, may become involved in emergency activities involving serious crimes or life threatening situations. Those deputies should terminate their involvement in any pursuit immediately upon arrival of a sufficient number of emergency police vehicles or any police helicopter. The exemptions provided by Vehicle Code § 21055 do not apply to deputies using vehicles without emergency equipment.

##### 307.3.3 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing unit will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the deputy initiating the pursuit is the apprehension of the suspects without unreasonable danger to him/herself or other persons.

Notify Dispatch that a vehicle pursuit has been initiated and as soon as practicable provide information including, but not limited to:

- (a) Reason for the pursuit.
- (b) Location and direction of travel.
- (c) Speed of the fleeing vehicle.
- (d) Description of the fleeing vehicle and license number, if known.
- (e) Number of known occupants.
- (f) The identity or description of the known occupants.
- (g) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

Unless relieved by a supervisor or secondary unit, the deputy in the primary unit shall be responsible for the broadcasting of the progress of the pursuit. Unless practical circumstances indicate otherwise, and in order to concentrate on pursuit driving, the primary deputy should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft joining the pursuit.

##### 307.3.4 SECONDARY UNITS RESPONSIBILITIES

The second deputy in the pursuit is responsible for the following:

- (a) The deputy in the secondary unit should immediately notify the dispatcher of entry into the pursuit.

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- (b) Remain a safe distance behind the primary unit unless directed to assume the role of primary deputy, or if the primary unit is unable to continue the pursuit.
- (c) The secondary deputy should be responsible for broadcasting the progress of the pursuit unless the situation indicates otherwise.

#### 307.3.5 PURSUIT DRIVING TACTICS

The decision to use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

- (a) Deputies, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
- (b) Because intersections can present increased risks, the following tactics should be considered:
  - 1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
  - 2. Pursuing units should exercise due caution when proceeding through controlled intersections.
- (c) As a general rule, deputies should not pursue a vehicle driving left of center (wrong way) on a freeway. In the event that the pursued vehicle does so, the following tactics should be considered:
  - 1. Requesting assistance from an air unit.
  - 2. Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
  - 3. Requesting other units to observe exits available to the suspects.
- (d) Notifying the California Highway Patrol (CHP) and/or other jurisdictional agency if it appears that the pursuit may enter their jurisdiction.
- (e) Deputies involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit.

#### 307.3.6 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

There should be no paralleling of the pursuit route. Deputies are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Deputies should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.

Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road.

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The primary and secondary units should be the only units operating under emergency conditions (red light and siren) unless other units are assigned to the pursuit.

#### **307.3.7 PURSUIT TRAILING**

In the event the initiating unit from this agency either relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a supervisor, trail the pursuit to the termination point in order to provide necessary information and assistance for the arrest of the suspects.

The term trail means to follow the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing unit will maintain sufficient distance from the pursuit units so as to clearly indicate an absence of participation in the pursuit.

#### **307.3.8 AIRCRAFT ASSISTANCE**

When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider the participation of aircraft assistance when determining whether to continue the pursuit.

The air unit should coordinate the activities of resources on the ground, report progress of the pursuit and provide deputies and supervisors with details of upcoming traffic congestion, road hazards, or other pertinent information to evaluate whether or not to continue the pursuit. If ground units are not within visual contact and the air unit determines that it is unsafe to continue the pursuit, the air unit has the authority to terminate the pursuit.

#### **307.4 SUPERVISORY CONTROL AND RESPONSIBILITY**

It is the policy of this office that available supervisory and management control will be exercised over all vehicle pursuits involving deputies from this office.

The field supervisor of the deputy initiating the pursuit, or if unavailable, the nearest field supervisor will be responsible for the following:

- (a) Upon becoming aware of a pursuit, immediately ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established office guidelines.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the number of required police units needed are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in his/her judgment, it is unjustified to continue the pursuit under the guidelines of this policy.

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- (f) Ensuring that aircraft are requested if available.
- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.
- (i) Controlling and managing SCSO units when a pursuit enters another jurisdiction.
- (j) Preparing post-pursuit critique and analysis of the pursuit for training purposes.

#### **307.4.1 WATCH COMMANDER RESPONSIBILITY**

Upon becoming aware that a pursuit has been initiated, the Watch Commander should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Watch Commander has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command.

The Lieutenant will review the Supervisors assessment of the pursuit and determine if the pursuit was within policy and law. The Lieutenant will complete their review findings on the Pursuit Review Investigation and describe any learning points that can be used to augment training needs. The Lieutenant will ensure that the completed CHP 187A report is submitted to the CHP no later than 30 days following the pursuit (Vehicle Code Section 14602.1).

If the pursuit is determined to be outside of this policy and/or the law and discipline above a letter of reprimand will be recommended, a Policy & Procedure investigation will be conducted. Upon completion, this investigation will be forwarded to the Section or Division Captain for review. The Captain will forward the recommendation to the appropriate Division Assistant Sheriff or Sheriff to determine what, if any, disciplinary action or training is to be taken.

#### **307.5 COMMUNICATIONS**

If the pursuit is confined within the County limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or communications dispatcher. If the pursuit leaves the jurisdiction of this office or such is imminent, involved units should, whenever available, switch radio communications to an emergency channel most accessible by participating agencies and units.

#### **307.5.1 COMMUNICATION CENTER RESPONSIBILITIES**

Upon notification that a pursuit has been initiated, Dispatch will:

- (a) Coordinate pursuit communications of the involved units and personnel.
- (b) Notify and coordinate with other involved or affected agencies as practicable.
- (c) Ensure that a field supervisor is notified of the pursuit.
- (d) Assign an incident number and log all pursuit activities.
- (e) Broadcast pursuit updates as well as other pertinent information as necessary.
- (f) Notify the Watch Commander as soon as practicable.

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### 307.5.2 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating suspects. The primary unit will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

### 307.6 INTER-JURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary deputy or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary deputy or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

#### 307.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Units originally involved will discontinue the pursuit when advised that another agency has assumed the pursuit and assistance of the Sonoma County Sheriff's Office is no longer needed. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation.

The role and responsibilities of deputies at the termination of a pursuit initiated by this office shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local agencies and CHP units, a request for CHP assistance will mean that they will assume responsibilities for the pursuit. For the same reasons, when a pursuit leaves the freeway and a request for assistance is made to this office, the CHP should relinquish control.

#### 307.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit is responsible for conducting the pursuit. Units from this office should not join a pursuit unless specifically requested to do so by the pursuing agency and with approval from a supervisor. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a supervisor may authorize units from this office to join the pursuit until sufficient units from the initiating agency join the pursuit or until additional information is provided allowing withdrawal of the pursuit.

When a request is made for this office to assist or take over a pursuit that has entered the jurisdiction of Sonoma County Sheriff's Office, the supervisor should consider:

- (a) The public's safety within this jurisdiction.
- (b) The safety of the pursuing deputies.
- (c) Whether the circumstances are serious enough to continue the pursuit.
- (d) Whether there is adequate staffing to continue the pursuit.

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- (e) The ability to maintain the pursuit.

As soon as practicable, a supervisor or the Watch Commander should review a request for assistance from another agency. The Watch Commander or supervisor, after considering the above factors, may decline to assist in, or assume the other agency's pursuit.

Assistance to a pursuing allied agency by deputies of this office will terminate at the County limits provided that the pursuing officers have sufficient assistance from other sources. Ongoing participation from this office may continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within this jurisdiction, deputies should provide appropriate assistance to officers from the allied agency including but not limited to scene control, coordination and completion of supplemental reports, and any other reasonable assistance requested or needed.

### **307.7 PURSUIT INTERVENTION**

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, road spikes, blocking, boxing, PIT (Pursuit Intervention Technique), ramming or roadblock procedures. In this context, ramming shall be construed to mean maneuvering the sheriff's unit into contact with the pursued vehicle to mechanically disable or forcibly position it such that further flight is not possible or practicable.

#### **307.7.1 WHEN USE IS AUTHORIZED**

Use of pursuit intervention tactics should be employed only after approval of a supervisor. In deciding whether to use intervention tactics, deputies/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the deputies and persons in or on the pursued vehicle. With these risks in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances confronting the deputy at the time of the decision.

It is imperative that deputies act within the bounds of legality, good judgment and accepted practices.

#### **307.7.2 DEFINITIONS**

**Blocking or vehicle intercept** - A slow-speed coordinated maneuver where two or more patrol vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop, with the goal of containment and preventing a pursuit. Blocking is not a moving or stationary road block.

**Boxing-in** - A tactic designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

**Pursuit Intervention Technique (PIT)** - A low-speed maneuver designed to cause the suspect vehicle to spin out and terminate the pursuit.

**Ramming** - The deliberate act of impacting a violator's vehicle with another vehicle to functionally damage or otherwise force the violator's vehicle to stop.

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**Roadblocks** - A tactic designed to stop a violator's vehicle by intentionally placing an emergency vehicle or other immovable object in the path of the violator's vehicle.

**Spikes or tack strips** - A device that extends across the roadway designed to puncture the tires of the pursued vehicle.

#### 307.7.3 USE OF FIREARMS

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Deputies should not utilize firearms during an ongoing pursuit unless the conditions and circumstances dictate that such use reasonably appears necessary to protect life. Nothing in this section shall be construed to prohibit any deputy from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

#### 307.7.4 INTERVENTION STANDARDS

Any intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the deputies, the public, or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of force, including deadly force, and subject to the policies guiding such use. Deputies should consider these facts and requirements prior to deciding how, when, where, and if an intervention tactic should be employed.

- (a) Blocking should only be used after giving consideration to the following:
  - 1. The technique should only be used by deputies who have received training in the technique.
  - 2. The need to immediately stop the suspect vehicle or prevent it from leaving reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, deputies, or other members of the public.
  - 3. It reasonably appears the technique will contain or prevent the pursuit.
- (b) The PIT should only be used after giving consideration to the following:
  - 1. The technique should only be used by deputies who have received training in the technique, including speed restrictions.
  - 2. Supervisory approval should be obtained before using the technique.
  - 3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, deputies, or other members of the public.
  - 4. It reasonably appears the technique will terminate or prevent the pursuit.
- (c) Ramming a fleeing vehicle should only be done after giving consideration to the following:
  - 1. Supervisory approval should be obtained before using the technique.
  - 2. The need to immediately stop the suspect vehicle reasonably appears to substantially outweigh the risks of injury or death to occupants of the suspect vehicle, deputies, or other members of the public.

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3. It reasonably appears the technique will terminate or prevent the pursuit.
  4. Ramming may be used when all other reasonable alternatives have been exhausted or reasonably appear ineffective.
- (d) Before attempting to box a suspect vehicle during a pursuit the following should be considered:
1. The technique should only be used by deputies who have received training in the technique.
  2. Supervisory approval should be obtained before using the technique.
  3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, deputies, or other members of the public.
  4. It reasonably appears the technique will terminate or prevent the pursuit.
- (e) Tire deflation devices should only be used after considering the following:
1. Tire deflation devices should only be used by deputies who have received training in their use.
  2. Supervisory approval should be obtained before using tire deflation devices.
  3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, deputies, or other members of the public.
  4. It reasonably appears the use will terminate or prevent the pursuit.
  5. Tire deflation devices should not be used when the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children, except in extraordinary circumstances.
  6. Due to the increased risk to deputies deploying tire deflation devices, such deployment should be communicated to all involved personnel.
- (f) Roadblocks should only be used after considering the following:
1. Roadblocks should only be used by deputies who have received training in their use.
  2. Supervisory approval should be obtained before using the technique.
  3. The need to immediately stop the suspect vehicle reasonably appears to substantially outweigh the risks of injury or death to occupants of the suspect vehicle, deputies, or other members of the public.
  4. It reasonably appears the technique will terminate or prevent the pursuit.
  5. Roadblocks may be used when all other reasonable alternatives have been exhausted or reasonably appear ineffective.

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### **307.7.5 CAPTURE OF SUSPECTS**

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Deputies shall use only that amount of force, which reasonably appears necessary under the circumstances, to properly perform their lawful duties.

Unless relieved by a supervisor, the primary deputy should coordinate efforts to apprehend the suspects following the pursuit. Deputies should consider safety of the public and the involved deputies when formulating plans to contain and capture the suspects.

### **307.8 REPORTING REQUIREMENTS**

The following reports should be completed upon conclusion of all pursuits:

- (a) The primary deputy should complete appropriate crime/arrest reports.
- (b) After obtaining available information, the Field Supervisor shall complete the following:
  1. The CHP 187A Allied Agency Vehicle Pursuit Form pursuant to Vehicle Code Section 14602.1(b).
  2. The Sonoma County Sheriff's Office Pursuit Review.
  3. Obtain the dispatch audio recording of the pursuit to be used for post-pursuit critique and training needs.

All the above shall be forwarded to the on-duty Watch Commander or, if the Watch Commander was off-duty at the time of the pursuit, to the Supervisor's assigned Lieutenant.

#### **307.8.1 REGULAR AND PERIODIC PURSUIT TRAINING**

The Professional Standards Bureau Lieutenant shall make available to all deputies initial and supplementary Police Officer Standard Training (POST) training on pursuits required by Penal Code § 13519.8, Vehicle Code § 17004.7(d), and 11 CCR 1081, and no less than annual training addressing:

- (a) This policy.
- (b) The importance of vehicle safety and protecting the public.
- (c) The need to balance the known offense and the need for immediate capture against the risks to deputies and others.

#### **307.8.2 POLICY REVIEW**

Each sworn member of this office shall certify in writing that they have received, read and understand this policy initially and upon any amendments. The POST attestation form, or an equivalent form, may be used to document the compliance and should be retained in the member's training file.

### **307.9 APPLICATION OF VEHICLE PURSUIT POLICY**

This policy is expressly written and adopted pursuant to the provisions of Vehicle Code § 17004.7, with additional input from the POST Vehicle Pursuit Guidelines.

## Deputy Response to Calls

### 308.1 PURPOSE AND SCOPE

This policy provides for the safe and appropriate response to emergency and non-emergency situations whether dispatched or self-initiated.

### 308.2 RESPONSE TO CALLS

Deputies responding "Code-3" shall consider the call an emergency response and proceed immediately. Deputies responding Code-3 shall operate a steady forward facing red light, and shall sound the siren as reasonably necessary pursuant to Vehicle Code § 21055.

Responding with emergency light(s) and siren does not relieve the deputy of the duty to continue to drive with due regard for the safety of all persons. The use of any other warning equipment without a red light and siren does not provide any exemption from the Vehicle Code.

Deputies should only respond Code-3 when circumstances reasonably indicate an emergency response is required. Deputies not responding Code-3 shall observe all traffic laws and proceed without the use of emergency lights and siren.

### 308.3 REQUESTING EMERGENCY ASSISTANCE

Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe that there is an immediate threat to the safety of deputies, or assistance is needed to prevent imminent serious harm to a citizen. In any event, where a situation has stabilized and emergency response is not required, the requesting deputy shall immediately notify Dispatch.

If circumstances permit, the requesting deputy should give the following information:

- The unit number
- The location
- The reason for the request and type of emergency
- The number of units required

### 308.4 INITIATING CODE 3 RESPONSE

The decision of whether or not to respond Code 3 rests with the deputy. The deputy must critically weigh the need for such action against the resulting safety hazards. This is based upon the conditions present at that time, the need for urgency in responding, and the safety of other persons on the roadways. Final responsibility rests with the deputy for the consequences of this decision. Upon determining a Code 3 response is appropriate, a deputy shall immediately give the location from which he/she is responding.

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### **308.5 RESPONSIBILITIES OF RESPONDING DEPUTIES**

Deputies shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. Deputies shall reduce speed at all street intersections to such a degree that they shall have complete control of the vehicle.

The decision to continue a Code 3 response shall be continuously evaluated by the deputy; Code 3 response shall be discontinued when the need for such level of response no longer exists. If, in the deputy's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the deputy may elect to respond to the call without the use of red lights and siren at the legal speed limit. In such an event, the deputy should immediately notify Dispatch. A deputy shall also discontinue the Code 3 response when directed by a supervisor.

### **308.6 COMMUNICATIONS RESPONSIBILITIES**

The dispatcher shall:

- (a) Attempt to assign the closest available unit to the location requiring assistance.
- (b) Notify the field supervisor.
- (c) Confirm the location from which the unit is responding.
- (d) Notify and coordinate allied emergency services (e.g., fire and ambulance).
- (e) Continue to obtain and broadcast information as necessary concerning the response and monitor the situation until it is stabilized or terminated.
- (f) Control all radio communications during the emergency and coordinate assistance under the direction of the Watch Commander or Field Supervisor.

### **308.7 SUPERVISORY RESPONSIBILITIES**

When practical, the supervisor will monitor the response to ensure a proper response and the proper utilization of resources.

It is the supervisor's responsibility to terminate a Code 3 response that, in his/her judgment is inappropriate due to the circumstances.

### **308.8 FAILURE OF EMERGENCY EQUIPMENT**

If the emergency equipment or the equipment necessary to operate the vehicle safely should fail to operate, the deputy must terminate the Code-3 response and respond accordingly. In all cases, the deputy shall notify the Watch Commander, field supervisor, or Dispatch of the equipment failure so that another unit may be assigned to the emergency response.

### **308.9 USE OF EMERGENCY EQUIPMENT IN FUNERAL PROCESSION**

Sheriff's emergency vehicles in the procession and assigned to traffic control may activate their emergency lights during processions for "Line of Duty" deaths.

## Canines

### 309.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment police services to the community including, but not limited to locating individuals and contraband and apprehending criminal offenders.

### 309.2 POLICY

It is the policy of the Sonoma County Sheriff's Office that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives pursuant to Use of Force Policy 300.

### 309.3 ASSIGNMENT

Canine teams should be assigned to assist and supplement the Patrol Bureau to function primarily in assist or cover assignments. However, they may be assigned by the Watch Commander to other functions, such as routine calls for service, based on the current operational needs.

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time and then only with the approval of the Watch Commander.

### 309.4 CANINE SUPERVISOR

The canine supervisor shall be appointed by and directly responsible to the Patrol Bureau or the authorized designee.

The responsibilities of the canine supervisor include, but are not limited to:

- (a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.
- (b) Maintaining a liaison with the vendor kennel.
- (c) Maintaining a liaison with command staff and functional supervisors.
- (d) Maintaining a liaison with other agency canine supervisors.
- (e) Maintaining accurate records to document canine activities.
- (f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.
- (g) Scheduling all canine-related activities.
- (h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

### 309.5 REQUESTS FOR CANINE TEAMS

Patrol Bureau members are encouraged to request the use of a canine. Requests for a canine team from office units outside of the Patrol Bureau shall be reviewed by the shift supervisor or canine sergeant.

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##### **309.5.1 OUTSIDE AGENCY REQUEST**

All requests for canine assistance from outside agencies must be approved by the shift supervisor or canine sergeant and are subject to the following:

- (a) Canine teams shall not be used for any assignment that is not consistent with this policy.
- (b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.
- (c) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.
- (d) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

##### **309.5.2 PUBLIC DEMONSTRATIONS**

All public requests for a canine team shall be reviewed and, if appropriate, approved by the canine supervisor prior to making any resource commitment. The canine supervisor is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by the canine supervisor.

##### **309.6 APPREHENSION GUIDELINES**

1. Canines can be deployed for suspects in the following circumstances:
  - (a) The suspect has committed, or is about to commit, any crime (to include misdemeanors), and there is a reasonable belief to include any of the following:
    - (a) The suspect poses an imminent threat of violence or serious harm to the public, or any officer.
    - (b) The suspect is violently resisting arrest, and the use of the canine appears necessary to overcome such resistance.
    - (c) The suspect is in possession of a weapon likely to cause serious bodily injury.
  - (b) There is reasonable suspicion or probable cause that the suspect has committed a serious or violent felony, and the suspect is actively resisting or believed to be concealed in an area where entry, other than the canine, is believed to pose an imminent threat to the safety of officers or the public.
  - (c) Warrant service where any of the following are met:
    - (a) The suspect is wanted for a violent felony.
    - (b) The suspect has a violent criminal history.
    - (c) The suspect has a criminal history involving firearms.
    - (d) The suspect has a criminal history of being physically assaultive towards law enforcement or felony evasion.

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- (a) And at least one of the following conditions are met
  - (a) The suspect poses an imminent threat of violence or serious harm to the public, or any officer.
  - (b) The suspect is violently resisting arrest, and the use of the canine appears necessary to overcome such resistance.
  - (c) The suspect is in possession of a weapon likely to cause serious bodily injury.
  - (d) The suspect is actively resisting or believed to be concealed in an area where entry, other than the canine, is believed to pose an imminent threat to the safety of officers or the public
2. Canines shall not be deployed for subjects in the following circumstances:
  1. Infractions
  2. Misdemeanor crimes (such as simple assault, petty theft, vandalism, city code violations) when factors in 309.6 (1) are not present.
  3. Passive resistance by a suspect should not be considered as grounds for a canine apprehension, unless the suspect is wanted for, and/or suspected of committing a serious or violent crime, and use of canine is reasonably necessary given the totality of circumstances.
  4. Mere flight from an officer
  5. Protest or crowd control situations
3. When a canine has apprehended a suspect and the handler believes the suspect no longer poses a threat, or the totality of circumstances indicates there are adequate resources available to take the suspect into custody, the handler shall promptly direct the canine to release its hold. Factors in assessing when a suspect is surrendering include, but are not limited to:
  1. Suspect verbally surrenders and/ or physically complies by following commands provided by officer(s)
  2. Suspect's hands can be seen and are not in possession of a weapon, and/ or there are adequate resources available to control the suspect.

NOTE: It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

The deployment of a canine shall be continuously evaluated during an incident to determine appropriateness of its use. During deployments, when practical and safe to do so, the handler shall maintain verbal control and/or have physical control of the canine; the handler should maintain visual sight of the canine if the environment and/or incident allows.

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No handler or canine will be deployed unless the handler and canine meet current POST and/or CNCA guidelines in which the handler has demonstrated their ability to maintain control of the canine.

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the on-duty / on-call Lieutenant. Absent a change in circumstances that present an imminent threat to deputies, the canine or the public, such canine use should be conducted on leash or under control of an electronic collar, under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

#### 309.6.1 PREPARATION FOR DEPLOYMENT

Prior to the use of a canine to search for or apprehend any suspect, the canine handler and/or the supervisor on-scene should carefully consider all pertinent information reasonably available at the time. The information should include, but is not limited to:

- (a) The nature and seriousness of the suspected offense.
- (b) Whether violence or weapons were used or are anticipated.
- (c) The degree of resistance or threatened resistance, if any, the suspect has shown.
- (d) The suspect's known or perceived age.
- (e) The potential for injury to deputies or the public caused by the suspect if the canine is not utilized.
- (f) Any potential danger to the public and/or other deputies at the scene if the canine is released.
- (g) The potential for the suspect to escape or flee if the canine is not utilized.
- (h) The ability of the suspect to understand and comprehend canine warnings to include mental health, language, and other disabilities.
- (i) The availability and practical use of other less-lethal force intervention options.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever he/she deems deployment is unsuitable.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

#### 309.6.2 WARNINGS AND ANNOUNCEMENTS

A clear audible announcement that a canine will be used if the suspect does not surrender should be made prior to releasing a canine, and the handler should allow a reasonable time for a suspect

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to surrender. The handler should, if feasible, quiet the canine momentarily to listen for any verbal response to the warning.

If officers are in a location opposite the warning, and the situation allows, the handler should attempt to verify that the announcement could be heard. If there is any indication or knowledge of a language barrier, verbal warnings should be given in other languages if the situation allows.

The exception to the canine warning announcement may include when the canine handler has knowledge, or reasonably believes the suspect is armed with a dangerous weapon, and providing an announcement would increase the risk of injury, or serious bodily injury, to officer(s) or others<sup>8</sup>

<sup>8</sup> See *Estate of Rodgers v. Smith*, 188 F. App'x 175 (4th Cir. 2006), *Escobar v. Montee*, 895 F.3d 387, 395-96 (5th Cir. 2018), *Jarvela v. Washtenaw County*, 40 F.3d 761 (6th Cir. 2022), *Johnson v. Scott*, 576 F.3d 658 (7th Cir. 2009), *Thomson v. Salt Lake County*, 584 F. 3d 1304 (10th Cir. 2009), *Crenshaw v. Lister*, 556 F. 3d 1283 (11th Cir. 2009)

Any apprehension by a canine from this Sheriff's Office shall be documented. It is the responsibility of the handler using force to ensure that the use of force is documented completely, promptly, and accurately in an appropriate report. The handler shall document whether a verbal canine warning was provided, and how the verbal canine warning was given. If no verbal canine warning was provided, the handler shall document the reasons for not giving a verbal canine warning.

#### 309.6.3 REPORTING DEPLOYMENTS, BITES AND INJURIES

Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in a canine use report. The injured person shall be promptly treated by emergency medical services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the canine supervisor. Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a canine use report.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current office evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

Canines used by law enforcement agencies are generally exempt from impoundment and reporting requirements. However, the canine shall be made available for examination at any reasonable time if requested by the local health department. The canine handler shall also notify the local health department if the canine exhibits any abnormal behavior after a bite (Health and Safety Code § 121685).

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### **309.7 NON-APPREHENSION GUIDELINES**

Canines should not be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention).

#### **309.7.1 ARTICLE DETECTION**

A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

#### **309.7.2 NARCOTICS DETECTION**

A canine trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:

- (a) The search of vehicles, buildings, bags and other articles.
- (b) Assisting in the search for narcotics during a search warrant service.
- (c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

A narcotics-detection trained canine will not be used to search a person for narcotics unless the canine is trained to passively indicate the presence of narcotics.

#### **309.7.3 BOMB/EXPLOSIVE DETECTION**

Because of the high risk of danger to the public and deputies when a bomb or other explosive device is suspected, the use of a canine team trained in explosive detection may be considered. When available, an explosive-detection canine team may be used in accordance with current law and under certain circumstances, including:

- (a) Assisting in the search of a building, structure, area, vehicle or article where an actual or suspected explosive device has been reported or located.
- (b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).
- (c) Preventive searches at special events, VIP visits, official buildings and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.
- (d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

At no time will an explosive-detection trained canine be used to render a suspected device safe or clear.

### **309.8 CANINE HANDLER MINIMUM QUALIFICATIONS AND SELECTION PROCESS**

The minimum qualifications for the assignment of canine handler include:

- (a) A deputy who is currently off probation.
- (b) The testing process will consist of an oral board and physical agility test.

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- (c) Residing in an adequately fenced, single-family residence (minimum 5-foot high fence with locking gates).
- (d) Living within 60 minutes travel time from the Sonoma County limits.
- (e) Agreeing to be assigned to the position for a minimum of three years.

[See attachment: Canine Proficiency Standard.pdf](#)

#### **309.9 HANDLER RESPONSIBILITIES**

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection and living conditions.

The canine handler will be responsible for the following:

- (a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all office equipment under his/her control in a clean and serviceable condition.
- (c) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Sonoma County Sheriff's Office facility.
- (d) Handlers shall permit the canine supervisor to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.
- (e) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine supervisor as soon as possible.
- (f) When off-duty, the canine shall be in a kennel provided by the County at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.
- (g) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.
- (h) Under no circumstances will the canine be lodged at another location unless approved by the canine supervisor.
- (i) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine supervisor.
- (j) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine supervisor so that appropriate arrangements can be made.
- (k) Canine handlers are responsible for maintaining all county equipment to include their assigned patrol vehicle. Any equipment that is not properly functioning shall be brought

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to the attention of the canine supervisor. The canine supervisor shall be notified as soon as practical.

#### **309.9.1 CANINE IN PUBLIC AREAS**

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

- (a) A canine shall not be left unattended in any area to which the public may have access.
- (b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the dog. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.
- (c) Canines shall be under the direct control of the handler at all times when off leash.

#### **309.10 HANDLER COMPENSATION**

The canine handler shall be available for call-out under conditions specified by the canine supervisor.

The canine handler shall be compensated for time spent in the care, feeding, grooming and other needs of the canine in accordance with the Fair Labor Standards Act (FLSA), and according to the terms of the collective bargaining agreement (29 USC § 207).

#### **309.11 CANINE INJURY AND MEDICAL CARE**

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine coordinator or Watch Commander as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the handler's personnel file.

#### **309.12 TRAINING**

Before assignment in the field, each canine team shall be trained and certified to meet current POST guidelines or other recognized and approved certification standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified by the California Narcotic Canine Association (CNCA) or other recognized and approved certification standards established for their particular skills.

The canine supervisor shall be responsible for scheduling periodic training for all sworn office members in order to familiarize them with how to conduct themselves in the presence of office canines.

All canine training should be conducted while on-duty unless otherwise approved by the canine supervisor.

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##### 309.12.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to a current POST, CNCA or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

- (a) Canine teams should receive training as defined in the current contract with the Sonoma County Sheriff's Office canine training provider.
- (b) Canine handlers are encouraged to engage in additional training with approval of the canine supervisor.
- (c) To ensure that all training is consistent, no handler, trainer or outside vendor is authorized to train to a standard that is not reviewed and approved by this office.
- (d) Following a deployment of a canine (post bite) the handler shall have the canine evaluated by the master trainer as soon as practical.
- (e) At any time, based on the needs of the office, the canine Lieutenant can direct the canine and handler be evaluated by the master trainer to identify any training concerns, deployment concerns, or order remedial training.
- (f) In the event a Sheriff's Office canine team misses three (3) or more maintenance training days with the master trainer (8 hour monthly trainings), that team is not to return to duty at any capacity until the following occurs:
  1. The canine team participates in a "Return to Duty" evaluation for both patrol and narcotics detection conducted by the master trainer.
  2. The canine team is cleared for duty by the canine sergeant and/or lieutenant.
- (g) Once the canine team is re-evaluated and cleared for duty, documentation will be placed in the canine training file, clearing the team for full duty. In the event a team does not successfully complete the re-evaluation, a training plan will be developed by the master trainer and canine supervisor(s) to bring the team up to an acceptable level.

##### 309.12.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

##### 309.12.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's and the canine's training file.

##### 309.12.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Deputies possessing, using or transporting controlled substances or explosives for canine training purposes must comply with federal and state requirements regarding the same. Alternatively, the Sonoma County Sheriff's Office may work with outside trainers with the applicable licenses or permits.

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##### 309.12.5 CONTROLLED SUBSTANCE TRAINING AIDS

Deputies acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws (Health & Safety Code § 11367.5; 21 USC § 823(g)).

The Sheriff or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Sonoma County Sheriff's Office to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this office for training purposes, provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Sheriff or the authorized designee may request narcotics training aids from the Drug Enforcement Administration (DEA).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

##### 309.12.6 CONTROLLED SUBSTANCE PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the canine's accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

- (a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.
- (b) The weight and test results shall be recorded and maintained by this office.
- (c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.
- (d) All controlled substance training samples will be inspected, weighed and tested annually. The results of the annual testing shall be recorded and maintained by the canine supervisor with a copy forwarded to the dispensing agency.
- (e) All controlled substance training samples will be stored in locked, airtight and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.
- (f) The canine supervisor shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
- (g) Any unusable controlled substance training samples shall be returned to the Property and Evidence Unit or to the dispensing agency.
- (h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

##### 309.12.7 EXPLOSIVE TRAINING AIDS

Deputies may possess, transport, store or use explosives or destructive devices in compliance with state and federal laws (Penal Code § 18800; 18 USC § 842; 27 CFR 555.41).

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Explosive training aids designed specifically for canine teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids by canine teams is subject to the following:

- (a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.
- (b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.
- (c) The canine EOD supervisor shall be responsible to verify the explosive training aids on hand against the inventory ledger once each quarter.
- (d) Only members of the EOD team shall have access to the explosive training aids storage facility.
- (e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.
- (f) Any lost or damaged explosive training aids shall be promptly reported to the canine supervisor, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

#### 309.12.8 NARCAN FOR CANINES

Narcan use by handlers is approved for use on canines, under the following conditions:

- (a) Handlers will not deploy their canine in any situation that Fentanyl is believed or is suspected of being present.
- (b) Since the canines are frequently deployed in situations with no prior intelligence about the substance they may be encountering, after every deployment, each handler will monitor their canine for signs and symptoms of an overdose/exposure.
- (c) Handlers will be noting any unusual behavior in the canine to indicate an exposure. If an exposure is suspected, the handler will immediately respond to the nearest animal hospital.
- (d) All handlers will carry updated medical kits to include the opiate antidote Naloxone.
- (e) Recurring yearly training from the local animal hospital will provide each handler with the proper protocol to administer the antidote in the field.
- (f) A yearly review of the medical kits will be conducted by the canine supervisor and the animal hospital.
- (g) Naloxone (as well as the other drugs) will be replaced at its expiration date.
- (h) If a handler deploys any of the treatment drugs on a canine, the canine supervisor and shift supervisor will be notified immediately and the drug will be replaced by the animal hospital.

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- (i) After any treatment drug is administered on a canine, the handler and the canine will immediately respond to a 24 hour emergency veterinarian.
- (j) If a canine is exposed or you suspect exposure has occurred, you shall immediately notify the on duty sergeant or Watch Commander. You will also, as soon as practical, notify the canine sergeant. If no canine sergeant is contacted they you will contact the canine lieutenant.

## Domestic Violence

### 310.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this office to take enforcement action when appropriate, to provide assistance to victims and to guide deputies in the investigation of domestic violence.

#### 310.1.1 DEFINITIONS

Definitions related to this policy include:

**Court order** - All forms of orders related to domestic violence that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

### 310.2 POLICY

The Sonoma County Sheriff's Office's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this office to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

### 310.3 OFFICER SAFETY

The investigation of domestic violence cases often places deputies in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all deputies to exercise due caution and reasonable care in providing for the safety of any deputies and parties involved.

### 310.4 INVESTIGATIONS

The following guidelines should be followed by deputies when investigating domestic violence cases:

- (a) Calls of reported, threatened, imminent or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, deputies should obtain and document statements from the victim, the suspect and any witnesses, including children, in or around the household or location of occurrence.
- (c) Deputies should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up. In the event children are present during a domestic violence incident, deputies shall fill out a 11166 suspected child abuse form.

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- (d) When practicable and legally permitted, video or audio record all significant statements and observations.
- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Investigative Bureau in the event that the injuries later become visible.
- (f) Deputies should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (g) If the suspect is no longer at the scene, deputies should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement and make an arrest or seek an arrest warrant if appropriate. If the suspect is not arrested, the deputy should advise dispatch to broadcast a "Be on the Lookout" BOLO.
- (h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence. If the domestic violence involved threats of bodily harm, any firearm discovered in plain view or pursuant to a consent or other lawful search must be taken into temporary custody (Penal Code § 18250).
- (i) When completing an incident or arrest report for violation of a court order, deputies should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting deputy should attach a copy of the order to the incident or arrest report.
- (j) Deputies should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
  - 1. Marital status of suspect and victim.
  - 2. Whether the suspect lives on the premises with the victim.
  - 3. Claims by the suspect that the victim provoked or perpetuated the violence.
  - 4. The potential financial or child custody consequences of arrest.
  - 5. The physical or emotional state of either party.
  - 6. Use of drugs or alcohol by either party.
  - 7. Denial that the abuse occurred where evidence indicates otherwise.
  - 8. A request by the victim not to arrest the suspect.
  - 9. Location of the incident (public/private).
  - 10. Speculation that the complainant may not follow through with the prosecution.
  - 11. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the victim or suspect.

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12. The social status, community status, or professional position of the victim or suspect.

### **310.4.1 IF A SUSPECT IS ARRESTED**

If a suspect is arrested, deputies shall:

- (a) Advise the victim that there is no guarantee the suspect will remain in custody.
- (b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.
- (c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

### **310.4.2 IF NO ARREST IS MADE**

If no arrest is made, the deputy should:

- (a) Advise the parties of any options, including but not limited to:
  1. Voluntary separation of the parties.
  2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).
- (b) Document the resolution in a report.

### **310.5 VICTIM ASSISTANCE**

Because victims may be traumatized or confused, deputies should be aware that a victim's behavior and actions may be affected:

- (a) Victims should be provided with the office's domestic violence information handout, even if the incident may not rise to the level of a crime.
- (b) Victims should also be alerted to any available victim advocates, shelters, and community resources.
- (c) When an involved person requests law enforcement assistance while removing essential items of personal property, deputies should stand by for a reasonable amount of time.
- (d) If the victim has sustained injury or complaints of pain, deputies should seek medical assistance as soon as practicable.
- (e) Deputies should ask the victim whether the victim has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a concern for the victim's safety or if the deputy determines that a need exists.
- (f) Deputies should make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (g) If appropriate, deputies should seek or assist the victim in obtaining an emergency order if appropriate.

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A deputy shall advise an individual protected by a Canadian domestic violence protection order of available local victim services (Family Code § 6452).

### **310.6 DISPATCH ASSISTANCE**

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Deputies should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

### **310.7 FOREIGN COURT ORDERS**

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe, or territory shall be enforced by deputies as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court or foreign order shall be enforced, regardless of whether the order has been properly registered with this state (Family Code § 6403).

Canadian domestic violence protection orders shall also be enforced in the same manner as if issued in this state (Family Code § 6452).

### **310.8 VERIFICATION OF COURT ORDERS**

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, deputies should carefully review the actual order when available, and where appropriate and practicable:

- (a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
  1. If a determination is made that a valid foreign order cannot be enforced because the subject has not been notified or served the order, the deputy shall inform the subject of the order, make a reasonable effort to serve the order upon the subject, and allow the subject a reasonable opportunity to comply with the order before enforcing the order. Verbal notice of the terms of the order is sufficient notice (Family Code § 6403).
- (b) Check available records or databases that may show the status or conditions of the order.
  1. Registration or filing of an order in California is not required for the enforcement of a valid foreign order (Family Code § 6403).
- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

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Deputies should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Deputies should contact a supervisor for clarification when needed.

#### **310.9 STANDARDS FOR ARRESTS**

Deputies investigating a domestic violence report should consider the following:

- (a) An arrest should be made when there is probable cause to believe that a felony or misdemeanor domestic violence offense has been committed (Penal Code § 13701). Any decision to not arrest an adult when there is probable cause to do so requires supervisor approval.
  - 1. Deputies are only authorized to make an arrest without a warrant for a misdemeanor domestic violence offense if the deputy makes the arrest as soon as probable cause arises (Penal Code § 836).
- (b) A deputy responding to a domestic violence call who cannot make an arrest will advise the victim of the victim's right to make a private person's arrest. The advisement should be made out of the presence of the suspect and shall include advising the victim how to safely execute the arrest. Deputies shall not dissuade victims from making a lawful private person's arrest. Deputies should refer to the provisions in the Private Persons Arrests Policy for options regarding the disposition of private person's arrests (Penal Code § 836(b)).
- (c) Deputies shall not cite and release a person for the following offenses (Penal Code § 853.6(a)(3)):
  - 1. Penal Code § 243(e)(1) (battery against spouse, cohabitant)
  - 2. Penal Code § 273.5 (corporal injury on spouse, cohabitant, fiancé/fiancée, person of a previous dating or engagement relationship, mother/father of the offender's child)
  - 3. Penal Code § 273.6 (violation of protective order) if violence or threats of violence have occurred or the suspect has gone to the workplace or residence of the protected party
  - 4. Penal Code § 646.9 (stalking)
  - 5. Other serious or violent felonies specified in Penal Code § 1270.1
- (d) In responding to domestic violence incidents, including mutual protective order violations, deputies should generally be reluctant to make dual arrests. Deputies shall make reasonable efforts to identify the dominant aggressor in any incident. The dominant aggressor is the person who has been determined to be the most significant, rather than the first, aggressor (Penal Code § 13701). In identifying the dominant aggressor, a deputy shall consider:
  - 1. The intent of the law to protect victims of domestic violence from continuing abuse.
  - 2. The threats creating fear of physical injury.
  - 3. The history of domestic violence between the persons involved.

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4. Whether either person acted in self-defense.
- (e) An arrest shall be made when there is probable cause to believe that a violation of a domestic violence court order has been committed (Penal Code § 13701; Penal Code § 836), regardless of whether the offense was committed in the deputy's presence. After arrest, the deputy shall confirm that a copy of the order has been registered, unless the victim provides a copy (Penal Code § 836).

#### **310.10 REPORTS AND RECORDS**

- (a) A written report shall be completed on all incidents of domestic violence. All such reports should be documented on the appropriate form, which includes information and notations specific to domestic violence incidents as required by Penal Code § 13730.
- (b) Reporting deputies should provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence victim information handout provided to the victim. If the case number is not immediately available, an explanation should be given regarding how the victim can obtain the information at a later time.
- (c) Deputies who seize any firearm, ammunition, or other deadly weapon in a domestic violence incident shall issue the individual possessing such weapon a receipt that includes the name and residential mailing address of the owner or person who possessed the weapon and notice of where the weapon may be recovered, along with the applicable time limit for recovery (Penal Code § 18250; Penal Code § 18255; Penal Code § 33800; Family Code § 6389(c)).

#### **310.11 RECORD-KEEPING AND DATA COLLECTION**

This office shall maintain records of court orders related to domestic violence and the service status of each (Penal Code § 13710), as well as records on the number of domestic violence related calls reported to the Office, including whether weapons were used in the incident or whether the incident involved strangulation or suffocation (Penal Code § 13730). This information is to be reported to the Attorney General monthly. It shall be the responsibility of the CIB Manager to maintain and report this information as required.

#### **310.12 SERVICE OF COURT ORDERS**

- (a) A deputy who obtains an emergency protective order from the court shall serve it on the restrained person if the person can be reasonably located and shall provide the person protected or the person's parent/guardian with a copy of the order. The deputy shall file a copy with the court as soon as practicable and shall have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice (Family Code § 6271; Penal Code § 646.91).
- (b) A temporary restraining order, emergency protective order, or an order issued after a hearing shall, at the request of the petitioner, be served on the restrained person by a deputy who is present at the scene of a reported domestic violence incident or when the deputy receives a request from the petitioner to provide service of the order (Family Code § 6383; Penal Code § 13710).

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- (c) Any deputy serving a protective order that indicates that the respondent possesses weapons or ammunition shall request that the firearm/ammunition be immediately surrendered (Family Code § 6389(c)).
- (d) During the service of a protective order any firearm discovered in plain view or pursuant to consent or other lawful search shall be taken into temporary custody (Penal Code § 18250).
  - 1. A deputy should ensure that the CIB is notified of any firearm obtained for entry into the Automated Firearms System (Family Code § 6383) (see the CIB Policy for additional guidance).
- (e) If a valid Canadian order cannot be enforced because the person subject to the order has not been notified or served with the order, the deputy shall notify the protected individual that reasonable efforts shall be made to contact the person subject to the order. The deputy shall make a reasonable effort to inform the person subject to the order of the existence and terms of the order and provide the person with a record of the order, if available, and shall allow the person a reasonable opportunity to comply with the order before taking enforcement action (Family Code § 6452).

### **310.13 PUBLIC ACCESS TO POLICY**

A copy of this domestic violence policy will be provided to members of the public upon request (Penal Code § 13701).

### **310.14 DECLARATION IN SUPPORT OF BAIL INCREASE**

Any deputy who makes a warrantless arrest for a felony or misdemeanor violation of a domestic violence restraining order shall evaluate the totality of the circumstances to determine whether reasonable cause exists to seek an increased bail amount. If there is reasonable cause to believe that the scheduled bail amount is insufficient to assure the arrestee's appearance or to protect the victim or family member of a victim, the deputy shall prepare a declaration in support of increased bail (Penal Code § 1269c).

### **310.15 DOMESTIC VIOLENCE DEATH REVIEW TEAM**

This office should cooperate with any interagency domestic violence death review team investigation. Written and oral information relating to a domestic violence death that would otherwise be subject to release restrictions may be disclosed to the domestic violence death review team upon written request and approval of a supervisor (Penal Code § 11163.3).

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## Search & Seizure

### 311.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Sonoma County Sheriff's Office personnel to consider when dealing with search and seizure issues.

### 311.2 POLICY

It is the policy of the Sonoma County Sheriff's Office to respect the fundamental privacy rights of individuals. Members of this office will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this office will comply with relevant federal and state law governing the seizure of persons and property.

This Office will provide relevant and current training to deputies as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

### 311.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this office is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, deputies are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

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### **311.4 SEARCH PROTOCOL**

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

- (a) Members of this office will strive to conduct searches with dignity and courtesy.
- (b) Deputies should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- (e) When the person to be searched is of the opposite sex as the searching deputy, a reasonable effort should be made to summon a deputy of the same sex as the subject to conduct the search. When it is not practicable to summon a deputy of the same sex as the subject, the following guidelines should be followed:
  - 1. Another deputy or a supervisor should witness the search.
  - 2. The deputy should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

## Temporary Custody of Juveniles

### 312.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Sonoma County Sheriff's Office (34 USC § 11133).

Guidance regarding contacting juveniles at schools or who may be victims is provided in the Child Abuse Policy.

#### 312.1.1 DEFINITIONS

Definitions related to this policy include:

**Juvenile non-offender** - An abused, neglected, dependent, or alien juvenile who may be legally held for the juvenile's own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for the juvenile's protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person. Juveniles 11 years of age or younger are considered juvenile non-offenders even if they have committed an offense that would subject an adult to arrest.

**Juvenile offender** - A juvenile 12 to 17 years of age who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) (Welfare and Institutions Code § 602). It also includes an offense under Penal Code § 29610 for underage possession of a handgun or concealable firearm (28 CFR 31.303).

**Non-secure custody** - When a juvenile is held in the presence of a deputy or other custody employee at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation (Welfare and Institutions Code § 207.1; 15 CCR 1150).

**Safety checks** - Direct, visual observation personally by a member of this office performed at random intervals within time frames prescribed in this policy to provide for the health and welfare of juveniles in temporary custody.

**Secure custody** - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object (15 CCR 1146).

Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile handcuffed to a rail.

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- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (d) A juvenile being processed in a secure booking area when a non-secure booking area is available.
- (e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- (f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.
- (g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

**Sight and sound separation** - Located or arranged to prevent physical, visual, or auditory contact that is more than brief or inadvertent.

**Status offender** - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, and truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender. This includes the habitually disobedient or truant juvenile under Welfare and Institutions Code § 601 and any juvenile suspected of an offense that would not subject an adult to arrest (e.g., fine-only offense).

#### **312.2 POLICY**

The Sonoma County Sheriff's Office is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the Sonoma County Sheriff's Office. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

#### **312.3 JUVENILES WHO SHOULD NOT BE HELD**

Juveniles who exhibit any of the following conditions should not be held at the Sonoma County Sheriff's Office:

- (a) Unconscious
- (b) Seriously injured
- (c) A known suicide risk or obviously severely emotionally disturbed
- (d) Significantly intoxicated except when approved by the Watch Commander. A medical clearance shall be obtained for minors who are under the influence of drugs, alcohol or any other intoxicating substance to the extent that they are unable to care for themselves (15 CCR 1151)
- (e) Extremely violent or continuously violent

Deputies taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation (15 CCR 1142; 15 CCR 1151).

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These juveniles should not be held at the Sonoma County Sheriff's Office unless they have been evaluated by a qualified medical and/or mental health professional (15 CCR 1142).

If the deputy taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release or a transfer is completed (15 CCR 1142).

### **312.3.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY**

When emergency medical attention is required for a juvenile, medical assistance will be called immediately. The Watch Commander shall be notified of the need for medical attention for the juvenile. Office members should administer first aid as applicable (15 CCR 1142).

### **312.3.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY**

Office members should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill themselves, or any unusual behavior which may indicate the juvenile may harm themselves while in either secure or non-secure custody (15 CCR 1142).

### **312.4 CUSTODY OF JUVENILES**

Deputies should take custody of a juvenile and temporarily hold the juvenile at the Sonoma County Sheriff's Office when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at the Sonoma County Sheriff's Office without authorization of the arresting deputy's supervisor or the Watch Commander. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond six hours from the time of the juvenile's entry into the Sonoma County Sheriff's Office (34 USC § 11133; Welfare and Institutions Code § 207.1).

#### **312.4.1 CUSTODY OF JUVENILE NON-OFFENDERS**

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Sonoma County Sheriff's Office. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders shall not be held in secure custody (34 USC § 11133; Welfare and Institutions Code § 206).

Juveniles 11 years of age or younger who have committed an offense that would subject an adult to arrest may be held in non-secure custody for the offenses listed in Welfare and Institutions Code § 602(b) (murder and the sexual assault offenses) and should be referred to a probation officer for a placement determination (Welfare and Institutions Code § 602.1).

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### 312.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, deputies may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders shall not be held in secure custody (34 USC § 11133).

### 312.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Sonoma County Sheriff's Office unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Generally, a juvenile offender may be taken into custody when authorized by a court order or when there is probable cause to believe the juvenile has committed an offense that would subject an adult to arrest (Welfare and Institutions Code § 625).

A juvenile offender who is 14 years of age or older and taken into custody for committing or attempting to commit a felony with a firearm shall not be released and be transported to a juvenile facility (Welfare and Institutions Code § 625.3).

A juvenile offender suspected of committing murder, a sex offense described in Welfare and Institutions Code § 602(b) that may subject the juvenile to criminal jurisdiction under Welfare and Institutions Code § 707, or a serious or violent felony should be referred to a probation officer for a decision on further detention.

In all other cases the juvenile offender may be:

- (a) Released upon warning or citation.
- (b) Released to a parent or other responsible adult after processing at the Office.
- (c) Referred to a probation officer for a decision regarding whether to transport the juvenile offender to a juvenile facility.
- (d) Transported to the juvenile offender's home or to the place where the juvenile offender was taken into custody (Welfare and Institutions Code § 207.2).

In determining which disposition is appropriate, the investigating deputy or supervisor shall prefer the alternative that least restricts the juvenile's freedom of movement, provided that alternative is compatible with the best interests of the juvenile and the community (Welfare and Institutions Code § 626).

Whenever a juvenile offender under the age of 14 is taken into custody, the deputy should take reasonable steps to verify and document the child's ability to differentiate between right and wrong, particularly in relation to the alleged offense (Penal Code § 26).

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### **312.5 ADVISEMENTS**

Deputies shall take immediate steps to notify the juvenile's parent, guardian, or a responsible relative that the juvenile is in custody, the location where the juvenile is being held, and the intended disposition (Welfare and Institutions Code § 627).

Whenever a juvenile is taken into temporary custody, the juvenile shall be given the *Miranda* rights advisement regardless of whether questioning is intended. This does not apply to juvenile non-offenders taken into temporary custody for their safety or welfare (Welfare and Institutions Code § 625).

Anytime a juvenile offender is placed in secure custody, the juvenile offender shall be informed of the purpose of the secure custody, the length of time the secure custody is expected to last, and of the maximum six-hour limitation (Welfare and Institutions Code § 207.1).

Juveniles taken into custody for an offense shall immediately be advised (or at least within one hour from being taken into custody, if possible) that they may make three telephone calls: one call completed to their parent or guardian; one to a responsible relative or their employer; and another call completed to an attorney. The calls shall be at no expense to the juvenile when completed to telephone numbers within the local calling area. Juveniles should be asked whether they are a caregiver and provided two more phone calls in the same manner as provided to adults in the Temporary Custody of Adults Policy (Welfare and Institutions Code § 627; Penal Code § 851.5).

### **312.6 JUVENILE CUSTODY LOGS**

Any time a juvenile is held in custody at the Office, the custody shall be promptly and properly documented in the juvenile custody log, including:

- (a) Identifying information about the juvenile.
- (b) Date and time of arrival and release from the Sonoma County Sheriff's Office (15 CCR 1150).
- (c) Watch Commander notification and approval to temporarily hold the juvenile.
- (d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender, or non-offender.
- (e) Any changes in status (e.g., emergency situations, unusual incidents).
- (f) Time of all safety checks.
- (g) Any medical and other screening requested and completed (15 CCR 1142).
- (h) Circumstances that justify any secure custody (Welfare and Institutions Code § 207.1; 15 CCR 1145).
- (i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The Watch Commander shall initial the log to approve the custody, including any secure custody, and shall also initial the log when the juvenile is released.

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### **312.7 NO-CONTACT REQUIREMENTS**

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Office (34 USC § 11133; Welfare and Institutions Code § 207.1; Welfare and Institutions Code § 208; 15 CCR 1144). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Sonoma County Sheriff's Office (trained in the supervision of persons in custody) shall maintain a constant, immediate, side-by-side presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact (15 CCR 1144).

### **312.8 TEMPORARY CUSTODY REQUIREMENTS**

Members and supervisors assigned to monitor or process any juvenile at the Sonoma County Sheriff's Office shall ensure the following:

- (a) The Watch Commander should be notified if it is anticipated that a juvenile may need to remain at the Sonoma County Sheriff's Office more than four hours. This will enable the Watch Commander to ensure no juvenile is held at the Sonoma County Sheriff's Office more than six hours.
- (b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- (c) Personal safety checks and significant incidents/activities shall be noted on the log.
- (d) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.
  1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.
  2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (e) Juveniles shall have reasonable access to toilets and wash basins (15 CCR 1143).
- (f) Juveniles shall be provided sanitary napkins, panty liners, and tampons as requested (15 CCR 1143).
- (g) Food shall be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile (15 CCR 1143).
- (h) Juveniles shall have reasonable access to a drinking fountain or water (15 CCR 1143).
- (i) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- (j) Juveniles shall have privacy during family, guardian, and/or lawyer visits (15 CCR 1143).

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- (k) Juveniles shall be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody (15 CCR 1143).
- (l) Blankets shall be provided as reasonably necessary (15 CCR 1143).
  - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (m) Adequate shelter, heat, light, and ventilation should be provided without compromising security or enabling escape.
- (n) Juveniles shall have adequate furnishings, including suitable chairs or benches.
- (o) Juveniles shall have the right to the same number of telephone calls as an adult in temporary custody.
- (p) Juveniles shall have access to language services (15 CCR 1143).
- (q) Juveniles shall have access to disability services (15 CCR 1143).
- (r) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse (15 CCR 1142).

While held in temporary custody, juveniles shall be informed in writing of what is available to them pursuant to 15 CCR 1143 and it shall be posted in at least one conspicuous place to which they have access (15 CCR 1143).

#### **312.9 USE OF RESTRAINT DEVICES**

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Sonoma County Sheriff's Office when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening (15 CCR 1142).

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Watch Commander. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others (15 CCR 1142).

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse (15 CCR 1142).

#### **312.10 PERSONAL PROPERTY**

The deputy taking custody of a juvenile offender or status offender at the Sonoma County Sheriff's Office shall ensure a thorough search of the juvenile's property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile's presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Sonoma County Sheriff's Office.

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### **312.11 SECURE CUSTODY**

Only juvenile offenders 14 years of age or older may be placed in secure custody (Welfare and Institutions Code § 207; 15 CCR 1145). Watch Commander approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to themselves or others. Factors to be considered when determining if the juvenile offender presents a serious security risk to themselves or others include the following (15 CCR 1145):

- (a) Age, maturity, and delinquent history
- (b) Severity of offense for which the juvenile was taken into custody
- (c) The juvenile offender's behavior
- (d) Availability of staff to provide adequate supervision or protection of the juvenile offender
- (e) Age, type, and number of other individuals in custody at the facility

Members of this office shall not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option (15 CCR 1145).

When practicable and when no locked enclosure is available, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody. An employee must be present at all times to ensure the juvenile's safety while secured to a stationary object (15 CCR 1148).

Juveniles shall not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter (15 CCR 1148). Supervisor approval should be documented.

The decision for securing a minor to a stationary object for longer than 60 minutes and every 30 minutes thereafter shall be based upon the best interests of the juvenile offender (15 CCR 1148).

#### **312.11.1 LOCKED ENCLOSURES**

A thorough inspection of the area shall be conducted before placing a juvenile into the enclosure. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room should be photographed and documented in the crime report.

The following requirements shall apply to a juvenile offender who is held inside a locked enclosure:

- (a) The juvenile shall constantly be monitored by an audio/video system during the entire custody.
- (b) Juveniles shall have constant auditory access to office members (15 CCR 1147).
- (c) Initial placement into and removal from a locked enclosure shall be logged (Welfare and Institutions Code § 207.1).

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- (d) Unscheduled safety checks to provide for the health and welfare of the juvenile by a staff member, no less than once every 15 minutes, shall occur (15 CCR 1147; 15 CCR 1151).
  - 1. All safety checks shall be logged.
  - 2. The safety check should involve questioning the juvenile as to the juvenile's well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
  - 3. Requests or concerns of the juvenile should be logged.
- (e) Juveniles of different genders shall not be placed in the same locked room (15 CCR 1147).
- (f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- (g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

#### **312.12 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE**

The Watch Commander will ensure procedures are in place to address the suicide attempt, death or serious injury of any juvenile held at the Sonoma County Sheriff's Office (15 CCR 1142; 15 CCR 1047). The procedures will address:

- (a) Immediate notification of the on-duty supervisor, Sheriff and Investigation Bureau Supervisor.
- (b) Notification of the parent, guardian or person standing in loco parentis, of the juvenile.
- (c) Notification of the appropriate prosecutor.
- (d) Notification of the County attorney.
- (e) Notification to the coroner.
- (f) Notification of the juvenile court.
- (g) In the case of a death, providing a report to the Attorney General under Government Code § 12525 within 10 calendar days of the death, and forwarding the same report to the Board of State and Community Corrections within the same time frame (15 CCR 1046).
- (h) A medical and operational review of deaths and suicide attempts pursuant to 15 CCR 1046.
- (i) Evidence preservation.

#### **312.13 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS**

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent to an interview or interrogation.

Prior to conducting a custodial interrogation, including the waiver of *Miranda* rights, a deputy shall permit a juvenile 17 years of age or younger to consult with legal counsel in person, by telephone,

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or by video conference. The consultation may not be waived by the juvenile. The requirement to consult with legal counsel does not apply when (Welfare and Institutions Code § 625.6):

- (a) Information is necessary to protect life or property from an imminent threat.
- (b) The questions are limited to what is reasonably necessary to obtain the information relating to the threat.

#### **312.13.1 MANDATORY RECORDINGS OF JUVENILES**

Any interrogation of an individual under 18 years of age who is in custody and suspected of committing murder shall be audio and video recorded when the interview takes place at an office facility, jail, detention facility or other fixed place of detention. The recording shall include the entire interview and a Miranda advisement preceding the interrogation (Penal Code § 859.5).

This recording is not mandatory when (Penal Code § 859.5):

- (a) Recording is not feasible because of exigent circumstances that are later documented in a report.
- (b) The individual refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.
- (c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.
- (d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.
- (e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of a deputy, the individual being interrogated or another individual. Such circumstances shall be documented in a report.
- (f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.
- (g) The questions are part of a routine processing or booking, and are not an interrogation.
- (h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

These recordings shall be retained until a conviction is final and all direct and habeas corpus appeals are exhausted, a court no longer has any jurisdiction over the individual or the prosecution for that offense is barred (Penal Code § 859.5; Welfare and Institutions Code § 626.8).

#### **312.14 FORMAL BOOKING**

No juvenile offender shall be formally booked without the authorization of the arresting deputy's supervisor, or in the supervisor's absence, the Watch Commander.

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Any juvenile 14 years of age or older who is taken into custody for a felony, or any juvenile whose acts amount to a sex crime, shall be booked, fingerprinted, and photographed.

For all other acts defined as crimes, juveniles may be booked, fingerprinted, or photographed upon the approval from the Watch Commander or the Investigative Bureau supervisor, giving due consideration to the following:

- (a) The gravity of the offense
- (b) The past record of the offender
- (c) The age of the offender

#### **312.15 RELEASE OF INFORMATION CONCERNING JUVENILES**

Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a juvenile. Members of this office shall not divulge any information regarding juveniles unless they are certain of the legal authority to do so.

A copy of the current policy of the juvenile court concerning authorized release of information and appropriate acknowledgment forms shall be kept with copies of this procedure in the Sonoma County Sheriff's Office Policy Manual. Such releases are authorized by Welfare and Institutions Code § 827.

Welfare and Institutions Code § 828 authorizes the release of certain information to other agencies. It shall be the responsibility of the CIB Manager and the appropriate Investigative Bureau supervisors to ensure that personnel of those bureaus act within legal guidelines.

#### **312.16 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION**

The Patrol Captain shall coordinate the procedures related to the custody of juveniles held at the Sonoma County Sheriff's Office and ensure any required certification is maintained (Welfare and Institution Code § 210.2).

#### **312.17 RELIGIOUS ACCOMMODATION**

Juveniles have the right to the same religious accommodation as adults in temporary custody (see the Temporary Custody of Adults Policy).

#### **312.18 TRAINING**

Office members should be trained on and familiar with this policy and any supplemental procedures.

## Senior and Disability Victimization

### 313.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Sonoma County Sheriff's Office members as required by law (Penal Code § 368.6).

The Sonoma County Sheriff's Office is committed to providing equal protection and demonstrating respect for all persons regardless of age or disabilities, and to conscientiously enforcing all criminal laws protecting elders, and adults and children with disabilities, regardless of whether these crimes also carry civil penalties (Penal Code § 368.6) (see Child Abuse Policy for child abuse investigations and reporting).

#### 313.1.1 DEFINITIONS

Definitions related to this policy include:

**Abuse of an elder (age 65 or older) or dependent adult** - Physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering; or the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering. Neglect includes self-neglect (Welfare and Institutions Code § 15610.05 et seq.; Penal Code § 368.5).

**Office protocols (or protocols)** - A procedure adopted by a local law enforcement agency consistent with the agency's organizational structure and stated in a policy adopted pursuant to this section, to effectively and accountably carry out a particular agency responsibility.

**Dependent adult** - An individual, regardless of whether the individual lives independently, between 18 and 64 years of age who has physical or mental limitations that restrict his/her ability to carry out normal activities or to protect his/her rights, including but not limited to persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. This also includes those admitted as inpatients to a 24-hour health facility, as defined in state law (Penal Code § 368; Welfare and Institutions Code § 15610.23).

**Elder and dependent adult abuse** - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement (Penal Code § 368).

**Senior and disability victimization** - Means any of the following (Penal Code § 368.6):

- (a) Elder and dependent adult abuse
- (b) Unlawful interference with a mandated report
- (c) Homicide of an elder, dependent adult, or other adult or child with a disability

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- (d) Sex crimes against elders, dependent adults, or other adults and children with disabilities
- (e) Child abuse of children with disabilities
- (f) Violation of relevant protective orders
- (g) Hate crimes against persons with actual or perceived disabilities, including but not limited to disabilities caused by advanced age, or those associated with them
- (h) Domestic violence against elders, dependent adults, and adults and children with disabilities, including disabilities caused by advanced age

### **313.2 POLICY**

The Sonoma County Sheriff's Office will investigate all reported incidents of alleged elder and dependent adult abuse and ensure proper reporting and notification as required by law.

#### **313.2.1 ARREST POLICY**

It is the office policy to make arrests or to seek arrest warrants for elder and dependent adult abuse in accordance with Penal Code § 836 and, in the case of domestic violence, as allowed by Penal Code § 13701 (Penal Code § 368.6) (see Law Enforcement Authority and Domestic Violence policies for additional guidance).

#### **313.2.2 ADHERENCE TO POLICY**

All deputies are required to be familiar with the policy and carry out the policy at all times, except in the case of an unusual compelling circumstance as determined and approved by a supervisor (Penal Code § 368.6).

Any supervisor who determines and approves a deputy's deviation from this policy shall provide a written report to the Sheriff that states the unusual compelling circumstances regarding the deviation. A copy of this report will be made available to the alleged victim and reporting party pursuant to office protocols (Penal Code § 368.6(c)(27)).

The Sheriff shall retain the report for a minimum of five years and shall make it available to the state protection and advocacy agency upon request (Penal Code § 368.6(c)(27)).

### **313.3 MANDATORY NOTIFICATION**

Members of the Sonoma County Sheriff's Office shall notify the local office of the California Department of Social Services (CDSS) APS agency of known, suspected, or alleged instances of abuse when they reasonably suspect, have observed, or have knowledge of an incident that reasonably appears to be abuse of an elder or dependent adult, or are told by an elder or dependent adult that the person has experienced abuse (Welfare and Institutions Code § 15630(b)).

Notification shall be made by telephone or through a confidential internet reporting tool as soon as practicable. If notification is made by telephone, a written report shall be sent or internet report shall be made through the confidential internet reporting tool within two working days, as provided in Welfare and Institutions Code § 15630(b).

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Notification shall also be made to the following agencies as soon as practicable or as provided below (Welfare and Institutions Code § 15630):

- (a) If the abuse occurred in a long-term care facility (not a state mental health hospital or a state developmental center), notification shall be made as follows (Welfare and Institutions Code § 15630(b)(1)):
  - 1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
  - 2. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by a written report to the local ombudsman within 24 hours.
  - 3. If there is any other abuse in a long-term care facility (not a state mental health or a state developmental center), a written report shall be made to the local ombudsman and corresponding state licensing agency within 24 hours.
- (b) The California Department of Public Health (DPH) shall be notified of all known or suspected abuse in a long-term care facility.
- (c) The CDSS shall be notified of all known or suspected abuse occurring in a residential care facility for the elderly or in an adult day program.
- (d) If the abuse occurred in an adult day health care center, DPH and the California Department of Aging shall be notified.
- (e) The Division of Medi-Cal Fraud and Elder Abuse shall be notified of all abuse that constitutes criminal activity in a long-term care facility.
- (f) The District Attorney's office shall be notified of all cases of physical abuse and financial abuse in a long-term care facility.
- (g) If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services as soon as practicable but no later than two hours after law enforcement becomes aware of the abuse (Welfare and Institutions Code § 15630(b)).
  - 1. When a report of abuse is received by the Office, investigation efforts shall be coordinated with the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services (Welfare and Institutions Code § 15630(b)).
- (h) If during an investigation it is determined that the elder or dependent adult abuse is being committed by a licensed health practitioner as identified in Welfare and Institutions Code § 15640(b), the appropriate licensing agency shall be immediately notified (Welfare and Institutions Code 15640(b)).
- (i) When the Office receives a report of abuse, neglect, or abandonment of an elder or dependent adult alleged to have occurred in a long-term care facility, the licensing agency shall be notified by telephone as soon as practicable (Welfare and Institutions Code § 15640(e)).

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The Investigative Bureau supervisor is responsible for ensuring that proper notifications have occurred to the District Attorney's Office and any other regulatory agency that may be applicable based upon where the abuse took place (e.g., care facility, hospital) per Welfare and Institutions Code § 15630(b).

Notification is not required for a person who was merely present when a person self-administered a prescribed aid-in-dying drug or a person prepared an aid-in-dying drug so long as the person did not assist the individual in ingesting the aid-in-dying drug (Health and Safety Code § 443.14; Health and Safety Code § 443.18).

Failure to report or impeding or inhibiting a report of abuse of an elder or dependent adult is a misdemeanor (Welfare and Institutions Code §15630(h)).

### **313.3.1 NOTIFICATION PROCEDURE**

Notification should include the following information, if known (Welfare and Institutions Code § 15630(e)):

- (a) The name of the person making the report.
- (b) The name and age of the elder or dependent adult.
- (c) The present location of the elder or dependent adult.
- (d) The names and addresses of family members or any other adult responsible for the care of the elder or dependent adult.
- (e) The nature and extent of the condition of the elder or dependent adult.
- (f) The date of incident.
- (g) Any other information, including information that led the person to suspect elder or dependent adult abuse.

### **313.4 INVESTIGATIONS AND REPORTING**

All reported or suspected cases of elder and dependent adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated (Penal Code § 368.6).

Investigations and reports related to suspected cases of elder and dependent adult abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected elder and dependent adult abuse victim is contacted.
- (b) Any relevant statements the victim may have made and to whom he/she made the statements.
- (c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.

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- (e) Whether the victim was transported for medical treatment or a medical examination.
- (f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.
- (g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
- (h) Previous addresses of the victim and suspect.
- (i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
- (j) Witness and suspect statements if available.
- (k) Review of all portable audio/video recorders, devices, and other available video.
- (l) Call history related to the elder or dependent adult including calls from mandated reporters or other individuals.
- (m) Whether the abuse is related to a disability-bias hate crime and related bias motivations (Penal Code § 368.6) (see the Hate Crimes Policy for additional guidance).
- (n) Results of investigations shall be provided to those agencies (Adult Protective Services (APS), long-term ombudsman) that referred or reported the elder or dependent adult abuse (Welfare and Institutions Code § 15640(f)).
- (o) Whether a death involved the End of Life Option Act:
  - (a) Whether or not assistance was provided to the person beyond that allowed by law (Health and Safety Code § 443.14).
  - (b) Whether an individual knowingly altered or forged a request for an aid-in-dying drug to end a person's life without his/her authorization, or concealed or destroyed a withdrawal or rescission of a request for an aid-in-dying drug (Health and Safety Code § 443.17).
  - (c) Whether coercion or undue influence was exerted on the person to request or ingest an aid-in-dying drug or to destroy a withdrawal or rescission of a request for such medication (Health and Safety Code § 443.17).
  - (d) Whether an aid-in-dying drug was administered to a person without his/her knowledge or consent (Health and Safety Code § 443.17).

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential elder or dependent adult abuse and investigated similarly.

An unexplained or suspicious death of an elder, dependent adult, or other adult or child with a disability should be treated as a potential homicide until a complete investigation including an autopsy is completed, and it should not be assumed that the death of an elder or person with a disability is natural simply because of the age or disability of the deceased (Penal Code § 368.6(c) (18)).

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### 313.4.1 ADDITIONAL INVESTIGATIVE CONSIDERATIONS

The following factors as provided in Penal Code § 368.6 should be considered when investigating incidents of elder and dependent adult abuse:

- (a) Elder and dependent adult abuse, sex crimes, child abuse, domestic violence, and any other criminal act, when committed in whole or in part because of the victim's actual or perceived disability, including disability caused by advanced age, is also a hate crime (Penal Code § 368.6) (see the Hate Crimes Policy for additional guidance).
- (b) Senior and disability victimization crimes are also domestic violence subject to the mandatory arrest requirements of Penal Code § 836 if they meet the elements described in Penal Code § 273.5, including but not limited to a violation by a caretaker or other person who is or was a cohabitant of the victim, regardless of whether the cohabitant is or was a relative of, or in an intimate personal relationship with, the victim (Penal Code § 368.6(c)(10)).
- (c) Many victims of sexual assault and other sex crimes delay disclosing the crimes for reasons including but not limited to shame, embarrassment, self-doubt, fear of being disbelieved, and fear of retaliation by the perpetrator or others (Penal Code § 368.6(c)(11)).
- (d) Victims and witnesses with disabilities, including cognitive and communication disabilities, can be highly credible witnesses when interviewed appropriately by trained officers or other trained persons (Penal Code § 368.6(c)(14)).

### 313.5 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of elder and dependent adult abuse. These investigators should:

- (a) Conduct interviews in appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to elder and dependent adult abuse investigations.
- (c) Present all cases of alleged elder and dependent adult abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies, and facility administrators as needed (Welfare and Institutions Code § 15650).
- (e) Provide referrals to therapy services, victim advocates, guardians, and support for the victim and family as appropriate (see the Victim and Witness Assistance Policy for additional guidance).
  - 1. Ensure victims of sex crimes know their right to have a support person of their choice present at all times during an interview or contact (Penal Code § 368.6) (see the Sexual Assault Investigations Policy for additional guidance).
  - 2. Referrals to the crime victim liaison as appropriate for victims requiring further assistance or information regarding benefits from crime victim resources.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 15610.55).

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- (g) Make reasonable efforts to determine whether any person committed unlawful interference in a mandated report.

### **313.6 PROTECTIVE CUSTODY**

Before taking an elder or dependent adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the deputy should make reasonable attempts to contact APS. Generally, removal of an adult abuse victim from his/her family, guardian, or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this office should remove an elder or dependent adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an elder or dependent adult abuse victim into protective custody, the deputy should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the deputy shall ensure that the adult is delivered to APS.

Whenever practicable, the deputy should inform a supervisor of the circumstances prior to taking an elder or dependent adult abuse victim into protective custody. If prior notification is not practicable, deputies should contact a supervisor promptly after taking the adult into protective custody.

When elder or dependent adult abuse victims are under state control, have a state-appointed guardian, or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

#### **313.6.1 EMERGENCY PROTECTIVE ORDERS**

In any situation which a deputy reasonably believes that an elder or dependent adult is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the deputy may seek an emergency protective order against the person alleged to have committed or threatened such abuse (Family Code § 6250(d)).

#### **313.6.2 VERIFICATION OF PROTECTIVE ORDER**

Whenever a deputy verifies that a relevant protective order has been issued, the deputy shall make reasonable efforts to determine if the order prohibits the person from possession of firearms or requires the relinquishment of firearms, and if the order does so, the deputy shall make reasonable efforts to (Penal Code § 368.6(c)(19)):

- (a) Inquire whether the restrained person possesses firearms. The deputy should make this effort by asking the restrained person and the protected person.
- (b) Query the California Law Enforcement Telecommunications System to determine if any firearms are registered to the restrained person.

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- (c) Receive or seize prohibited firearms located in plain view or pursuant to a consensual or other lawful search in compliance with Penal Code § 18250 et seq. and in accordance with office procedures.

### **313.7 INTERVIEWS**

#### **313.7.1 PRELIMINARY INTERVIEWS**

Absent extenuating circumstances or impracticality, deputies should audio record the preliminary interview with a suspected elder or dependent adult abuse victim. Deputies should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating deputies should defer interviews until a person who is specially trained in such interviews is available.

#### **313.7.2 DETAINING VICTIMS FOR INTERVIEWS**

A deputy should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
  - (a) A reasonable belief that medical issues of the adult need to be addressed immediately.
  - (b) A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
  - (c) The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.
- (b) A court order or warrant has been issued.

#### **313.7.3 INTERVIEWS WITH A PERSON WITH DEAFNESS OR HEARING LOSS**

A deputy who is interviewing a victim or witness who reports or demonstrates deafness or hearing loss should secure the services of a qualified interpreter (as defined by Evidence Code § 754) prior to the start of the interview (Penal Code § 368.6) (see the Communications with Persons with Disabilities Policy for additional guidance).

### **313.8 MEDICAL EXAMINATIONS**

When an elder or dependent adult abuse investigation requires a medical examination, the investigating deputy should obtain consent for such examination from the victim, guardian, agency, or entity having legal custody of the adult. The deputy should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency, or entity having legal custody and is refusing to give consent for the medical examination, deputies should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for deputies to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

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### **313.9 DRUG-ENDANGERED VICTIMS**

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an elder or dependent adult abuse victim who has been exposed to the manufacturing, trafficking, or use of narcotics.

#### **313.9.1 DEPUTY RESPONSIBILITIES**

Deputies responding to a drug lab or other narcotics crime scene where an elder or dependent adult abuse victim is present or where there is evidence that an elder or dependent adult abuse victim lives should:

- (a) Document the environmental, medical, social, and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Investigative Bureau supervisor so an interagency response can begin.

#### **313.9.2 SUPERVISOR RESPONSIBILITIES**

The Investigative Bureau supervisor should:

- (a) Work with professionals from the appropriate agencies, including APS, other law enforcement agencies, medical service providers, and local prosecutors, to develop community specific procedures for responding to situations where there are elder or dependent adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when a deputy notifies the Investigative Bureau supervisor that he/she has responded to a drug lab or other narcotics crime scene where an elder or dependent adult abuse victim is present or where evidence indicates that an elder or dependent adult abuse victim lives.
- (c) Develop a report format or checklist for use when deputies respond to drug labs or other narcotics crime scenes. The checklist will help deputies document the environmental, medical, social, and other conditions that may affect the adult.

### **313.10 RECORDS BUREAU RESPONSIBILITIES**

The CIB is responsible for:

- (a) Providing a copy of the elder or dependent adult abuse report to the APS, ombudsman, or other agency as applicable within two working days or as required by law (Welfare and Institutions Code § 15630; Welfare and Institutions Code § 15640(c)).
- (b) Retaining the original elder or dependent adult abuse report with the initial case file.

### **313.11 JURISDICTION**

The Sonoma County Sheriff's Office has concurrent jurisdiction with state law enforcement agencies when investigating elder and dependent adult abuse and all other crimes against elder victims and victims with disabilities (Penal Code § 368.5).

Adult protective services agencies and local long-term care ombudsman programs also have jurisdiction within their statutory authority to investigate elder and dependent adult abuse and criminal neglect and may assist in criminal investigations upon request, if consistent with federal

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law, in such cases. However, this office will retain responsibility for the criminal investigations (Penal Code § 368.5).

Additional jurisdiction responsibilities for investigations of abuse involving various facilities and agencies may be found in Welfare and Institutions Code § 15650.

### **313.12 RELEVANT STATUTES**

#### **Penal Code § 288 (a) and Penal Code § 288 (b)(2)**

(a) Except as provided in subdivision (i), a person who willfully and lewdly commits any lewd or lascivious act, including any of the acts constituting other crimes provided for in Part 1 (Of Crimes and Punishments of the Penal Code) upon or with the body, or any part or member thereof, of a child who is under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of that person or the child, is guilty of a felony and shall be punished by imprisonment in the state prison for three, six, or eight years.

(b)(2) A person who is a caretaker and commits an act described in subdivision (a) upon a dependent person by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, with the intent described in subdivision (a), is guilty of a felony and shall be punished by imprisonment in the state prison for 5, 8, or 10 years.

#### **Penal Code § 368 (c)**

A person who knows or reasonably should know that a person is an elder or dependent adult and who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any elder or dependent adult to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any elder or dependent adult, willfully causes or permits the person or health of the elder or dependent adult to be injured or willfully causes or permits the elder or dependent adult to be placed in a situation in which his or her person or health may be endangered, is guilty of a misdemeanor.

#### **Penal Code § 368 (f)**

A person who commits the false imprisonment of an elder or a dependent adult by the use of violence, menace, fraud, or deceit is punishable by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

Protections provided by the above Penal Code § 288 and Penal Code § 368 protect many persons with disabilities regardless of the fact they live independently.

#### **Welfare and Institutions Code § 15610.05**

"Abandonment" means the desertion or willful forsaking of an elder or a dependent adult by anyone having care or custody of that person under circumstances in which a reasonable person would continue to provide care and custody.

#### **Welfare and Institutions Code § 15610.06**

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"Abduction" means the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, of any elder or dependent adult who does not have the capacity to consent to the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, as well as the removal from this state or the restraint from returning to this state, of any conservatee without the consent of the conservator or the court.

### **Welfare and Institutions Code § 15610.30**

- (a) "Financial abuse" of an elder or dependent adult occurs when a person or entity does any of the following:
  - 1. Takes, secretes, appropriates, obtains, or retains real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
  - 2. Assists in taking, secreting, appropriating, obtaining, or retaining real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
  - 3. Takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting, appropriating, obtaining, or retaining, real or personal property of an elder or dependent adult by undue influence, as defined in Section 15610.70.
- (b) A person or entity shall be deemed to have taken, secreted, appropriated, obtained, or retained property for a wrongful use if, among other things, the person or entity takes, secretes, appropriates, obtains, or retains the property and the person or entity knew or should have known that this conduct is likely to be harmful to the elder or dependent adult.
- (c) For purposes of this section, a person or entity takes, secretes, appropriates, obtains, or retains real or personal property when an elder or dependent adult is deprived of any property right, including by means of an agreement, donative transfer, or testamentary bequest, regardless of whether the property is held directly or by a representative of an elder or dependent adult.
- (d) For purposes of this section, "representative" means a person or entity that is either of the following:
  - 1. A conservator, trustee, or other representative of the estate of an elder or dependent adult.
  - 2. An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney.

### **Welfare and Institutions Code § 15610.43**

- (a) "Isolation" means any of the following:
  - 1. Acts intentionally committed for the purpose of preventing, and that do serve to prevent, an elder or dependent adult from receiving his or her mail or telephone calls.
  - 2. Telling a caller or prospective visitor that an elder or dependent adult is not present, or does not wish to talk with the caller, or does not wish to meet with the visitor where the statement is false, is contrary to the express wishes of the elder

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or the dependent adult, whether he or she is competent or not, and is made for the purpose of preventing the elder or dependent adult from having contact with family, friends, or concerned persons.

3. False imprisonment, as defined in Section 236 of the Penal Code.
  4. Physical restraint of an elder or dependent adult, for the purpose of preventing the elder or dependent adult from meeting with visitors.
- (b) The acts set forth in subdivision (a) shall be subject to a rebuttable presumption that they do not constitute isolation if they are performed pursuant to the instructions of a physician and surgeon licensed to practice medicine in the state, who is caring for the elder or dependent adult at the time the instructions are given, and who gives the instructions as part of his or her medical care.
- (c) The acts set forth in subdivision (a) shall not constitute isolation if they are performed in response to a reasonably perceived threat of danger to property or physical safe.

#### **Welfare and Institutions Code § 15610.57**

- (a) "Neglect" means either of the following:
1. The negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise.
  2. The negligent failure of an elder or dependent adult to exercise that degree of self care that a reasonable person in a like position would exercise.
- (b) Neglect includes, but is not limited to, all of the following:
1. Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.
  2. Failure to provide medical care for physical and mental health needs. A person shall not be deemed neglected or abused for the sole reason that the person voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.
  3. Failure to protect from health and safety hazards.
  4. Failure to prevent malnutrition or dehydration.
  5. Substantial inability or failure of an elder or dependent adult to manage personal finances.
  6. Failure of an elder or dependent adult to satisfy any of the needs specified in paragraphs (1) to (5), inclusive, for themselves as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.
- (c) Neglect includes being homeless if the elder or dependent adult is also unable to meet any of the needs specified in paragraphs (1) to (5), inclusive, of subdivision (b).

#### **Welfare and Institutions Code § 15610.63**

"Physical abuse" means any of the following:

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- (a) Assault, as defined in Section 240 of the Penal Code.
- (b) Battery, as defined in Section 242 of the Penal Code.
- (c) Assault with a deadly weapon or force likely to produce great bodily injury, as defined in Section 245 of the Penal Code.
- (d) Unreasonable physical constraint, or prolonged or continual deprivation of food or water.
- (e) Sexual assault, that means any of the following:
  - 1. Sexual battery, as defined in Section 243.4 of the Penal Code.
  - 2. Rape, as defined in Section 261 of the Penal Code, or former Section 262 of the Penal Code.
  - 3. Rape in concert, as described in Section 264.1 of the Penal Code.
  - 4. Incest, as defined in Section 285 of the Penal Code.
  - 5. Sodomy, as defined in Section 286 of the Penal Code.
  - 6. Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.
  - 7. Sexual penetration, as defined in Section 289 of the Penal Code.
  - 8. Lewd or lascivious acts as defined in paragraph (2) of subdivision (b) of Section 288 of the Penal Code.
- (f) Use of a physical or chemical restraint or psychotropic medication under any of the following conditions:
  - 1. For punishment.
  - 2. For a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California, who is providing medical care to the elder or dependent adult at the time the instructions are given.
  - 3. For any purpose not authorized by the physician and surgeon.

#### **313.13 SHERIFF RESPONSIBILITIES**

The Sheriff or the authorized designee responsibilities include but are not limited to (Penal Code § 368.6):

- (a) Taking leadership within the Office and in the community, including by speaking out publicly in major cases of senior and disability victimization, to assure the community of office support for the victims and their families and for others in the community who are terrorized and traumatized by the crimes, and to encourage victims and witnesses to the crimes or similar past or future crimes to report those crimes to help bring the perpetrators to justice and prevent further crimes.
- (b) Developing and including office protocols in this policy, including but not limited to the following:

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1. Protocols for seeking emergency protective orders by phone from a court at any time of day or night pursuant to Family Code § 6250(d).
2. Protocols for arrest warrants and arrests for senior and disability victimization for matters other than domestic violence and consistent with the requirements of Penal Code § 368.6(c)(9)(B) that include the following:
  - (a) In the case of a senior and disability victimization committed in a deputy's presence, including but not limited to a violation of a relevant protective order, the deputy shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.
  - (b) In the case of a felony not committed in a deputy's presence, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.
  - (c) In the case of a misdemeanor not committed in the deputy's presence, including but not limited to misdemeanor unlawful interference with a mandated report or a misdemeanor violation of a relevant protective order, or when necessary or advisable to protect the safety of the victim or others, the agency shall seek an arrest warrant based on probable cause.
  - (d) Protocol for seeking arrest warrants based on probable cause for crimes for which no arrest has been made.
3. Procedures for first responding deputies to follow when interviewing persons with cognitive and communication disabilities until deputies, or staff of other responsible agencies with more advanced training, are available. The procedure shall include an instruction to avoid repeated interviews whenever possible.
  - (c) For each office protocol, include either a specific title-by-title list of deputy responsibilities or a specific office or unit in the Office responsible for implementing the protocol.
  - (d) Ensuring an appendix is created and attached to this policy that describes requirements for elder and dependent adult abuse investigations consistent with Penal Code § 368.6(c)(8)(B).
  - (e) Ensuring a detailed checklist is created and attached to this policy regarding first responding responsibilities that includes but is not limited to the requirements of Penal Code § 368.6(c)(23).
  - (f) Ensuring that all members carry out their responsibilities under this policy.
  - (g) Verifying a process is in place for transmitting and periodically retransmitting this policy and related orders to deputies, including a simple and immediate way for deputies to access the policy in the field when needed.
  - (h) Ensuring this policy is available to the Protection and Advocacy Agency upon request.

[See attachment: Senior and Disability Victimization Checklist.pdf](#)

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### **313.14 ELDER AND DEPENDENT ADULT ABUSE LIAISON**

A office member appointed by the Sheriff or the authorized designee will serve as the Elder and Dependent Adult Abuse Liaison. Responsibilities of the liaison include but are not limited to (Penal Code § 368.6):

- (a) Acting as a liaison to other responsible agencies (defined by Penal Code § 368.6(b) (15)) to increase cooperation and collaboration among them while retaining the law enforcement agency's exclusive responsibility for criminal investigations (Welfare and Institutions Code § 15650).
- (b) Reaching out to the senior and disability communities and to the public to encourage prevention and reporting of senior and disability victimization.

## **\*Discriminatory Harassment\***

### **314.1 PURPOSE AND SCOPE**

The purpose of this policy is to prevent office members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

Members may also choose to employ the procedures and protocols set forth in the County's Policy and Program of Equal Opportunity and Affirmative Action in County of Sonoma Employment, as well as the Equal Employment Opportunity Discrimination Complaint Procedures for the County of Sonoma in addition to or instead of those set forth in this policy. Such procedures may differ from those set forth in this policy (e.g., the appeal process).

### **314.2 POLICY**

The Sonoma County Sheriff's Office is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation (Government Code § 12940(k); 2 CCR 11023). The Office will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Office will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The nondiscrimination policies of the Office may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

### **314.3 DEFINITIONS**

Definitions related to this policy include:

#### **314.3.1 DISCRIMINATION**

The Office prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes, stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or

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office equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to office policy and to a work environment that is free of discrimination.

#### 314.3.2 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

#### 314.3.3 SEXUAL HARASSMENT

The Office prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position, or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

#### 314.3.4 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the California Civil Rights Council guidelines.
- (b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with County or office rules or regulations, or any other appropriate work-related communication between supervisor and member.

#### 314.4 RESPONSIBILITIES

This policy applies to all office personnel. All members shall follow the intent of these guidelines in a manner that reflects office policy, professional law enforcement standards, and the best interest of the Office and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Assistant Sheriff, the Professional Standards Lieutenant, or the Personnel Bureau ASO.

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Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

#### 314.4.1 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Sheriff, the Personnel Manager, or the California Civil Rights Department for further information, direction, or clarification (Government Code § 12950).

#### 314.4.2 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring that their subordinates understand their responsibilities under this policy.
- (d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying the Sheriff or the Professional Standards Lieutenant in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

#### 314.4.3 SUPERVISOR'S ROLE

Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing or retaliatory. Supervisors and managers shall be aware of the following considerations:

- (a) Behavior of supervisors and managers should represent the values of our Office and professional law enforcement standards.
- (b) False or mistaken accusations of discrimination, harassment or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating

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or counseling members or issuing discipline, in a manner that is consistent with established procedures.

#### **314.5 INVESTIGATION OF COMPLAINTS**

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Office that all complaints of discrimination, retaliation, or harassment shall be fully documented and promptly and thoroughly investigated.

##### **314.5.1 SUPERVISOR RESOLUTION**

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

##### **314.5.2 FORMAL INVESTIGATION**

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status, are encouraged to follow the chain of command but may also file a complaint directly with the Assistant Sheriff, the Professional Standards Lieutenant, or the Personnel Bureau ASO.

##### **314.5.3 ALTERNATIVE COMPLAINT PROCESS**

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Office. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

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### **314.6 DOCUMENTATION OF COMPLAINTS**

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Sheriff. The outcome of all reports shall be:

- Approved by the Sheriff or the Professional Standards Lieutenant, depending on the ranks of the involved parties.
- Maintained in accordance with the office's established records retention schedule.

#### **314.6.1 NOTIFICATION OF DISPOSITION**

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

### **314.7 TRAINING**

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term with the Office.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

#### **314.7.1 STATE-REQUIRED TRAINING**

The Professional Standards Bureau Lieutenant should ensure that employees receive the required state training and education regarding sexual harassment, prevention of abusive conduct, and harassment based on gender identity, gender expression, and sexual orientation as follows (Government Code § 12950.1; 2 CCR 11024):

- (a) Supervisory employees shall receive two hours of classroom or other effective interactive training and education within six months of assuming a supervisory position.
- (b) All other employees shall receive one hour of classroom or other effective interactive training and education within six months of their employment or sooner for seasonal or temporary employees as described in Government Code § 12950.1.
- (c) All employees shall receive refresher training every two years thereafter.

If the required training is to be provided by the Civil Rights Department online training courses, the Professional Standards Bureau Lieutenant should ensure that employees are provided the following website address to the training course: <https://calcivilrights.ca.gov> (Government Code § 12950; 2 CCR 11023).

#### **314.7.2 TRAINING RECORDS**

The Professional Standards Lieutenant shall be responsible for maintaining records of all discriminatory harassment training provided to members. Records shall be retained in accordance with established records retention schedules and for a minimum of two years (2 CCR 11024).

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### **314.8 WORKING CONDITIONS**

The Special Services Captain or the authorized designee should be responsible for reviewing facility design and working conditions for discriminatory practices. This person should collaborate with other County employees who are similarly tasked (2 CCR 11034).

### **314.9 REQUIRED POSTERS**

The Office shall display the required posters regarding discrimination, harassment and transgender rights in a prominent and accessible location for members (Government Code § 12950).

## Child Abuse

### 315.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Sonoma County Sheriff's Office members are required to notify the county Child Protective Services (CPS) of suspected child abuse.

#### 315.1.1 DEFINITIONS

Definitions related to this policy include:

**Child** - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

**Child abuse** - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency or law enforcement (Penal Code § 11165.9; Penal Code § 11166).

### 315.2 POLICY

The Sonoma County Sheriff's Office will investigate all reported incidents of alleged criminal child abuse and ensure CPS is notified as required by law.

### 315.3 MANDATORY NOTIFICATION

The child protection agency shall be notified when (Penal Code § 11166):

- (a) There is a known or suspected instance of child abuse or neglect reported, which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or
- (b) A person responsible for the child's welfare fails to adequately protect the child from abuse when the person knew or reasonably should have known that the child was in danger of abuse.

The District Attorney's office shall be notified in all instances of known or suspected child abuse or neglect reported to this office. Notification of the District Attorney is not required for reports only involving neglect by a person, who has the care or custody of a child, to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred (Penal Code § 11166).

When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g., foster homes, group homes, day care), notification shall also be made to the California Department of Social Services or other applicable licensing authority. When the alleged abuse or neglect involves a child of a minor parent or a dependent adult, notification shall also be made to the attorney of the minor or the dependent adult within 36 hours (Penal Code 11166.1; Penal Code 11166.2).

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For purposes of notification, the abuse or neglect includes physical injury or death inflicted by other than accidental means upon a child by another person; sexual abuse (Penal Code § 11165.1); neglect (Penal Code § 11165.2); the willful harming or injuring of a child or the endangering of the person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury (Penal Code § 11165.4). Child abuse or neglect does not include a mutual affray between minors, nor does it include an injury caused by the reasonable and necessary force used by a peace officer acting within the course and scope of the peace officer's employment as a peace officer.

### **315.3.1 NOTIFICATION PROCEDURE**

Notification should occur as follows (Penal Code § 11166):

- (a) Notification shall be made immediately, or as soon as practicable, by calling the CPS hotline at (707)565-4304.
- (b) A written Suspected Child Abuse Report (11166PC) should be forwarded to CPS within 36 hours of receiving the information concerning the incident.

### **315.4 QUALIFIED INVESTIGATORS**

Qualified investigators should be available for child abuse investigations. These investigators should:

- (a) Conduct interviews in child appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 18961.7).

### **315.5 INVESTIGATIONS AND REPORTING**

In all reported or suspected cases of child abuse, a report will be written. Deputies shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if deputies interviewed the child victim without the presence of a parent or guardian.

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- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

#### 315.5.1 EXTRA JURISDICTIONAL REPORTS

If a report of known or suspected child abuse or neglect that is alleged to have occurred outside this jurisdiction is received, office members shall ensure that the caller is immediately transferred to the agency with proper jurisdiction for the investigation of the case. If the caller cannot be successfully transferred to the appropriate agency, a report shall be taken and immediately referred by telephone, fax, or electronic transfer to the agency with proper jurisdiction (Penal Code § 11165.9).

#### 315.5.2 INITIAL REPORTS OF ABUSE FROM A NONMANDATED REPORTER

Members who receive a report of child abuse or neglect shall request the following information from the reporter (Penal Code § 11167):

- (a) Name and telephone number
- (b) Information and the source of information that gives rise to the knowledge or reasonable suspicion of child abuse or neglect

If the reporter refuses to provide their name and telephone number, the member should make a reasonable effort to determine the basis for the refusal and inform them that their information will remain confidential.

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### **315.6 PROTECTIVE CUSTODY**

Before taking any child into protective custody, the deputy should make reasonable attempts to contact CPS. Generally, removal of a child from the child's family, guardian, or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this office should remove a child from the child's parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the deputy should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the deputy shall ensure that the child is delivered to CPS.

Whenever practicable, the deputy should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, deputies should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations when a court order cannot reasonably be obtained in a timely manner (Welfare and Institutions Code § 305):

- (a) The deputy reasonably believes the child is a person described in Welfare and Institutions Code § 300, and further has good cause to believe that any of the following conditions exist:
  - 1. The child has an immediate need for medical care.
  - 2. The child is in immediate danger of physical or sexual abuse.
  - 3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In the case of a child left unattended, the deputy shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.
- (b) The deputy reasonably believes the child requires protective custody under the provisions of Penal Code § 279.6, in one of the following circumstances:
  - 1. It reasonably appears to the deputy that a person is likely to conceal the child, flee the jurisdiction with the child or, by flight or concealment, evade the authority of the court.
  - 2. There is no lawful custodian available to take custody of the child.
  - 3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.
  - 4. The child is an abducted child.
- (c) The child is in the company of, or under the control of, a person arrested for Penal Code § 278 (Detainment or concealment of child from legal custodian) or Penal Code § 278.5 (Deprivation of custody of a child or right to visitation) (Penal Code § 279.6).

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A child taken into protective custody shall be delivered to CPS unless otherwise directed by court order.

### 315.6.1 CALIFORNIA SAFELY SURRENDERED BABY LAW

An individual having lawful custody of an infant less than 72 hours old is not guilty of abandonment if the individual voluntarily surrenders physical custody of the infant to personnel on-duty at a safe-surrender site, such as a hospital or fire department (Penal Code § 271.5). The law requires the surrender site to notify CPS.

### 315.6.2 NEWBORNS TESTING POSITIVE FOR DRUGS

Under certain circumstances, deputies can be prohibited from taking a newborn who is the subject of a proposed adoption into protective custody, even when the newborn has tested positive for illegal drugs or the birth mother tested positive for illegal drugs.

Deputies shall instead follow the provisions of Welfare and Institutions Code § 305.6 to ensure that the newborn is placed with the adoptive parents when it is appropriate.

## **315.7 INTERVIEWS**

### 315.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, deputies should record the preliminary interview with suspected child abuse victims. Deputies should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating deputies should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

### 315.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

A deputy should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
  - 1. A reasonable belief that medical issues of the child need to be addressed immediately.
  - 2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
  - 3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

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### 315.7.3 INTERVIEWS AT A SCHOOL

Generally, Deputies should obtain parental consent, or a court order, prior to interviewing any suspected victim of child abuse while attending school.

Any student at school who is a suspected victim of child abuse shall be afforded the option of being interviewed in private or selecting any qualified available adult member of the school staff to be present. The purpose of the staff member's presence is to provide comfort and support. The staff member shall not participate in the interview. The selection of a staff member should be such that it does not burden the school with costs or hardship (Penal Code § 11174.3).

### **315.8 MEDICAL EXAMINATIONS**

If the child has been the victim of abuse that requires a medical examination, the investigating deputy should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The deputy should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, deputies should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for deputies to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

### **315.9 DRUG-ENDANGERED CHILDREN**

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

#### 315.9.1 SUPERVISOR RESPONSIBILITIES

The Investigative Bureau supervisor should:

- (a) Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when a deputy notifies the Investigative Bureau supervisor that the deputy has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.
- (c) Develop a report format or checklist for use when deputies respond to drug labs or other narcotics crime scenes. The checklist will help deputies document the environmental, medical, social and other conditions that may affect the child.

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### 315.9.2 DEPUTY RESPONSIBILITIES

Deputies responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

- (a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Investigative Bureau supervisor so an interagency response can begin.

### **315.10 STATE MANDATES AND OTHER RELEVANT LAWS**

California requires or permits the following:

#### 315.10.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Penal Code § 841.5; Penal Code § 11167.5).

#### 315.10.2 REQUESTS FOR REMOVAL FROM THE CHILD ABUSECENTRAL INDEX (CACI)

Any person whose name has been forwarded to the California Department of Justice (DOJ) for placement in California's CACI, as a result of an investigation, may request that his/her name be removed from the CACI list. Requests shall not qualify for consideration if there is an active case, ongoing investigation or pending prosecution that precipitated the entry to CACI (Penal Code § 11169). All requests for removal shall be submitted in writing by the requesting person and promptly routed to the CACI hearing officer.

#### 315.10.3 CACI HEARING OFFICER

The Investigative Bureau supervisor will normally serve as the hearing officer but must not be actively connected with the case that resulted in the person's name being submitted to CACI. Upon receiving a qualified request for removal, the hearing officer shall promptly schedule a hearing to take place during normal business hours and provide written notification of the time and place of the hearing to the requesting party.

#### 315.10.4 CACI HEARING PROCEDURES

The hearing is an informal process where the person requesting removal from the CACI list will be permitted to present relevant evidence (e.g., certified copy of an acquittal, factual finding of innocence) as to why his/her name should be removed. The person requesting the hearing may record the hearing at his/her own expense.

Formal rules of evidence will not apply and the hearing officer may consider, in addition to evidence submitted by the person requesting the hearing, any relevant information including, but not limited to, the following:

- (a) Case reports including any supplemental reports
- (b) Statements by investigators
- (c) Statements from representatives of the District Attorney's Office

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- (d) Statements by representatives of a child protective agency who may be familiar with the case

After considering all information presented, the hearing officer shall make a determination as to whether the requesting party's name should be removed from the CACI list. Such determination shall be based on a finding that the allegations in the investigation are not substantiated (Penal Code § 11169).

If, after considering the evidence, the hearing officer finds that the allegations are not substantiated, he/she shall cause a request to be completed and forwarded to the DOJ that the person's name be removed from the CACI list. A copy of the hearing results and the request for removal will be attached to the case reports.

The findings of the hearing officer shall be considered final and binding.

### **315.10.5 CHILD DEATH REVIEW TEAM**

This office should cooperate with any interagency child death review team investigation. Written and oral information relating to the death of a child that would otherwise be subject to release restrictions may be disclosed to the child death review team upon written request and approval of a supervisor (Penal Code § 11174.32).

### **315.11 TRAINING**

The Office should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.

## Missing Persons

### 316.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

#### 316.1.1 DEFINITIONS

**At risk** - Includes, but is not limited to (Penal Code § 14215):

- A victim of a crime or foul play
- A person missing and in need of medical attention
- A missing person with no pattern of running away or disappearing
- A missing person who may be the victim of parental abduction
- A mentally impaired missing person, including cognitively impaired or developmentally disabled

**Missing person** - Any person who is reported missing to law enforcement when the person's location is unknown. This includes a child who has been taken, detained, concealed, enticed away or kept by a parent in violation of the law (Penal Code § 277 et seq.). It also includes any child who is missing voluntarily, involuntarily or under circumstances that do not conform to his/her ordinary habits or behavior, and who may be in need of assistance (Penal Code § 14215).

**Missing person networks** - Databases or computer networks available to law enforcement and that are suitable for information related to missing persons investigations. These include the National Crime Information Center (NCIC), the California Law Enforcement Telecommunications System (CLETS), Missing Person System (MPS) and the Unidentified Persons System (UPS).

### 316.2 POLICY

The Sonoma County Sheriff's Office does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The Sonoma County Sheriff's Office gives missing person cases priority over property-related cases and will not require any time frame to pass before beginning a missing person investigation (Penal Code § 14211).

### 316.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigation supervisor should ensure the forms and kits are developed and available in accordance with this policy, state law, federal law and the California Peace Officer Standards and Training (POST) Missing Persons Investigations guidelines, including:

- Office report form for use in missing person cases
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation (Penal Code § 13519.07)

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- Missing person school notification form
- Medical records release form from the California Department of Justice
- California DOJ missing person forms as appropriate
- Biological sample collection kits

#### **316.4 ACCEPTANCE OF REPORTS**

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay (Penal Code § 14211). This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to render immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any other question of jurisdiction (Penal Code § 14211).

#### **316.5 INITIAL INVESTIGATION**

Deputies or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

- (a) Respond to a dispatched call for service as soon as practicable.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- (c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- (d) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 21 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 21 years of age or may be at risk (Penal Code § 14211).
- (e) Ensure that entries are made into the appropriate missing person networks as follows:
  1. Immediately, when the missing person is at risk.
  2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.
- (g) Collect and/or review:
  1. A photograph and a fingerprint card of the missing person, if available.
  2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).

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3. Any documents that may assist in the investigation, such as court orders regarding custody.
  4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.
- (i) Contact the appropriate agency if the report relates to a previously made missing person report and another agency is actively investigating that report. When this is not practical, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

### **316.6 REPORT PROCEDURES AND ROUTING**

Employees should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

#### **316.6.1 SUPERVISOR RESPONSIBILITIES**

The responsibilities of the supervisor shall include, but are not limited to:

- (a) Reviewing and approving missing person reports upon receipt.
  1. The reports should be promptly sent to the CIB.
- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing persons networks.
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

#### **316.6.2 CIB RESPONSIBILITIES**

The receiving member shall:

- (a) Forward a copy of the report to the Investigative Bureau within 48 hours.

### **316.7 INVESTIGATIVE BUREAU FOLLOW-UP**

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

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- (a) Shall ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
  - 1. The notice shall be in writing and should also include a photograph (Education Code § 49068.6).
  - 2. The investigator should meet with school officials regarding the notice as appropriate to stress the importance of including the notice in the child's student file, along with contact information if the school receives a call requesting the transfer of the missing child's files to another school.
- (b) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available via the reporting party.
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (d) Shall verify and update CLETS, NCIC and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
- (e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- (f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children® (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (g) Should make appropriate inquiry with the Coroner.
- (h) Should obtain and forward medical and dental records, photos, X-rays and biological samples pursuant to Penal Code § 14212 and Penal Code § 14250.
- (i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not previously been obtained and forward the photograph to California DOJ (Penal Code § 14210) and enter the photograph into applicable missing person networks (34 USC § 41308).
- (j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).
- (k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).
- (l) If missing person is considered at risk, or there are suspicious circumstances, a Critical Reach Flyer needs to be created.
- (m) Obtain familial DNA (buccal swab) from missing person's family, if missing more than 30 days, and forward to the California DOJ Missing Person DNA Program. (Penal Code 14250(c)(2)).

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### **316.8 WHEN A MISSING PERSON IS FOUND**

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted.

The CIB Manager shall ensure that, upon receipt of information that a missing person has been located, the following occurs (Penal Code § 14213):

- (a) Notification is made to California DOJ.
- (b) The missing person's school is notified.
- (c) Entries are made in the applicable missing person networks.
- (d) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation within 24 hours.

#### **316.8.1 UNIDENTIFIED PERSONS**

Office members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File.
- (c) Use available resources, such as those related to missing persons, to identify the person.

### **316.9 CASE CLOSURE**

The Investigative Bureau supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence has matched an unidentified person or body.
- (b) If the missing person is a resident of Sonoma or this office is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this office is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

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### **316.10 TRAINING**

Subject to available resources, the Professional Standards Bureau Lieutenant should ensure that members of this office whose duties include missing person investigations and reports receive regular training that includes:

- (a) The initial investigation:
  - 1. Assessments and interviews
  - 2. Use of current resources, such as Mobile Audio Video (MAV)
  - 3. Confirming missing status and custody status of minors
  - 4. Evaluating the need for a heightened response
  - 5. Identifying the zone of safety based on chronological age and developmental stage
- (b) Briefing of office members at the scene.
- (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).
- (d) Verifying the accuracy of all descriptive information.
- (e) Initiating a neighborhood investigation.
- (f) Investigating any relevant recent family dynamics.
- (g) Addressing conflicting information.
- (h) Key investigative and coordination steps.
- (i) Managing a missing person case.
- (j) Additional resources and specialized services.
- (k) Update procedures for case information and descriptions.
- (l) Preserving scenes.
- (m) Internet and technology issues (e.g., Internet use, cell phone use).
- (n) Media relations.

### **316.11 JUVENILE ESCAPEES**

- (a) Any juvenile who has been adjudged a ward of the court or who is under the authority of the Probation Department, who voluntarily leaves any court or probation placed residential facility, shall be deemed an escapee as defined in Section 871 W.I.C.
- (b) Upon contact by a group home or detention facility representative, the Dispatcher, Community Service Officer, or Deputy will determine from the reporting party if the reported escapee(s) has been made a ward of the court or is currently on probation in this county or any other county.

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- (c) In cases where the juvenile is a ward of the court or is currently on Probation, the Dispatcher, Community Service Officer or Deputy will instruct the reporting party to contact the juvenile's probation officer to issue a probation violation warrant or hold per 777 W & I.
- (d) The Dispatcher, Community Service Officer, or Deputy will obtain a description of the suspect, including any officer safety information, for broadcast countywide.
- (e) In these cases, no further documentation is necessary unless an additional violation of law has occurred, an immediate safety issue is of concern, or suspicious circumstances exist. In any of these events, a Deputy will be dispatched to take an 871 W & I escape crime/case report. An entry into Missing/Unidentified Persons (MUPS) System will be made.
- (f) If the juvenile is not a ward of the court or currently on probation, a missing persons report will be taken per the guidelines contained in this order.

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## Public Alerts

### 317.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

### 317.2 POLICY

Public alerts may be employed using a Community Notification System, local radio, television, social media platforms, and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

### 317.3 RESPONSIBILITIES

#### 317.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Sonoma County Sheriff's Office should notify their supervisor, Watch Commander or Investigative Bureau Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

#### 317.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify their respective supervisor and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updating alerts
- (b) Canceling alerts
- (c) Ensuring all appropriate reports are completed
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Captain, as needed

### 317.4 AMBER ALERTS

The AMBER Alert™ Program is a voluntary partnership between law enforcement agencies, broadcasters, transportation agencies and the wireless industry, to activate urgent bulletins in child abduction cases.

#### 317.4.1 CRITERIA FOR AMBER ALERT

The following conditions must be met before activating an AMBER Alert (Government Code § 8594(a)):

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- (a) A child has been abducted or taken by anyone, including but not limited to a custodial parent or guardian.
- (b) The victim is 17 years of age or younger, or has a proven mental or physical disability.
- (c) The victim is in imminent danger of serious injury or death.
- (d) There is information available that, if provided to the public, could assist in the child's safe recovery.

### **317.4.2 PROCEDURE FOR AMBER ALERT**

The supervisor in charge will ensure the following:

- (a) An initial press release is prepared that includes all available information that might aid in locating the child:
  - 1. The child's identity, age and description
  - 2. Photograph if available
  - 3. The suspect's identity, age and description, if known
  - 4. Pertinent vehicle description
  - 5. Detail regarding location of incident, direction of travel, potential destinations, if known
  - 6. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
  - 7. A telephone number for the public to call with leads or information
- (b) The local California Highway Patrol communications center should be contacted to initiate a multi-regional or statewide EAS broadcast, following any policies and procedures developed by CHP (Government Code § 8594).
- (c) The press release information is forwarded to the Sheriff's Office Dispatch Bureau so that general broadcasts can be made to local law enforcement agencies.
- (d) Information regarding the missing person should be entered into the California Law Enforcement Telecommunication System (CLETS).
- (e) Information regarding the missing person should be entered into the California Department of Justice Missing and Unidentified Persons System (MUPS)/National Crime Information Center (NCIC).
- (f) The following resources should be considered as circumstances dictate:
  - 1. The local FBI office
  - 2. National Center for Missing and Exploited Children (NCMEC)

### **317.5 BLUE ALERTS**

Blue Alerts may be issued when a deputy is killed, injured or assaulted and the suspect may pose a threat to the public or other law enforcement personnel.

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##### **317.5.1 CRITERIA FOR BLUE ALERTS**

All of the following conditions must be met before activating a Blue Alert (Government Code § 8594.5):

- (a) A law enforcement officer has been killed, suffered serious bodily injury or has been assaulted with a deadly weapon, and the suspect has fled the scene of the offense.
- (b) The investigating law enforcement agency has determined that the suspect poses an imminent threat to the public or other law enforcement personnel.
- (c) A detailed description of the suspect's vehicle or license plate is available for broadcast.
- (d) Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.

##### **317.5.2 PROCEDURE FOR BLUE ALERT**

The supervisor in charge should ensure the following:

- (a) An initial press release is prepared that includes all available information that might aid in locating the suspect:
  - 1. The license number and/or any other available description or photograph of the vehicle
  - 2. Photograph, description and/or identification of the suspect
  - 3. The suspect's identity, age and description, if known
  - 4. Detail regarding location of incident, direction of travel, potential destinations, if known
  - 5. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
  - 6. A telephone number for the public to call with leads or information
- (b) The local California Highway Patrol communications center is contacted to initiate a multi-regional or statewide EAS broadcast.
- (c) The information in the press release is forwarded to the Sheriff's Office Dispatch Bureau so that general broadcasts can be made to local law enforcement agencies.
- (d) The following resources should be considered as circumstances dictate:
  - 1. Entry into the California Law Enforcement Telecommunication System (CLETS)
  - 2. The FBI local office

##### **317.6 SILVER ALERTS**

Silver Alerts® is an emergency notification system for people who are 65 years of age or older, developmentally disabled or cognitively impaired and have been reported missing (Government Code § 8594.10).

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### 317.6.1 CRITERIA FOR SILVER ALERTS

All of the following conditions must be met before activating a Silver Alert (Government Code § 8594.10):

- (a) The missing person is 65 years of age or older, developmentally disabled or cognitively impaired.
- (b) The office has utilized all available local resources.
- (c) The investigating deputy or supervisor has determined that the person is missing under unexplained or suspicious circumstances.
- (d) The investigating deputy or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- (e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

### 317.6.2 PROCEDURE FOR SILVER ALERT

Requests for a Silver Alert shall be made through the California Highway Patrol (Government Code § 8594.10).

## **317.7 YELLOW ALERTS**

Yellow Alerts are notifications related to hit-and-run incidents resulting in the death or injury (Vehicle Code § 20001; Government Code § 8594.15).

### 317.7.1 CRITERIA FOR YELLOW ALERTS

All of the following conditions must be met before requesting the activation of a Yellow Alert (Government Code § 8594.15):

- (a) A person has been killed or has suffered serious bodily injury due to a hit-and-run.
- (b) It is likely the suspect may be seen on a state highway.
- (c) There is additional information concerning the suspect's vehicle, including, but not limited to any of the following:
  - 1. The suspect or the suspect's vehicle can be particularly described (e.g., a complete or partial license plate number)
  - 2. Unique vehicle characteristics (e.g., make, model and color of suspect's vehicle)
  - 3. The identity of the suspect
- (d) Public assistance can mitigate danger to the public or quicken the apprehension of the suspect

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### 317.7.2 PROCEDURE FOR YELLOW ALERT

Requests for a Yellow Alert shall be made through the California Highway Patrol (Government Code § 8594.15).

### 317.8 MUTUAL AID

The experiences of other law enforcement jurisdictions that have implemented similar plans indicate a Public Alert will generate a high volume of telephone calls to the handling agency.

The Sheriff's Office Dispatch Bureau facilities and staff can be made available in the event of a high call volume.

If the Watch Commander or Investigative Bureau Supervisor elects to use the services of the Sheriff's Office, the following will apply:

- (a) Notify the Sheriff's Office Watch Commander of the incident and the request for assistance. He/she will provide you with a telephone number for the public to call.
- (b) In the press release, direct the public to the telephone number provided by the Sheriff's Office Watch Commander.
- (c) The Public Information Officer will continue to handle all press releases and media inquiries. Any press inquiries received by the Sheriff's Office will be referred back to this office.

### 317.9 COMMUNITY ALERTS-EMERGENCY

The community alert notification system will be used for specific notifications, warnings or detailed emergency instructions.

The community alert notification system is a computerized emergency notification and warning system, providing the capability to notify a virtually unlimited number of persons within minutes of creating an alert message. The system is managed by the Sonoma County Department of Emergency Management (DEM), and can be activated by the DEM and the Sheriff's Office. The system can make calls, send texts or emails based on a fixed list or a selected geographic area. It allows authorized individuals to make specific notifications, warnings, or detailed emergency instructions.

Alert originators should consider which type of platform to use depending on the emergency confronted with. They should also understand the capability and limitations of each system.

The Sonoma County Sheriff's Office utilizes the following Alert/Notification systems:

- **WIRELESS EMERGENCY ALERT (WEA)** - The Wireless Emergency Alerts system is a Federal public safety system that allows customers who own certain wireless phones and other enabled mobile devices to receive geographically targeted, text-like messages alerting them of imminent threats to safety in their area.

This system is designed for the most severe emergency. WEA is an opt-out system. WEA messages will wake cellular phones to alert of the emergency. It has geographic targeting ability. WEA messages are currently limited to 90 characters so maximizing their

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effectiveness is of utmost importance and can be challenging. Templated messaging is strongly encouraged. WEA does not offer Spanish translation.

- **EMERGENCY ALERT SYSTEM (EAS)** - EAS is a media broadcast tool to alert the public in case of emergency. It is for specific messaging primarily over television and radio broadcasts. EAS will reach most people watching television or listening to the radio. Its geographic target will be the entire Bay Area media market. An EAS broadcast will only be delivered one time (doesn't repeat) unless a broadcast company decides to repeat the warning.
- **SOCO ALERT** - SOCO Alert is an opt-in system and has the ability to conduct reverse 911 calls to geographically targeted landline telephones. Phone lines using Voice over Internet and cellular will not be reached unless specifically opted in. Spanish translation is not offered.
- **NIXLE** - Nixle is an opt-in system and has the ability to send text messages and emails in the event of an emergency. Nixle also offers automated Spanish translation and geographic targeting. Nixle allows for automatic publishing to Facebook and Twitter.
- **OTHER SOCIAL MEDIA PLATFORMS** - Social media (Facebook, Twitter, Nextdoor, etc.) is not preferred to alert people during an emergency but it is a helpful tool to push out further information or instructions for systems with character limits. It also allows for efficient event updating and two-way communication with the public.

#### 317.9.1 CRITERIA FOR COMMUNITY ALERTS-EMERGENCY

Deciding whether to issue a public warning can be a difficult decision. Ultimately it will be a matter of judgment, and use of public alerts must be generated or approved by a Watch Commander or PIO.

When deciding whether to issue a public warning and which type of platform to use, the following criteria can be applied:

- Does the hazardous situation require the public to take immediate action?
- Does the hazardous situation pose a serious threat to life or property?
- Is there a high degree of probability that the hazardous situation will occur?
- Are other means of disseminating the information adequate to ensure rapid delivery of urgent information?

An emergency warning should have an action to include one of the following:

- Evacuate - "Evacuate Now"
- Shelter - "Take Shelter Now"
- Prepare - "Prepare for Action"
- Monitor - "Monitor Radio or TV"
- Avoid - "Avoid Hazard"

#### Access and Functional Needs

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Effective alert messages also address persons with disabilities and those with access and functional needs. From an access and functional needs perspective, keep the following in mind when composing a message:

- Clear and simple language
- Avoid non-standard language and terminology to facilitate easier text-to-speech conversion and use of screen reading devices
- Consistency of audio with message text
- Ample text and audio to explain images/maps

English as a Second Language:

At this time, the federal WEA system does not provide automatic translation services, but it is capable of accepting and relaying alerts in multiple languages as composed by the alert originator. When issuing alerts, also consider using Nixle which has automatic translating ability.

### **317.9.2 PROCEDURE FOR COMMUNITY ALERTS-EMERGENCY**

Geographic Area Creation:

- (a) When the occasion occurs, the Incident Commander shall define the area to be notified and pass on to the Sheriff's Office Dispatch Bureau or the Department of Emergency Management, depending on the circumstances.

Call Activation:

- (a) When the need arises to activate the community notification system (both Fixed and Geographic Areas), the Incident Commander shall generate or approve the message that needs to be sent and request the Sheriff's Office Dispatch Bureau to activate the call out.
  1. The Sheriff's Office Emergency Dispatch Bureau should notify the Public Information Officer as soon as practical.

### **317.10 ADDITIONAL ALERTS FOR PUBLIC SAFETY EMERGENCIES**

Additional public safety emergency alerts may be authorized that utilize wireless emergency alert system (WEA) and emergency alert system (EAS) equipment for alerting and warning the public to protect lives and save property (Government Code § 8593.7).

#### **317.10.1 CRITERIA**

Public safety emergency alerts may be issued to alert or warn the public about events including but not limited to:

- (a) Evacuation orders (including evacuation routes, shelter information, key information).
- (b) Shelter-in-place guidance due to severe weather.
- (c) Terrorist threats.
- (d) HazMat incidents.

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### 317.10.2 PROCEDURE

Public safety emergency alerts should be activated by following the guidelines issued by the Department of Emergency Management (Government Code § 8593.7).

### **317.11 FEATHER ALERT**

A Feather Alert may be issued when an indigenous person is reported missing under unexplained or suspicious circumstances (Government Code § 8594.13).

#### 317.11.1 CRITERIA FOR FEATHER ALERT

All of the following conditions must be met before activating a Feather Alert (Government Code § 8594.13):

- (a) The missing person is an indigenous person.
- (b) The Office has utilized local and tribal resources.
- (c) The investigating deputy has determined the person has gone missing under unexplained or suspicious circumstances.
- (d) The investigating deputy or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- (e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

#### 317.11.2 PROCEDURE FOR FEATHER ALERT

Requests for a Feather Alert shall be made through the California Highway Patrol (Government Code § 8594.13).

### **317.12 ENDANGERED MISSING ADVISORY**

An Endangered Missing Advisory may be requested when a person is reported missing who is developmentally disabled, or cognitively impaired, or has been abducted, or is unable to otherwise care for themselves, placing their physical safety at risk (Government Code § 8594.11).

#### 317.12.1 CRITERIA FOR ENDANGERED MISSING ADVISORY

All of the following conditions must be met before activating an Endangered Missing Advisory (Government Code § 8594.11):

- (a) The missing person is developmentally disabled, cognitively impaired, has been abducted or is otherwise unable to care for themselves, placing their physical safety at risk.
- (b) The Office has utilized all available local resources.
- (c) The investigating deputy has determined the person has gone missing under unexplained or suspicious circumstances.
- (d) The investigating deputy or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that

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the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.

- (e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

### **317.12.2 PROCEDURE FOR ENDANGERED MISSING ADVISORIES**

Requests for an endangered missing advisory shall be made through the California Highway Patrol (Government Code § 8594.11).

### **317.13 EBONY ALERT**

An Ebony Alert may be requested when it is determined the alert would be an effective tool in the investigation of missing Black youth, including a young woman or girl (Government Code § 8594.14).

#### **317.13.1 CRITERIA FOR EBONY ALERT**

The investigating deputy may consider the following factors to make the determination that an Ebony Alert would be an effective tool (Government Code § 8594.14):

- (a) The missing person is between the ages of 12 and 25 years old, inclusive.
- (b) The missing person is missing under circumstances that indicate their physical safety is endangered or they have been subject to trafficking.
- (c) The missing person suffers from a mental or physical disability.
- (d) Determination that the person has gone missing under unexplained or suspicious circumstances.
- (e) Belief that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- (f) The Office has utilized all available local resources.
- (g) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

#### **317.13.2 PROCEDURE FOR EBONY ALERT**

Requests for an Ebony Alert shall be made through the California Highway Patrol (Government Code § 8594.14).

## Victim and Witness Assistance

### 318.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

### 318.2 POLICY

The Sonoma County Sheriff's Office is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Sonoma County Sheriff's Office will show understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

#### 318.2.1 DEFINITIONS

**CRIME:** An act or public offense, wherever it may take place, that would constitute a misdemeanor or a felony if the crime had been committed in California by a competent adult.

**DERIVATIVE VICTIM:** An individual who sustains pecuniary loss as a result of injury or death to a victim.

**PECUNIARY LOSS:** An economic loss or expense resulting from an injury or death to a victim of crime that has not been and will not be reimbursed from any other source; must be an actual out-of-pocket loss.

Law enforcement agencies are charged with the responsibility of notifying the victims of violent crimes of their right to indemnification. For the purpose of indemnification by the State of California, the definition of victim shall include the following:

- (a) A person who sustains injury or death as a direct result of a crime.
- (b) A person legally dependent for support upon a person who sustains injury or death as a direct result of a crime.
- (c) A family member or any person in close relationship to a victim who was present during the commission of the crime and whose treatment or presence during treatment of the victim is required for successful medical treatment.
- (d) Any individual who legally assumes the obligation, or who voluntarily pays the medical or burial expenses incurred as a direct result of a death caused by a crime.

### 318.3 CRIME VICTIMS

Deputies should provide all victims with the applicable victim information handouts.

Deputies should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Deputies should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written office material or available victim resources.

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This may be accomplished by providing the victim the Marcy's Card with the case number. The Deputy shall present the victim with a copy of the Sheriff's Office Directory of Resource Information for Victims of Violence, or the Domestic Violence and Sexual Assault pamphlet (the DV pamphlet).

#### **318.3.1 VICTIMS OF HUMAN TRAFFICKING**

Deputies investigating or receiving a report involving a victim of human trafficking shall inform the victim, or the victim's parent or guardian if the victim is a minor, that upon the request of the victim the names and images of the victim and his/her immediate family members may be withheld from becoming a matter of public record until the conclusion of the investigation or prosecution (Penal Code § 293).

#### **318.4 VICTIM INFORMATION**

The Investigations Lieutenant shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims of domestic violence.
- (b) Community resources for victims of sexual assault.
- (c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Penal Code § 13823.95(a)).
- (d) An explanation that victims of sexual assault who seek a medical evidentiary examination shall not be required to participate or agree to participate in the criminal justice system, either prior to the examination or at any other time (Penal Code § 13823.95(b)).
- (e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (f) A clear explanation of relevant court orders and how they can be obtained.
- (g) Information regarding available compensation for qualifying victims of crime (Government Code § 13962).
- (h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (i) Notice regarding U Visa and T Visa application processes.
- (j) Resources available for victims of identity theft.
- (k) A place for the deputy's name, badge number and any applicable case or incident number.
- (l) The "Victims of Domestic Violence" card containing the names, phone numbers or local county hotlines of local shelters for battered women and rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2).

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- (m) The rights of sexual assault victims card with the required information as provided in Penal Code § 680.2.
- (n) Any additional information required by state law (Penal Code § 13701; Penal Code § 679.02; Penal Code § 679.04; Penal Code § 679.05; Penal Code § 679.026).

### **318.5 WITNESSES**

Deputies should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Deputies may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Deputies should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

### **318.6 VICTIM-WITNESS ASSISTANCE CENTER**

The Central Information Bureau Manager shall be the liaison to all local and State victim-witness restitution and assistance centers. Upon request of a Deputy, such Manager shall forward copies of the relevant police reports to the local victim centers to verify the criminal activity underlying a claim for assistance.

## Hate Crimes

### 319.1 POLICY

It is the policy of this office to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias should be viewed very seriously and given high priority.

This office will employ reasonably available resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this office should take all reasonable steps to attend to the security and related concerns of the immediate victims and their families as feasible.

All deputies are required to be familiar with the policy and use reasonable diligence to carry out the policy unless directed by the Sheriff or other command-level officer to whom the Sheriff formally delegates this responsibility.

### 319.2 PURPOSE AND SCOPE

This policy is designed to assist in identifying and handling crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing assistance, victim assistance and follow-up, and reporting as related to law enforcement's role in handling hate crimes. It also serves as a declaration that hate crimes are taken seriously and demonstrates how the Sonoma County Sheriff's Office may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy (Penal Code § 13519.6; Penal Code § 422.87).

#### 319.2.1 DEFINITION AND LAWS

In accordance with Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.6; and Penal Code § 422.87, for purposes of all other state law, unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

**Bias motivation** - Bias motivation is a pre-existing negative attitude toward actual or perceived characteristics referenced in Penal Code § 422.55. Depending on the circumstances of each case, bias motivation may include but is not limited to hatred, animosity, discriminatory selection of victims, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including but not limited to disability or gender.

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**Disability** - Disability includes mental disability and physical disability as defined in Government Code § 12926, regardless of whether those disabilities are temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

**Disability bias** - In recognizing suspected disability-bias hate crimes, deputies should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as but not limited to dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore "deserving victims," a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, deputies should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes but is not limited to situations where a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons, such as inebriated persons or persons with perceived disabilities different from those of the victim. Such circumstances could be evidence that the perpetrator's motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

**Gender** - Gender means sex and includes a person's gender identity and gender expression.

**Gender expression** - Gender expression means a person's gender-related appearance and behavior, regardless of whether it is stereotypically associated with the person's assigned sex at birth.

**Gender identity** - Gender identity means each person's internal understanding of their gender, or the perception of a person's gender identity, which may include male, female, a combination of male and female, neither male nor female, a gender different from the person's sex assigned at birth, or transgender (2 CCR § 11030).

**Hate crime** - "Hate crime" includes but is not limited to a violation of Penal Code § 422.6, and means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- (a) Disability
- (b) Gender
- (c) Nationality
- (d) Race or ethnicity
- (e) Religion
- (f) Sexual orientation
- (g) Association with a person or group with one or more of these actual or perceived characteristics:

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1. "Association with a person or group with one or more of these actual or perceived characteristics" includes advocacy for, identification with, or being on the premises owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of the characteristics listed in the definition of "hate crime" under paragraphs 1 to 6, inclusive, of Penal Code § 422.55(a).

Note: A "hate crime" need not be motivated by hate but may be motivated by any bias against a protected characteristic.

**Hate incident** - A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:

- Name-calling
- Insults and epithets
- Distributing hate material in public places
- Displaying hate material on your own property

**Hate speech** - The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected:

- Fighting words
- True threats
- Perjury
- Blackmail
- Incitement to lawless action
- Conspiracy
- Solicitation to commit any crime

**In whole or in part** - "In whole or in part because of" means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that a crime would not have been committed but for the actual or perceived characteristic.

**Nationality** - Nationality means country of origin, immigration status, including citizenship, and national origin.

**Race or ethnicity** - Race or ethnicity includes ancestry, color, and ethnic background.

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**Religion** - Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

**Religious bias** - In recognizing suspected religion-bias hate crimes, deputies should consider whether there were targeted attacks on, or biased references to, symbols of importance to a particular religion or articles considered of spiritual significance in a particular religion (e.g., crosses, hijabs, Stars of David, turbans, head coverings, statues of the Buddha).

**Sexual orientation** - Sexual orientation means heterosexuality, homosexuality, or bisexuality.

**Victim** - Victim includes but is not limited to:

- Community center
- Educational facility
- Entity
- Family
- Group
- Individual
- Office
- Meeting hall
- Person
- Place of worship
- Private institution
- Public agency
- Library
- Other victim or intended victim of the offense

### **319.3 PLANNING AND PREVENTION**

In order to facilitate the guidelines contained within this policy, office members will continuously work to build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Office personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Hate incidents should be investigated and documented as part of an overall strategy to prevent hate crimes.

#### **319.3.1 HATE CRIMES COORDINATOR**

The VCI Sergeant will serve as the Hate Crimes Coordinator. The responsibilities of the Hate Crimes Coordinator should include but not be limited to (Penal Code § 422.87):

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- (a) Meeting with residents in target communities to allay fears; emphasizing the office's concern over hate crimes and related incidents; reducing the potential for counter-violence; and providing safety, security, and crime-prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.
- (b) Finding, evaluating, and monitoring public social media sources to identify possible suspects in reported hate crimes; to identify suspects or suspect groups in future hate crimes or hate incidents affecting individuals, groups, or communities that may be victimized; and to predict future hate-based events.
- (c) Providing direct and referral assistance to the victim and the victim's family.
- (d) Conducting public meetings on hate crime threats and violence in general.
- (e) Establishing relationships with formal community-based organizations and leaders.
- (f) Expanding, where appropriate, preventive programs such as hate, bias, and crime-reduction seminars for students.
- (g) Reviewing the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab/Middle Eastern and Muslim communities (Penal Code § 13519.6(b)(8)).
- (h) Providing orientation of and with communities of specific targeted victims such as immigrant, Muslim, Arab, LGBTQ, Black or African-American, Jewish, and Sikh persons and persons with disabilities.
- (i) Coordinating with the Training Lieutenant to develop a schedule of required hate-crime training and include in a training plan recognition of hate crime bias characteristics, including information on general underreporting of hate crimes.
- (j) Verifying a process is in place to provide this policy and related orders to deputies in the field and taking reasonable steps to rectify the situation if such a process is not in place.
- (k) Taking reasonable steps to ensure hate crime data is provided to the CIB for mandated reporting to the Department of Justice.
  - 1. Ensure the California Department of Justice crime data is posted monthly on the office website (Penal Code § 13023).
- (l) Reporting any suspected multi-mission extremist crimes to the office Terrorism Liaison Officer, the assigned designee, or other appropriate resource; and verifying that such data is transmitted to the Joint Regional Information Exchange System in accordance with the protocols of the CIB Policy.
- (m) Maintaining the office's supply of up-to-date hate crimes brochures (Penal Code § 422.92; Penal Code § 422.87).
- (n) Submitting required hate crime materials to the California Department of Justice in accordance with the timeline established by state law (Penal Code § 13023).
- (o) Annually assessing this policy, including:
  - 1. Keeping abreast of the Commission on Peace Officer Standards and Training(POST) model policy framework for hate crimes for revisions

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or additions, including definitions, responsibilities, training resources, the supplemental hate crime report, and planning and prevention methods.

2. Analysis of the office's data collection as well as the available outside data (e.g., annual California Attorney General's report on hate crime) in preparation for and response to future hate crimes.

#### **319.3.2 RELEASE OF INFORMATION**

Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure often assists greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

- (a) Dissemination of correct information.
- (b) Assurance to affected communities or groups that the matter is being properly and promptly investigated.
- (c) The ability to request information regarding the commission of the crimes from the victimized community.

Information or records relating to hate crimes subject to public disclosure shall be released as provided by the Records Maintenance and Release Policy or as allowed by law. In accordance with the Media Relations Policy, the supervisor, public information officer, or the authorized designee should be provided with information that can be responsibly reported to the media. When appropriate, the office spokesperson should reiterate that hate crimes will not be tolerated, will be investigated seriously, and will be prosecuted to the fullest extent of the law.

The Office should consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

- Inform community organizations in a timely manner when a community group has been the target of a hate crime.
- Inform the community of the impact of these crimes on the victim, the victim's family, and the community, and of the assistance and compensation available to victims.
- Inform the community regarding hate crime law and the legal rights of, and remedies available to, victims of hate crimes.
- Provide the community with ongoing information regarding hate crimes and/or hate incidents.

#### **319.4 RESPONSE, VICTIM ASSISTANCE, AND FOLLOW-UP**

##### **319.4.1 INITIAL RESPONSE**

First responding deputies should know the role of all office personnel as they relate to the office's investigation of hate crimes and/or incidents. Responding deputies should evaluate the need for additional assistance and, working with supervision and/or investigations, access needed assistance if applicable.

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At the scene of a suspected hate or bias crime, deputies should take preliminary actions reasonably deemed necessary, including but not limited to the following:

- (a) Use agency checklist (per Penal Code § 422.87) to assist in the investigation of any hate crime (see Appendix).
- (b) Stabilize the victims and request medical attention when necessary.
- (c) Properly protect the safety of victims, witnesses, and perpetrators.
  1. Assist victims in seeking a Temporary Restraining Order (if applicable).
- (d) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
- (e) Properly protect, preserve, and process the crime scene, and remove all physical evidence of the incident as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to facilitate removal or covering as soon as reasonably possible. Office personnel should follow up with the property owner to determine if this was accomplished in a timely manner.
- (f) Collect and photograph physical evidence or indicators of hate crimes such as:
  1. Hate literature.
  2. Spray paint cans.
  3. Threatening letters.
  4. Symbols used by hate groups.
- (g) Identify criminal evidence on the victim.
- (h) Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.
- (i) Conduct a preliminary investigation and record pertinent information including but not limited to:
  1. Identity of suspected perpetrators.
  2. Identity of witnesses, including those no longer at the scene.
  3. The offer of victim confidentiality per Government Code § 7923.615.
  4. Prior occurrences in this area or with this victim.
  5. Statements made by suspects; exact wording is critical.
  6. The victim's protected characteristics and determine if bias was a motivation "in whole or in part" in the commission of the crime.
- (j) Adhere to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.

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- (k) Provide information regarding immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).
- (l) Provide the office's Hate Crimes Brochure (per Penal Code § 422.92) if asked, if necessary, or per policy.
- (m) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).
- (n) Document any suspected multi-mission extremist crimes.

#### 319.4.2 INVESTIGATION

Investigators at the scene of, or performing follow-up investigation on, a suspected hate or bias crime or hate incident should take all actions deemed reasonably necessary, including but not limited to the following:

- (a) Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).
- (b) Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.
- (c) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).
- (d) Properly investigate any report of a hate crime committed under the color of authority per Penal Code § 422.6 and Penal Code § 13519.6.
- (e) Document physical evidence or indicators of hate crimes, in accordance with the provisions of the Property and Evidence Policy, such as:
  - 1. Hate literature.
  - 2. Spray paint cans.
  - 3. Threatening letters.
  - 4. Symbols used by hate groups.
  - 5. Desecration of religious symbols, objects, or buildings.
- (f) Request the assistance of translators or interpreters when needed to establish effective communication.
- (g) Conduct a preliminary investigation and record information regarding:
  - 1. Identity of suspected perpetrators.
  - 2. Identity of witnesses, including those no longer at the scene.
  - 3. Offer of victim confidentiality per Government Code § 7923.615.
  - 4. Prior occurrences, in this area or with this victim.
  - 5. Statements made by suspects; exact wording is critical.

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6. Document the victim's protected characteristics.
  - (h) Provide victim assistance and follow-up.
  - (i) Canvass the area for additional witnesses.
  - (j) Examine suspect's social media activity for potential evidence of bias motivation.
  - (k) Coordinate the investigation with office, state, and regional intelligence operations. These sources can provide the investigator with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.
  - (l) Coordinate the investigation with the crime scene investigation unit (if applicable) or other appropriate units of the Office.
  - (m) Determine if the incident should be classified as a hate crime.
  - (n) Take reasonable steps to provide appropriate assistance to hate crime victims, including the following measures:
    1. Contact victims periodically to determine whether they are receiving adequate and appropriate assistance.
    2. Provide ongoing information to victims about the status of the criminal investigation.
    3. Provide victims and any other interested persons the brochure on hate crimes per Penal Code § 422.92 and information on any local advocacy groups (if asked).
  - (o) Document any suspected multi-mission extremist crimes.
  - (p) Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents, and determine if organized hate groups are involved.

#### 319.4.3 SUPERVISION

The supervisor shall confer with the initial responding deputy and take reasonable steps to ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:

- (a) Provide immediate assistance to the crime victim by:
  1. Expressing the office's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
  2. Expressing the office's interest in protecting victims' anonymity (confidentiality forms, Government Code § 7923.615) to the extent reasonably possible. Allow the victims to convey their immediate concerns and feelings.
  3. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy, or a office chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per Penal Code § 422.92).

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- (b) Take reasonable steps to ensure that all relevant facts are documented on an incident and/or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.
- (c) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
- (d) In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning a deputy to specific locations that could become targets).
- (e) Verify hate crimes are being properly reported, including reporting to the Department of Justice, pursuant to Penal Code § 13023.
- (f) Verify adherence to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).
- (g) Respond to and properly initiate an investigation of any reports of hate crimes committed under the color of authority.
- (h) Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For additional information refer to the California Department of Justice website.
- (i) Verify reporting of any suspected multi-mission extremist crimes to the agency Hate Crimes Coordinator.

#### **319.5 TRAINING**

All members of this office will receive POST-approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6. Training should include (Penal Code § 422.87):

- (a) Recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group, including disability bias, gender bias, and religion bias.
- (b) Accurate reporting by deputies, including information on the general underreporting of hate crimes.
- (c) Distribution of hate crime brochures.

#### **319.6 APPENDIX**

See attachments:

[Statutes and Legal Requirements.pdf](#)

[Hate Crime Checklist.pdf](#)

[Supplemental Hate Crime Report.pdf](#)

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## **\*Standards of Conduct (Rules & Regulations)\***

### **320.1 PURPOSE AND SCOPE**

This policy establishes standards of conduct that are consistent with the values and mission of the Sonoma County Sheriff's Office and are expected of all office members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this office or a member's supervisors.

### **320.2 POLICY**

The continued employment or appointment of every member of the Sonoma County Sheriff's Office shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

### **320.3 DIRECTIVES AND ORDERS**

Members shall comply with lawful directives and orders from any office supervisor or person in a position of authority, absent a reasonable and bona fide justification.

#### **320.3.1 UNLAWFUL OR CONFLICTING ORDERS**

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or office policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, office policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

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### 320.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
- (d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

### 320.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and California constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

### 320.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient office service:

#### 320.5.1 LAWS, RULES AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in office or County manuals.
- (b) Disobedience of any legal directive or order issued by any office member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

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##### 320.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Sonoma County Sheriff's Office in any way that could reasonably be perceived as an attempt to gain influence or authority for nonoffice business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts or money contrary to the rules of this office and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

##### 320.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

##### 320.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity, including but not limited to sexual intercourse, excessive displays of public affection, or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect, or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this office.
- (e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this office.
- (f) Participation in a law enforcement gang as defined by Penal Code § 13670. Participation is grounds for termination (Penal Code § 13670).

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##### 320.5.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

##### 320.5.6 UNAUTHORIZED ACCESS, DISCLOSURE OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms or reports obtained as a result of the member's position with this office.
  - 1. Members of this office shall not disclose the name, address or image of any victim of human trafficking except as authorized by law (Penal Code § 293).
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this office for personal or financial gain or without the express authorization of the Sheriff or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away or appropriating any Sonoma County Sheriff's Office badge, uniform, identification card or office property for personal use, personal gain or any other improper or unauthorized use or purpose.
- (e) Using office resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and nonsubpoenaed records.

##### 320.5.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Office within 24 hours of any change in residence address or contact numbers.
- (f) Failure to notify the Personnel of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

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##### 320.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any workrelated investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any office record, public record, book, paper or document.
- (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any office related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this office or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this office or subverts the good order, efficiency and discipline of this office or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
  - 1. While on office premises.
  - 2. At any work site, while on duty or while in uniform, or while using any office equipment or system.
  - 3. Gambling activity undertaken as part of a deputy official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
  - 1. Unauthorized attendance while on duty at official legislative or political sessions.
  - 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on duty or, on office property except as expressly authorized by County policy, the memorandum of understanding, or the Sheriff.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by County policy, the memorandum of understanding, or the Sheriff.
- (i) Any act on or off duty that brings discredit to this office.

##### 320.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.

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- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this office or the County.
- (g) Use of obscene, indecent, profane or derogatory language while on duty or in uniform.
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this office.
- (i) Unauthorized possession of, loss of, or damage to office property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of office property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of office property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any memorandum of understanding or contract to include fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Sheriff of such action.
- (m) Any other on or off duty conduct which any member knows or reasonably should know is unbecoming a member of this office, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this office or its members.

#### 320.5.10 SAFETY

- (a) Failure to observe or violating office safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off- duty.
- (e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.

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- (g) Any personal action contributing to a preventable traffic collision.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

#### 320.5.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

## **\*Information Technology Use\***

### **321.1 POLICY**

Refer to the County of Sonoma Administrative Policy:

#### **9-2 Departmental Computer Use**

(Located on the County of Sonoma Intranet Site)

See attachment: [CLETS misuse protocol.pdf](#)

## **\*Office Use of Social Media\***

### **322.1 PURPOSE AND SCOPE**

This policy provides guidelines to ensure that any use of social media on behalf of the Sonoma County Sheriff's Office is consistent with the office mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by office members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this office (see the Investigation and Prosecution Policy).

#### **322.1.1 DEFINITIONS**

Definitions related to this policy include:

**Social media** - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the office website or social networking services

### **322.2 POLICY**

The Sonoma County Sheriff's Office may use social media as a method of effectively informing the public about office services, issues, investigations and other relevant events.

Office members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

### **322.3 AUTHORIZED USERS**

Only members authorized by the Sheriff or the authorized designee may utilize social media on behalf of the Office. Authorized members shall use only office-approved equipment during the normal course of duties to post and monitor office-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Sheriff may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over office social media by members who are not authorized to post should be made through the member's chain of command.

### **322.4 AUTHORIZED CONTENT**

Only content that is appropriate for public release, that supports the office mission and conforms to all office policies regarding the release of information may be posted.

Examples of appropriate content include:

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#### *\*Office Use of Social Media\**

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- (a) Announcements
- (b) Tips and information related to crime prevention
- (c) Investigative requests for information
- (d) Requests that ask the community to engage in projects that are relevant to the office mission
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information
- (f) Traffic information
- (g) Press releases
- (h) Recruitment of personnel
- (i) Items of public interest that engage the community

#### **322.4.1 INCIDENT-SPECIFIC USE**

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

#### **322.5 PROHIBITED CONTENT**

Content that is prohibited from posting includes, but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Sonoma County Sheriff's Office or its members.
- (e) Any information that could compromise the safety and security of office operations, members of the Office, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this offices' social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

#### **322.5.1 PUBLIC POSTING PROHIBITED**

Office social media sites shall be designed and maintained to prevent posting of content by the public.

The Office may provide a method for members of the public to contact office members directly.

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### **322.6 MONITORING CONTENT**

The Sheriff will appoint a supervisor to review, at least annually, the use of office social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

### **322.7 RETENTION OF RECORDS**

The Administration Captain should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

### **322.8 TRAINING**

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on office sites.

## **\*Report Preparation\***

### **323.1 PURPOSE AND SCOPE**

Report preparation is a major part of each deputy's job. The purpose of reports is to document sufficient information to refresh the deputy's memory and to provide sufficient information for follow-up investigation and successful prosecution.

#### **323.1.1 REPORT PREPARATION**

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

### **323.2 REQUIRED REPORTING**

Written reports are required in all of the following situations on the appropriate office approved form unless otherwise approved by a supervisor.

#### **323.2.1 CRIMINAL ACTIVITY**

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution. Activity to be documented in a written report includes:

- (a) All arrests
- (b) All felony crimes
- (c) Non-Felony incidents involving threats or stalking behavior
- (d) Situations covered by separate policy. These include:
  - 1. Use of Force Policy
  - 2. Domestic Violence Policy

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3. Child Abuse Policy
4. Senior and Disability Victimization Policy
5. Hate Crimes Policy
6. Suspicious Activity Reporting Policy

- (e) All misdemeanor crimes where the victim desires a report

Misdemeanor crimes where the victim does not desire a report shall be documented using the office-approved alternative reporting method (e.g., dispatch log).

#### 323.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

- (a) Any use of force against any person by a member of this office (see the Use of Force Policy)
- (b) Any firearm discharge (see the Firearms Policy)
- (c) Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy)
- (d) Any found property or found evidence
- (e) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy)
- (f) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy
- (g) All protective custody detentions (5150, W & I, etc.)
- (h) Suspicious incidents that may place the public or others at risk
- (i) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

#### 323.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigations Policy. The handling deputy should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

- (a) Sudden or accidental deaths
- (b) Suicides
- (c) Homicide or suspected homicide
- (d) Unattended deaths (No physician or qualified hospice care in the 20 days preceding death)

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- (e) Found dead bodies or body parts

### 323.2.4 INJURY OR DAMAGE BY COUNTY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a County employee. Additionally, reports shall be taken involving damage to County property or County equipment.

### 323.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this office shall require a report when:

- (a) The injury is a result of drug overdose
- (b) Attempted suicide
- (c) The injury is major/serious, whereas death could result
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

### 323.2.6 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES

A report shall be taken when any incident in which a child 18 years or younger suffered an unintentional or self-inflicted gunshot wound. The CIB shall notify the California Department of Public Health (CDPH) of the incident, on a form provided by the state. Forms may be obtained from the CDPH website (Penal Code § 23685).

### 323.2.7 ALTERNATE REPORTING FOR VICTIMS

Reports that may be submitted by the public via online or other self-completed reporting processes include:

- (a) Lost property
- (b) Misdemeanor thefts of property, other than firearms or materials that threaten public safety, when there is no suspect information, serial number or ability to trace the item
  1. Misdemeanor thefts of cellular telephones may be reported even though they have a serial number
- (c) Misdemeanor vandalism with no suspect information and no hate crime implications
- (d) Vehicle burglaries with no suspect information or evidence
- (e) Stolen vehicle attempts with no suspect information or evidence
- (f) Annoying telephone calls with no suspect information
- (g) Identity theft without an identifiable suspect
- (h) Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor
- (i) Hit-and-run vehicle collisions with no suspect or suspect vehicle

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(j) Supplemental property lists

Members at the scene of one of the above incidents should not refer the reporting party to an alternate means of reporting without authorization from a supervisor. Members may refer victims to online victim assistance programs (e.g., Federal Communications Commission (FCC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

### **323.3 GENERAL POLICY OF EXPEDITIOUS REPORTING**

In general, all deputies and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

#### **323.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS**

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for office consistency.

#### **323.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS**

County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

### **323.4 REPORT CORRECTIONS**

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor shall notify the authoring Deputy(s) of the required corrections via the RMS Electronic Rejection Notification. The original report should be returned to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating deputy to ensure that any report returned for correction is processed in a timely manner.

### **323.5 REPORT CHANGES OR ALTERATIONS**

Reports that have been approved by a supervisor and submitted to the CIB for filing and distribution shall not be modified or altered by sworn staff except by way of a supplemental report. CIB staff may make changes to comply with DOJ stat reporting requirements only. Reviewed reports that have not yet been submitted to the CIB may be corrected or modified by the authoring deputy only with the knowledge and authorization of the reviewing supervisor.

### **323.6 REPORTS SUBMITTED TO THE DISTRICT ATTORNEY FOR PROSECUTION**

To comply with PC 964 and PC 817, all citations and reports submitted to the DA's Office shall include a brief signed affidavit of probable cause prepared by the authoring deputy. The affidavit shall include the elements of the crime, offender information and charges requested. The signed affidavit shall be scanned and attached to the report in the RMS prior to a sergeant's review and approval.

## Media Relations

### 324.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of official office information to the media. It also addresses coordinating media access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities.

### 324.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Sheriff. In situations not warranting immediate notice to the Sheriff and in situations where the Sheriff has given prior approval, Captains, Watch Commanders, Community Engagement Liaison, and designated Public Information Officers (PIOs) may prepare and release information to the media in accordance with this policy and the applicable laws regarding confidentiality.

### 324.3 ACCESS

Authorized media representatives shall be provided access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities as required by law.

Access by the media is subject to the following conditions (Penal Code § 409.5(d)):

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public. Media representatives may not bring or facilitate the transport of an unauthorized person into a closed area unless it is for the safety of the person.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
  - 1. Based upon available resources, reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the PIO or other designated spokesperson.
- (c) No member of this office who is under investigation shall be subjected to media visits or interviews without the consent of the involved member (Government Code § 3303(e)).
- (d) Media interviews with individuals who are in custody should not be permitted without the approval of the Sheriff and the express consent of the person in custody.

#### 324.3.1 CRITICAL OPERATIONS

A critical incident or tactical operation should be handled in the same manner as a crime scene, except the media should not be permitted within the inner perimeter of the incident, subject to any restrictions as determined by the supervisor in charge. Office members shall not jeopardize a critical incident or tactical operation in order to accommodate the media. All comments to the media shall be coordinated through a supervisor or the PIO.

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### **324.3.2 TEMPORARY FLIGHT RESTRICTIONS**

Whenever the presence of media or other aircraft poses a threat to public or member safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Watch Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR 91.137).

### **324.4 POLICY**

It is the policy of the Sonoma County Sheriff's Office to protect the privacy rights of individuals, while releasing non-confidential information to the media regarding topics of public concern. Information that has the potential to negatively affect investigations will not be released.

### **324.5 PROVIDING ADVANCE INFORMATION**

To protect the safety and rights of deputies and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the media, nor should media representatives be invited to be present at such actions except with the prior approval of the Sheriff.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Sheriff will consider, at a minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person, or is otherwise prohibited by law.

### **324.6 MEDIA REQUESTS**

Any media request for information or access to a law enforcement incident shall be referred to the PIO, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, members shall consider the following:

- (a) At no time shall any member of this office make any comment or release any official information to the media without prior approval from a supervisor or the PIO.
- (b) In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this office.
- (c) Under no circumstance should any member of this office make any comments to the media regarding any law enforcement incident not involving this office without prior approval of the Sheriff. Under these circumstances the member should direct the media to the agency handling the incident.

### **324.7 CONFIDENTIAL OR RESTRICTED INFORMATION**

It shall be the responsibility of the PIO to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Maintenance and Release and Personnel

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Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

#### 324.7.1 EMPLOYEE INFORMATION

Requests should be reviewed and fulfilled by the Custodian of Records, or if unavailable, the Watch Commander or the authorized designee. Such requests will be processed in accordance with the provisions of the Records Maintenance and Release Policy and public records laws.

#### **324.8 RELEASE OF INFORMATION**

The Office may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents, or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the office website or other electronic data sources.

#### 324.8.1 SCOPE OF INFORMATION SUBJECT TO RELEASE

- (a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation, or the information is confidential (e.g., juveniles or certain victims).
- (b) The date, time, location, case number, name, age, and charges for each person arrested by this office, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation or the information is confidential (e.g., juveniles).
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident.

At no time shall identifying information pertaining to a juvenile arrestee (13 years of age and under), victim, or witness be publicly released without prior approval of a competent court. The identity of a minor 14 years of age or older shall not be publicly disclosed unless the minor has been arrested for a serious felony and the release of such information has been approved by the Watch Commander (Welfare and Institutions Code § 827.5).

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner.

Any requests for copies of related reports or additional information shall be referred to the PIO, the custodian of records, or if unavailable, to the Watch Commander. Such requests will generally be processed in accordance with the provisions of the Public Records Act (see the Records Maintenance and Release Policy).

## **\*Subpoenas and Court Appearances\***

### **325.1 PURPOSE AND SCOPE**

This policy establishes the guidelines for office members who must appear in court. It will allow the Sonoma County Sheriff's Office to cover any related work absences and keep the Office informed about relevant legal matters.

### **325.2 POLICY**

The Sonoma County Sheriff's Office members will respond appropriately to all subpoenas and any other court-ordered appearances.

The office member who serves the subpoena shall complete the proof-of-service and forward to CIB in an expeditious manner. The proof-of-service shall be received in CIB 48 hours prior to the hearing date pursuant to PC § 1328(f).

### **325.3 SUBPOENAS**

Only office members authorized to receive a subpoena on behalf of this office or any of its members may do so. This may be accomplished by personal service to the deputy or by delivery of two copies of the subpoena to the deputy's supervisor or other authorized office agent (Government Code § 68097.1; Penal Code § 1328(c)).

The party that issues a civil subpoena to a deputy to testify as a witness must tender the statutory fee of \$275 with the subpoena for each day that an appearance is required before service is accepted of the subpoena (Government Code § 68097.2).

An immediate supervisor or authorized individual may refuse to accept service for a criminal subpoena if (Penal Code § 1328(d)(e)):

- (a) He/she knows that he/she will be unable to deliver a copy of the subpoena to the named deputy within sufficient time for the named deputy to comply with the subpoena.
- (b) It is less than five working days prior to the date listed for an appearance and he/she is not reasonably certain that service can be completed.

If, after initially accepting service of a criminal subpoena, a supervisor or other authorized individual determines that he/she is unable to deliver a copy of the subpoena to the named deputy within sufficient time for the named deputy to comply with the subpoena, the supervisor or the subpoena clerk shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance (Penal Code § 1328(f)).

#### **325.3.1 SPECIAL NOTIFICATION REQUIREMENTS**

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the County Counsel or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the County or one of its members, as a result of his/her official capacity, is a party.

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- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.

#### Voluntary Testimony in Civil Actions Prohibited:

- (a) Members shall not volunteer to provide testimony in any deposition, administrative, or court proceeding in a civil action, unless the action is unrelated to the business of the Sheriff's Office or the County of Sonoma, and does not involve the member's employment or scope of work with the County.
- (b) Members who intend to testify in civil actions as paid expert witnesses must obtain the prior approval of the Sheriff's Office, as doing so is considered to be outside employment.
- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Sonoma County Sheriff's Office.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Sonoma County Sheriff's Office.

The supervisor will then notify the Sheriff and the appropriate prosecuting attorney as may be indicated by the case. The Sheriff should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

#### **325.3.2 CIVIL SUBPOENA**

The Office will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding or collective bargaining agreement.

The Office should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

#### **325.3.3 OFF-DUTY RELATED SUBPOENAS**

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance (e.g., divorce, civil, personal). Arrangements for time off shall be coordinated through their immediate supervisors.

#### **325.4 FAILURE TO APPEAR**

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

#### **325.5 STANDBY**

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Office.

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If a member on standby changes his/her location during the day, the member shall notify the designated office member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

### **325.6 COURTROOM PROTOCOL**

When appearing in court, members shall:

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in the office uniform or business attire.
- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

#### **325.6.1 TESTIMONY**

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

### **325.7 OVERTIME APPEARANCES**

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.

## Reserve Deputies

### 326.1 PURPOSE AND SCOPE

The Sonoma County Sheriff's Office Reserve Unit was established to supplement and assist regular sworn sheriff's deputies in their duties. This unit provides professional, sworn volunteer reserve deputies who can augment regular staffing levels.

### 326.2 SELECTION AND APPOINTMENT OF SHERIFF'S RESERVE DEPUTIES

The Sonoma County Sheriff's Office shall endeavor to recruit and appoint to the Reserve Unit only those applicants who meet the high ethical, moral and professional standards set forth by this office.

#### 326.2.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures as regular sheriff's deputies before appointment.

Before appointment to the Sheriff's Reserve Unit, an applicant must have completed, or be in the process of completing, a POST approved basic academy or extended basic academy.

#### 326.2.2 APPOINTMENT

Applicants who are selected for appointment to the Sheriff's Reserve Unit shall, on the recommendation of the Sheriff, be sworn in by the Sheriff and take a loyalty oath to observe and obey all of the laws of the land and to carry out their duties to the best of their ability.

#### 326.2.3 COMPENSATION FOR SHERIFF'S RESERVE DEPUTIES

Compensation for reserve deputies is provided as follows:

All reserve deputy appointees are issued two sets of uniforms and all designated attire and safety equipment. All property issued to the reserve deputy shall be returned to the Office upon termination or resignation. Reserves shall receive a yearly uniform allowance equal to that of regular deputies.

#### 326.2.4 EMPLOYEES WORKING AS RESERVE DEPUTIES

Qualified employees of this office, when authorized, may also serve as reserve deputies. However, the Office must not utilize the services of a reserve or volunteer in such a way that it would violate employment laws or labor agreements (e.g., a detention deputy working as a reserve deputy for reduced or no pay). Therefore, the Reserve Coordinator should consult the Personnel prior to an employee serving in a reserve or volunteer capacity (29 CFR 553.30).

### 326.3 DUTIES OF RESERVE DEPUTIES

Reserve deputies assist regular deputies in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve deputies will usually be to augment the Patrol Bureau. Reserve deputies may be assigned to other areas within the Office as needed. Reserve deputies are required to work a minimum of 16 hours per month.

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### 326.3.1 POLICY COMPLIANCE

Sheriff's reserve deputies shall be required to adhere to all office policies and procedures. A copy of the policies and procedures will be made available to each reserve deputy upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this manual refers to a sworn regular full-time deputy, it shall also apply to a sworn reserve deputy unless by its nature it is inapplicable.

### 326.3.2 RESERVE DEPUTY ASSIGNMENTS

All reserve deputies will be assigned to duties by the Reserve Coordinator or his/her designee.

### 326.3.3 RESERVE COORDINATOR

The Sheriff shall delegate the responsibility for administering the Reserve Deputy Program to a Reserve Coordinator.

The Reserve Coordinator shall have the responsibility of, but not be limited to:

- (a) Assignment of reserve personnel
- (b) Conducting reserve meetings
- (c) Establishing and maintaining a reserve call-out roster
- (d) Maintaining and ensuring performance evaluations are completed
- (e) Monitoring individual reserve deputy performance
- (f) Monitoring overall Reserve Program
- (g) Maintaining liaison with other agency Reserve Coordinators

## **326.4 FIELD TRAINING**

Penal Code § 832.6 requires Level II reserve deputies, who have not been released from the immediate supervision requirement per the Completion of the Formal Training Process subsection, to work under the immediate supervision of a peace officer who possesses a Basic POST Certificate.

### 326.4.1 TRAINING OFFICERS

Deputies of this office, who demonstrate a desire and ability to train reserve deputies, may train the reserves during Phase II, subject to Watch Commander approval.

### 326.4.2 PRIMARY TRAINING OFFICER

Upon completion of the Academy, reserve deputies will be assigned to a primary training officer. The primary training officer will be selected from members of the Field Training Officer (FTO) Committee. The reserve deputy will be assigned to work with his/her primary training officer during the first 160 hours of training. This time shall be known as the Primary Training Phase.

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##### 326.4.3 FIELD TRAINING MANUAL

Each new reserve deputy will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as a deputy with the Sonoma County Sheriff's Office. The reserve deputy shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

##### 326.4.4 COMPLETION OF THE PRIMARY TRAINING PHASE

At the completion of the Primary Training Phase, (Phase I) the primary training officer will meet with the Reserve Coordinator. The purpose of this meeting is to discuss the progress of the reserve deputy in training.

If the reserve deputy has progressed satisfactorily, he/she will then proceed to Phase II of the training. If he/she has not progressed satisfactorily, the Reserve Coordinator will determine the appropriate action to be taken.

##### 326.4.5 SECONDARY TRAINING PHASE

The Secondary Training Phase (Phase II) shall consist of 100 hours of additional on-duty training. The reserve deputy will no longer be required to ride with his/her primary training officer. The reserve deputy may now ride with any deputy designated by the Watch Commander.

During Phase II of training, as with Phase I, the reserve deputy's performance will be closely monitored. In addition, rapid progress should continue towards the completion of the Deputy's Field Training Manual. At the completion of Phase II of training, the reserve deputy will return to his/her primary training officer for Phase III of the training.

##### 326.4.6 THIRD TRAINING PHASE

Phase III of training shall consist of 24 hours of additional on-duty training. For this training phase, the reserve deputy will return to his/her original primary training officer. During this phase, the training officer will evaluate the reserve deputy for suitability to graduate from the formal training program.

At the completion of Phase III training, the primary training officer will meet with the Reserve Coordinator. Based upon the reserve deputy's evaluations, plus input from the primary training officer, the Reserve Coordinator shall decide if the reserve deputy has satisfactorily completed his/her formal training. If the reserve deputy has progressed satisfactorily, he/she will then graduate from the formal training process. If his/her progress is not satisfactory, the Reserve Coordinator will decide upon the appropriate action to be taken.

##### 326.4.7 COMPLETION OF THE FORMAL TRAINING PROCESS

When a reserve deputy has satisfactorily completed all three phases of formal training, he/she will have had a minimum of 284 hours of on-duty training. He/she will no longer be required to ride with a reserve training officer. The reserve deputy may now be assigned to ride with any deputy for the remaining 200-hour requirement for a total of 484 hours before being considered for relief of immediate supervision.

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### **326.5 SUPERVISION OF RESERVE DEPUTIES**

Reserve deputies who have attained the status of Level II shall be under the immediate supervision of a regular sworn deputy (Penal Code 832.6). The immediate supervision requirement shall also continue for reserve deputies who have attained Level I status unless special authorization is received from the Reserve Coordinator with the approval of the Captain.

#### **326.5.1 SPECIAL AUTHORIZATION REQUIREMENTS**

Reserve deputies certified as Level I may, with prior authorization of the Reserve Coordinator and on approval of the Captain, be relieved of the "immediate supervision" requirement. Level I reserve deputies may function under the authority of Penal Code § 832.6(a)(1) only for the duration of the assignment or purpose for which the authorization was granted.

In the absence of the Reserve Coordinator and the Captain, the Watch Commander may assign a certified Level I reserve deputy to function under the authority of Penal Code § 832.6(a)(1) for specific purposes and duration.

#### **326.5.2 RESERVE DEPUTY MEETINGS**

All reserve deputy meetings will be scheduled and conducted by the Reserve Coordinator. All reserve deputies are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Reserve Coordinator.

#### **326.5.3 IDENTIFICATION OF RESERVE DEPUTIES**

All reserve deputies will be issued a uniform badge and a Office identification card. The uniform badge shall be the same as that worn by a regular full-time deputy. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.

#### **326.5.4 UNIFORM**

Reserve deputies shall conform to all uniform regulation and appearance standards of this office.

#### **326.5.5 INVESTIGATIONS AND COMPLAINTS**

If a reserve deputy has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator, at the discretion of the Patrol Captain.

Reserve deputies are considered at-will employees. Government Code § 3300 et seq. applies to reserve deputies with the exception that the right to hearing is limited to the opportunity to clear their name.

Any disciplinary action that may have to be administered to a reserve deputy shall be accomplished as outlined in the Policy Manual.

#### **326.5.6 RESERVE DEPUTY EVALUATIONS**

While in training reserves will be continuously evaluated using standardized daily and weekly observation reports. The reserve will be considered a trainee until all of the training phases have

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been completed. Reserves having completed their field training will be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve.

### **326.6 FIREARMS REQUIREMENTS**

Penal Code § 830.6(a)(1) designates a reserve deputy as having peace officer powers during his/her assigned tour of duty, provided the reserve deputy qualifies or falls within the provisions of Penal Code § 832.6.

#### **326.6.1 CARRYING WEAPON ON DUTY**

Penal Code § 830.6(a)(1) permits qualified reserve deputies to carry a loaded firearm while on-duty. It is the policy of this office to allow reserves to carry firearms only while on-duty or to and from duty.

#### **326.6.2 CONCEALED FIREARMS PROHIBITED**

No reserve deputy will be permitted to carry a concealed firearm while in an off-duty capacity, other than to and from work, except those reserve deputies who possess a valid CCW permit. An instance may arise where a reserve deputy is assigned to a plainclothes detail for his/her assigned tour of duty. Under these circumstances, the reserve deputy may be permitted to carry a weapon more suited to the assignment with the knowledge and approval of the supervisor in charge of the detail.

Any reserve deputy who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to office standards. The weapon must be registered by the reserve deputy and be inspected and certified as fit for service by a office armorer.

Before being allowed to carry any optional firearm during an assigned tour of duty, the reserve deputy shall have demonstrated his/her proficiency with said weapon.

When a reserve deputy has satisfactorily completed all three phases of training (as outlined in the Field Training section), he/she may be issued a permit to carry a concealed weapon. The decision to issue a concealed weapon permit will be made by the Sheriff with input from the Reserve Program Coordinator and administrative staff. In issuing a concealed weapon permit a reserve deputy's qualification will be individually judged. A reserve deputy's dedication to the program and demonstrated maturity, among other factors, will be considered before a concealed weapon permit will be issued. Once issued, the concealed weapon permit will be valid only for as long as the reserve deputy remains in good standing as a Reserve Deputy with the Sonoma County Sheriff's Office.

#### **326.6.3 RESERVE DEPUTY FIREARM TRAINING**

All reserve deputies are required to maintain proficiency with firearms used in the course of their assignments. Reserve deputies shall comply with all areas of the firearms training section of the Policy Manual, with the following exceptions:

- (a) All reserve deputies are required to qualify at least every other month

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- (b) Reserve deputies may fire at the office approved range at least once each month and more often with the approval of the Reserve Coordinator
- (c) Should a reserve deputy fail to qualify over a two-month period, that reserve deputy will not be allowed to carry a firearm until he/she has reestablished his/her proficiency

### **326.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL**

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

## Mutual Aid and Outside Agency Assistance

### 327.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

### 327.2 POLICY

It is the policy of the Sonoma County Sheriff's Office to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this office.

### 327.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Watch Commander's office for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this office, the Watch Commander may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this office.

Deputies may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this office until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this office will not ordinarily be booked at this office. Only in exceptional circumstances, and subject to supervisor approval, will this office provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

#### 327.3.1 INITIATED ACTIVITY

Any on-duty deputy who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Sonoma County Sheriff's Office shall notify his/her supervisor or the Watch Commander and Dispatch as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

### 327.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

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The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

### **327.5 REPORTING REQUIREMENTS**

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Watch Commander.

### **327.6 MANDATORY SHARING**

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Administration Captain or the authorized designee.

The documentation should include:

- (a) The conditions relative to sharing.
- (b) The training requirements for:
  - 1. The use of the supplies and equipment.
  - 2. The members trained in the use of the supplies and equipment.
- (c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to Dispatch and the Watch Commander to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Professional Standards Bureau Lieutenant should maintain documentation that the appropriate members have received the required training.

## Registered Offender Information

### 328.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Sonoma County Sheriff's Office will address issues associated with certain offenders who are residing in the jurisdiction and how the Office will disseminate information and respond to public inquiries for information about registered sex, arson and drug offenders.

### 328.2 POLICY

It is the policy of the Sonoma County Sheriff's Office to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

### 328.3 REGISTRATION

The Domestic Violence Sexual Assault (DVSA) Supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Employees assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the California Department of Justice (DOJ) in accordance with applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

#### 328.3.1 CONTENTS OF REGISTRATION

The information collected from the registering offenders shall include a signed statement as required by the California DOJ, fingerprints and a photograph, and any other information required by applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

### 328.4 MONITORING OF REGISTERED OFFENDERS

The DVSA Supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

- (a) Efforts to confirm residence using an unobtrusive method, such as an Internet search or drive-by of the declared residence.
- (b) Review of information on the California DOJ website for sex offenders.
- (c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to the California DOJ.

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The DVSA Supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Sonoma County Sheriff's Office personnel, including timely updates regarding new or relocated registrants.

### **328.5 DISSEMINATION OF PUBLIC INFORMATION**

Members will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Members who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Sheriff if warranted. A determination will be made by the Sheriff, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex registrants should be provided the Megan's Law website or the Sonoma County Sheriff's Office's website. Information on sex registrants placed on the Sonoma County Sheriff's Office's website shall comply with the requirements of Penal Code § 290.46.

The CIB Manager may release local registered offender information to residents only in accordance with applicable law and in compliance with a California Public Records Act request (Government Code § 7920.000 et seq.; Penal Code § 290.45; Penal Code § 290.46; Penal Code § 457.1).

#### **328.5.1 LIMITED RELEASE WITHIN COLLEGE CAMPUS COMMUNITY**

California law allows the following additional information regarding a registered sex offender on campus, whose information is not available to the public via the Internet website, to be released to a campus community (Penal Code § 290.01(d)):

- (a) The offender's full name
- (b) The offender's known aliases
- (c) The offender's sex
- (d) The offender's race
- (e) The offender's physical description
- (f) The offender's photograph
- (g) The offender's date of birth
- (h) Crimes resulting in the registration of the offender under Penal Code § 290
- (i) The date of last registration

For purposes of this section, campus community shall be defined as those persons present at or regularly frequenting any place constituting campus property, satellite facilities, laboratories, public areas contiguous to the campus and other areas set forth in Penal Code § 290.01(d).

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### 328.5.2 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

- (a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The crime for which a person is convicted may not accurately reflect the level of risk.
- (e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.
- (f) The purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders (Penal Code 290.45).

## **\*Major Incident Notification\***

### **329.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide guidance to members of the Sheriff's Office in determining when, how and to whom notification of major incidents should be made.

### **329.2 POLICY**

The Sonoma County Sheriff's Office recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this Office to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

### **329.3 MINIMUM CRITERIA FOR NOTIFICATION**

Most situations where the media show a strong interest are also of interest to the Sheriff's Office. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Homicides
- Officer involved critical incident - on or off duty or any incident covered by the Law Enforcement Employee - Involved Fatal Incident Protocol
- Significant injury or death to member - on or off duty
- Death of a prominent Sonoma official
- Arrest of any Sheriff's Office member or prominent Sonoma official
- Major catastrophic or crisis events such as: aircraft crash with major damage and/or injury or death, riots, workplace shootings, etc.
- In-custody deaths
- Pursuits that result in significant injury or death
- Escapes from MADF or NCDF
- School security incident
- Other significant events that could reasonably be presumed to be important or of immediate interest to command staff

### **329.4 WATCH COMMANDER RESPONSIBILITY**

The on duty Watch Commander (Lieutenant or Sergeant) is responsible for making the appropriate notifications to their Section Captain as soon as practical. The Watch Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification.

#### **329.4.1 STAFF NOTIFICATION**

In the event an incident occurs described in the Major Incident Notification Policy, the Sheriff shall be notified along with the affected Captain and the Detective Lieutenant.

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### 329.4.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond, the immediate supervisor of the appropriate detail shall be contacted who will then contact the appropriate detective.

### 329.4.3 TRAFFIC BUREAU NOTIFICATION

In the event of a traffic fatality or major injury, the sergeant shall notify the designated traffic incident investigator.

### 329.4.4 PUBLIC INFORMATION OFFICER (PIO)

The Public Information Officer shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

## Identity Theft

### 330.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

### 330.2 REPORTING

- (a) In an effort to maintain uniformity in reporting, deputies presented with the crime of identity theft (Penal Code § 530.6) shall initiate a report for victims residing within the jurisdiction of this office when the crime occurred. For incidents of identity theft occurring outside this jurisdiction, deputies should observe the following:
  1. For any victim not residing within this jurisdiction, the deputy may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he or she resides.
- (b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, deputies of this office should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and is reported in this jurisdiction).
- (c) Deputies should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).
- (d) Deputies should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and DMV) with all known report numbers.
- (e) The reporting deputy should inform victims of identity theft that the California Identity Theft Registry is available to help those who are wrongly linked to crimes. The registry can be checked by law enforcement and other authorized persons to investigate whether a criminal history or want was created in the victim's name (Penal Code § 530.7). Information regarding the California Identity Theft Registry can be obtained by calling toll free (888) 880-0240.
- (f) Following supervisory review and office processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.
- (g) Deputies should provide the victim with the Sheriff's Office identity theft pamphlet, and inform the victim about how to obtain a copy of the report.

## Death Investigation

### 331.1 PURPOSE AND SCOPE

To provide guidelines for the Patrol Bureau to be able to properly handle coroner's cases, and to establish procedures for call-outs of Coroner Detectives by Dispatch. The investigations of cases involving death include those ranging from natural causes to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appear to be initially. The thoroughness of death investigations cannot be emphasized enough. Death investigation cases require certain actions be taken. A supervisor shall be notified in all death investigations.

The Coroner's Unit is on-duty and available for coroner calls between 0700 and 0100 the following day. During the hours of 0100 to 0700, patrol deputies must handle routine death investigations. However, Coroner Detectives can be called-out to respond during these hours when needed, subject to the outlined criteria below.

### 331.2 DEFINITIONS

The following medical definitions are given to aid Deputies in determining the appropriate level of investigative response. For purposes of this policy, these definitions apply to deaths that do not involve foul play or questionable circumstances.

- (a) **ATTENDED DEATH:** Any death in which the decedent had been under the recent, on-going care of a physician for an identified illness or disease process. Evidence at a death scene of on-going care would normally consist of things such as the following:
  - Recently obtained prescription medications
  - Medical appointment cards
  - "Do Not Resuscitate" orders
  - Under current Hospice care
  - Statements from witnesses and/or relatives of on-going medical treatment
- (b) **UNATTENDED DEATH:** Any death in which there is no evidence discovered to indicate the decedent had been under the on-going care of a physician for an identified illness or disease process.

#### 331.2.1 PROCEDURE

The Patrol Bureau of the agency of jurisdiction typically handles the initial response to coroner calls. For incidents occurring in the Sheriff's Office jurisdiction during the Coroner's Unit on-duty hours, a patrol Deputy should first respond to collect the basic facts related to the death. After doing so, a Coroner Detective should be contacted. Once the coroner Detective assumes the case, the patrol Deputy's role usually ceases. However, based upon the circumstances and investigative needs, it may be necessary for the patrol Deputy to assist with the investigation (i.e., assist in notifications, etc.). When a Coroner Detective is not available to respond, it shall be the patrol Deputy's responsibility to perform basic coroner duties. This would include things such as death notifications, property collection, and report writing. Deputies must remember that coroner calls

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often involve distraught survivors and family members, so they shall conduct themselves in a courteous and respectful manner, and be as considerate as officer safety and public safety allows.

#### 331.2.2 CORONER CALL-OUTS

Between the hours of 0700 and 0100 the following day, at least one Coroner Detective will be on-duty and available for calls. Coroner call-outs that are placed by Dispatch shall be made directly to the Coroner's Unit (on-duty Coroner Detective) at the Central Morgue Facility (CMF) during business hours. For after-hours call-outs, Deputies must have supervisor approval prior to making a coroner call-out request to Dispatch. Dispatch shall follow the call-out schedule as provided by the Detective Sergeant of the Coroner's Unit.

A Coroner Detective shall be notified at any hour for the following incidents:

- (a) Known or suspected homicides that occur within the county.
- (b) All burn victim deaths in which the decedent is burned beyond recognition and identification is critical.
- (c) All multiple deaths, (more than one death from the same occurrence) including murder/ suicides.
- (d) All deaths involving industrial accidents. Any member of this office who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident, at or in connection with the victim's employment shall ensure that the nearest office of Cal-OSHA is notified by telephone immediately or as soon as practicable with all the pertinent information (8 CCR 342(b)). This can also be accomplished by sending Cal-OSHA a copy of the Incident Report.
- (e) Any fatal airplane crash.
- (f) All infants (birth to one year) pronounced dead at the scene, or infants who die during initial medical care after transport to a medical facility.
- (g) Any deaths that occur during initial medical treatment as a result of any of the above.
- (h) Deaths that occur in the Operating Room during surgery.
- (i) When, in the opinion of the Watch Commander, the death investigation requires special expertise or handling by a Coroner Detective. (Example: suicides with an extensive death scene or any other case that is very time-consuming).
- (j) When, in the opinion of the Watch Commander, there is insufficient manpower for Patrol to investigate the case in an acceptable time period.
- (k) Any death involving any criminal action or suspicion of a criminal act. Including child and dependent adult negligence and abuse.
- (l) Associated with a known or alleged rape or crime against nature.
- (m) Known or suspected contagious disease and constituting a public hazard.
- (n) In-custody deaths and any death that has peace officer involvement.

The existing case facts for any of these types of cases will determine the level of response from the Coroner's Unit.

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##### 331.2.3 DEATH INVESTIGATIONS HANDLED BY PATROL

Patrol has primary responsibility for death investigation calls during Coroner Unit off-duty hours. Cases that do not involve the circumstances enumerated above, shall be handled by the Patrol Bureau when the Coroner Unit is off-duty or otherwise unavailable.

##### 331.2.4 PATROL/DETECTIVE HANDLING OF DEATH INVESTIGATIONS

The following steps are basic considerations for properly handling death investigations. The circumstances of the case may dictate additional actions.

- (a) Respond to any death scene within the county as required.
- (b) Examine the decedent, instrumentation of death, death scene, and any other relevant evidence.
- (c) Photograph scene, unless Crime Scene Investigations Detectives have responded.
- (d) Facilitate removal of the body from the death scene. If the victim died on natural causes and it was an "attended death", the body may be conditionally released to a mortuary of the family's preference. Relatives should be given the option of selecting a mortuary service of their choice for removal of the body. The Mortuary Service should be instructed that you are placing a "Coroner's Hold" on the body, so that the Coroner's Unit can have time to obtain the attending physician's signature on the death certificate during business hours.
  - If the death falls within the jurisdiction of the Coroner (as defined in Ca. Govt. Code § 27491), or if there are no relatives present to select a mortuary, or if relatives are unable to select a mortuary, the body shall be removed from the scene to the Central Morgue Facility via the Coroner's contract removal service. The contract removal service shall not be dispatched to a residential death scene prior to the Deputy determining if the possibility exists of the body being removed to a mortuary of the family's selection.
  - The patrol Deputy shall ensure that all tissue, bone fragments and body parts are removed with the body. In cases where the decedent's remains are to be transported to a family selected Sonoma County mortuary, the Deputy should remain at the scene until a mortuary representative arrives. If the mortuary/removal service has an extended ETA, the Deputy may depart prior to the removal service arriving on the scene. Prior to the Deputy departing the scene, the Deputy shall obtain approval from the on-duty Sergeant. The Deputy should ensure that the next of kin has adequate support services on scene prior to leaving (family members, Chaplains, etc.).
- (e) When next-of-kin are not present at the death scene, the Deputy shall search the decedent's residence for burial or cremation instructions, a will, next-of-kin information, suicide notes, instrumentation of death, or anything else relevant to the investigation. Particular attention should be given to the presence of prescription medications, because they can assist the pathologist in understanding the circumstances of the death. Therefore, all prescription medications should be located and booked into the Property/Evidence Unit.

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- (f) Make efforts to secure and safeguard the decedent's property and any evidence. If relatives are available, the residence and property may be turned over to them. Otherwise, secure and affix a Coroner seal prior to departure.
- (g) Inventory any items seized on a Sonoma County Sheriff's Office Property/Evidence Form. A copy of the completed form shall be left at the death scene or delivered to the next-of-kin.
- (h) Arrange care for family members and/or animals, as needed. If animals cannot be secured or turned over to a responsible party, animal Control may be called. Such arrangements should be noted in the report.
- (i) In cases where the decedent has recently been under a doctor's care, attempt to make contact with the physician who actually treated the decedent (and not just an on-call partner) to determine medical history, use of medication, and evidence of illness.
- (j) In cases where the cause, manner or circumstances of the victim's death cannot be determined, the body removal service shall be summoned to transport the body to the Central Morgue Facility for further investigation by the Coroner's Unit. Consideration should first be given to the possibility of foul play. In indeterminate cases, a supervisor or the on-call coroner Detective should be consulted.
- (k) For any case handled by the Patrol Bureau, the Coroner's Unit shall be advised of the death investigation by 0700 hours on the following day. This can be accomplished by leaving a voicemail, sending an email or fax to the Coroner's Unit prior to that time.
- (l) Prepare a Sonoma County Sheriff-Coroner Investigative Report (Death Investigation Report). It may also be necessary to write an incident report if interviews are conducted, the scene is complicated, or if extensive follow-up is required. The Death Investigation Report shall be completed, approved, and emailed or faxed to the Coroner's unit prior to the end of shift. If the report is not ready to be faxed by 0700 hours, the Coroner's Unit shall be notified.
- (m) The Coroner Detective or Patrol Deputy is generally the only person permitted to search a body known to be dead from any of the circumstances set forth in Government Code § 27491. The only exception is that a Patrol Deputy or Police Officer is permitted to search the body of a person killed in a traffic collision for the limited purpose of locating an anatomical donor card (Government Code § 27491.3). If such a donor card is located, the Coroner Detective or a designee shall be promptly notified. Should exigent circumstances indicate to a Patrol Deputy that any search of a known dead body is warranted prior to the arrival of the Coroner Detective or a designee, the investigating Patrol Deputy shall first obtain verbal consent from the Coroner Detective or a designee (Government Code § 27491.2). Whenever possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain at the scene with the Patrol Deputy pending the arrival of the Coroner Detective or a designee. The name and address of this person shall be included in the narrative of the death report. Whenever personal effects are removed from the body of the deceased by the Patrol Deputy or a designee, a receipt shall be obtained. This receipt shall be attached to the death report.

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### **331.2.5 SUSPECTED HOMICIDE**

If the initially assigned deputy suspects that the death involves a homicide or other suspicious circumstances, the deputy's immediate supervisor shall be notified. The Investigations Bureau shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

### **331.2.6 DEATH NOTIFICATIONS**

It is the primary responsibility of the Coroner detective during Coroner's Unit on-duty hours to make Next of Kin notification, when practical and/or appropriate.

When practical, and if not handled by the Coroner's Office, notification to the next of kin of the deceased person shall be made, in person, by the deputy assigned to the incident. If the next of kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Coroner in that jurisdiction may be requested to make the notification. The Coroner Detective needs to know if the notification has been made. Assigned detectives may need to talk to the next of kin.

### **331.2.7 OUTSIDE AGENCY REQUEST FOR DEATH NOTIFICATIONS**

It is the responsibility of the Coroner detective or deputy to verify the information provided by the requesting agency before conducting a death notification (i.e. how decedent was ID'd, how NOK was located, circumstances of death).

### **331.2.8 UNIDENTIFIED DEAD BODIES**

If the identity of a dead body cannot be established after the Coroner arrives, the Coroner's Office will issue a "John Doe" number for the report.

### **331.3 CONTRACT CITIES**

Calls within the city limits of Windsor or Sonoma will be handled using the same criteria used for any other city in the county.

## \*Communications with Persons with Disabilities\*

### 332.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

#### 332.1.1 DEFINITIONS

Definitions related to this policy include:

**Auxiliary aids** - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

**Disability or impairment** - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

**Qualified interpreter** - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, translators, sign language interpreters and intermediary interpreters.

### 332.2 POLICY

It is the policy of the Sonoma County Sheriff's Office to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Office will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

### 332.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Sheriff shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Watch Commander or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

- (a) Working with the County ADA coordinator regarding the Sonoma County Sheriff's Office's efforts to ensure equal access to services, programs and activities.
- (b) Developing reports, new procedures, or recommending modifications to this policy.
- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to office services, programs and activities.

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- (d) Ensuring that a list of qualified interpreter services is maintained and available to each Watch Commander and Dispatch Manager. The list should include information regarding the following:
  - 1. Contact information
  - 2. Availability
- (e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
- (f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to office services, programs and activities.

### **332.4 FACTORS TO CONSIDER**

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this office should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

- (a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.
- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

### **332.5 INITIAL AND IMMEDIATE CONSIDERATIONS**

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

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In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Sonoma County Sheriff's Office, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

#### **332.6 TYPES OF ASSISTANCE AVAILABLE**

Sonoma County Sheriff's Office members shall never refuse to assist an individual with disabilities who is requesting assistance. The Office will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Office will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept office-provided auxiliary aids or services or they may choose to provide their own.

Office-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

#### **332.7 AUDIO RECORDINGS AND ENLARGED PRINT**

The Office may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

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### **332.8 QUALIFIED INTERPRETERS**

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or investigation involving the disabled individual. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time but in no event longer than one hour if requested.
- (b) Experienced in providing interpretation services related to law enforcement matters.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use office-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

### **332.9 TTY AND RELAY SERVICES**

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Office will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

### **332.10 COMMUNITY VOLUNTEERS**

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Office to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, office members

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must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

### **332.11 FAMILY AND FRIENDS**

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

### **332.12 REPORTING**

Whenever any member of this office is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Office or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

### **332.13 FIELD ENFORCEMENT**

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Office recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this office. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning

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or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the deputy is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, deputies should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

### **332.13.1 FIELD RESOURCES**

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.
- (d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

### **332.14 CUSTODIAL INTERROGATIONS**

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this office will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

### **332.15 ARREST AND BOOKINGS**

If an individual with speech or hearing disabilities is arrested, the arresting deputy shall use office-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon

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as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the deputy reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

### **332.16 COMPLAINTS**

The Office shall ensure that individuals with disabilities who wish to file a complaint regarding members of this office are able to do so. The Office may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the office ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Office.

### **332.17 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this office are important to the ultimate success of more traditional law enforcement duties. This office will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

### **332.18 TRAINING**

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Office will provide periodic training that should include:

- (a) Awareness and understanding of this policy and related procedures, related forms and available resources.
- (b) Procedures for accessing qualified interpreters and other available resources.
- (c) Working with in-person and telephone interpreters and related equipment.

The Professional Standards Bureau Lieutenant shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years

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thereafter. The Training Manager shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

### 332.18.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

- (a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.
- (b) ASL syntax and accepted abbreviations.
- (c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.
- (d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all Dispatch members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur every six months.

## Private Persons Arrests

### 333.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to Penal Code § 837.

### 333.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

Penal Code § 836(b) expressly mandates that all deputies shall advise victims of domestic violence of the right to make a private person's arrest, including advice on how to safely execute such an arrest. In all other situations, deputies should use sound discretion in determining whether or not to advise an individual of the arrest process.

- (a) When advising any individual regarding the right to make a private person's arrest, deputies should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest as listed below.
- (b) Private individuals should be discouraged from using force to effect a private person's arrest, and absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

### 333.3 ARRESTS BY PRIVATE PERSONS

Penal Code § 837 provides that a private person may arrest another:

- (a) For a public offense committed or attempted in his or her presence;
- (b) When the person arrested has committed a felony, although not in his or her presence;
- (c) When a felony has been in fact committed, and he or she has reasonable cause for believing the person arrested has committed it.

Unlike peace officers, private persons may not make an arrest on suspicion that a felony has been committed - the felony must in fact have taken place.

### 333.4 DEPUTY RESPONSIBILITIES

Any deputy presented with a private person wishing to make an arrest must determine whether or not there is reasonable cause to believe that such an arrest would be lawful (Penal Code § 847).

- (a) Should any deputy determine that there is no reasonable cause to believe that a private person's arrest is lawful, the deputy should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.
  1. Any deputy who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual pursuant to Penal Code § 849(b)(1). The deputy must include the basis of such a determination in a related report.

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2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the deputy, the deputy should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.
- (b) Whenever a deputy determines that there is reasonable cause to believe that a private person's arrest is lawful, the deputy may exercise any of the following options:
1. Take the individual into physical custody for booking
  2. Release the individual pursuant to a Notice to Appear
  3. Release the individual pursuant to Penal Code § 849

### **333.5 REPORTING REQUIREMENTS**

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign an office Private Person's Arrest form under penalty of perjury.

In addition to the Private Person's Arrest Form (and any other related documents such as citations, booking forms, etc.), deputies shall complete a narrative report regarding the circumstances and disposition of the incident.

## **\*Anti-Reproductive Rights Crimes Reporting\***

### **334.1 PURPOSE AND SCOPE**

This policy shall establish a procedure for the mandated reporting of Anti-Reproductive Rights Crimes (ARRC) to the Attorney General pursuant to the Reproductive Rights Law Enforcement Act (Penal Code § 13775 et seq.).

### **334.2 DEFINITIONS**

Penal Code § 423.2 provides that the following acts shall be considered Anti-Reproductive Rights Crimes (ARRC) when committed by any person, except a parent or guardian acting towards his or her minor child or ward:

- (a) By force, threat of force, or physical obstruction that is a crime of violence, intentionally injures, intimidates, interferes with, or attempts to injure, intimidate, or interfere with any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider, or assistant
- (b) By non-violent physical obstruction, intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider or assistant
- (c) Intentionally damages or destroys the property of a person, entity, or facility, or attempts to do so, because the person, entity, or facility is a reproductive health services client, provider, assistant, or facility

### **334.3 REPORTING REQUIREMENTS TO THE ATTORNEY GENERAL**

- (a) Upon the receipt of the report of an ARRC, it shall be the responsibility of the employee taking such a report to also complete an ARRC Data Collection Worksheet (BCIA 8371) in accordance with the instructions contained on such forms.
- (b) The ARRC Data Collection Worksheet shall be processed with all related reports and forwarded to the CIB Manager.
- (c) By the tenth day of each month, it shall be the responsibility of the CIB Manager to ensure that a Summary Worksheet (BCIA 8370) is submitted to the Department of Justice Criminal Justice Statistics Center.
  1. In the event that no ARRC(s) were reported during the previous month, a Summary Worksheet shall be submitted to Department of Justice with an indication that no such crimes were reported.
  2. Any ARRC(s) reported in the Summary Worksheet shall be accompanied by a copy of the related Data Collection Worksheet(s).

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## **\*Limited English Proficiency Services\***

### **335.1 PURPOSE AND SCOPE**

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

#### **335.1.1 DEFINITIONS**

Definitions related to this policy include:

**Authorized interpreter** - A person who has been screened and authorized by the Office to act as an interpreter and/or translator for others.

**Interpret or interpretation** - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

**Limited English proficient (LEP)** - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

**Qualified bilingual member** - A member of the Sonoma County Sheriff's Office, designated by the Office, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

**Translate or translation** - The replacement of written text from one language (source language) into an equivalent written text (target language).

### **335.2 POLICY**

It is the policy of the Sonoma County Sheriff's Office to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members. Language barriers can sometimes inhibit or even prohibit individuals with LEP from gaining meaningful access to, or an understanding of important rights, obligations and services. It is therefore the policy of this Office to take all reasonable steps to ensure timely and equal access to all individuals, regardless of national origin or primary language. Title VI of the Civil Rights Act of 1964, 601, 42 U.S.C. 2000d.

The Office will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

### **335.3 FOUR-FACTOR ANALYSIS**

Since there are many different languages that members could encounter, the Office will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal

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Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by office members, or who may benefit from programs or services within the jurisdiction of the Office or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with office members, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

#### 335.3.1 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

In order to provide LEP individuals with meaningful access to police services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this office has designated its 911 lines as its top priority for language services.

While 911 calls shall receive top priority, it is also important that reasonable efforts be made to accommodate LEP individuals seeking more routine access to services and information from this office.

This Office will take reasonable steps and will work with the Personnel to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

#### 335.3.2 EMERGENCY CALLS TO 9-1-1

Office members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call taker receives a call and determines that the caller is an LEP individual, the call taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in Dispatch, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call taker is unable to identify the caller's language, the call taker will contact the contracted telephone interpretation service and establish a three-way call between the call taker, the LEP individual and the interpreter.

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

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### 335.3.3 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts which may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Each deputy and/or supervisor must, however, assess each such situation to determine the need and availability for translation services to any and all involved LEP individuals.

Although not every situation can be addressed within this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with an LEP individual. It would also, for example, be meaningless to request consent to search if the deputy is unable to effectively communicate with an LEP individual.

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, the deputy should consider the use of an authorized interpreter or other resource outlined in this policy. The deputy should document the contact information for the interpreter in the report.

Any Miranda warnings shall be provided to the suspect(s) in their primary language either verbally by a bilingual member or in writing by providing a translated Miranda warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

If available, deputies should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

### 335.3.4 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, deputies should consider calling for an authorized interpreter in the following order:

- An authorized Sheriff's Office member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

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Any Miranda warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated Miranda warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

### **335.3.5 CUSTODIAL INTERROGATIONS**

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. Miranda warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are documented accurately and admissible as evidence, audio recordings of interrogations, victim interviews and witness interviews should be used whenever reasonably possible.

### **335.3.6 COMPLAINTS**

The Office shall ensure access to LEP persons who wish to file a complaint regarding members of the Office are able to do so.. The Office may provide an authorized interpreter or translated forms, as appropriate.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this office.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language accessible manner.

### **335.3.7 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this office are important to the ultimate success of more traditional law enforcement duties. This office will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

### **335.4 TYPES OF LEP ASSISTANCE AVAILABLE**

Sonoma County Sheriff's Office members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Office will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Office will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

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LEP individuals may choose to accept office-provided LEP services at no cost or they may choose to provide their own.

Office-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

### **335.5 WRITTEN FORMS AND GUIDELINES**

The Office will endeavor to provide frequently used and critical forms and guidelines in languages most commonly represented within the community or a particular area.

### **335.6 AUDIO RECORDINGS**

The Office may develop audio recordings of important information needed by LEP individuals. For example, Deputies may be provided with a canine warning or crowd dispersal order for broadcast in a language most likely to be understood by involved LEP individuals.

### **335.7 QUALIFIED BILINGUAL MEMBERS**

Sheriff's Office members utilized for LEP services need not be certified as interpreters, but need only have a competent understanding of the language involved. When bilingual Sheriff's Office members are not available, employees from other departments within the area may be requested by a supervisor, depending on the circumstances.

### **335.8 AUTHORIZED INTERPRETERS**

Any person designated by the Office to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the office case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

#### **335.8.1 SOURCES OF AUTHORIZED INTERPRETERS**

The Office may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

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Other sources may include:

- Qualified bilingual members of this office or personnel from other County departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this office, and with whom the Office has a resource-sharing or other arrangement that they will interpret according to office guidelines.

#### **335.8.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE**

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Office to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, office members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

#### **335.9 CONTACT AND REPORTING**

While all law enforcement contacts, services and individual rights are important, this Office will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this Office is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Office or some other identified source.

#### **335.10 BOOKINGS**

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance

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of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

### **335.11 TRAINING**

To ensure that all members who may have contact with LEP individuals are properly trained, the Office will provide periodic training on this policy and related procedures, including how to access office-authorized telephonic and in-person interpreters and other available resources.

The Professional Standards Bureau Lieutenant shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Unit shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

#### **335.11.1 TRAINING FOR AUTHORIZED INTERPRETERS**

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Professional Standards Bureau Lieutenant shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

## \*DNA and Forensic Identification Data Collection\*

### 336.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the collection of required biological samples from offenders in accordance with the laws of the State of California. Trained Office members will assist in the expeditious collection of these required biological samples.

#### 336.1.1 DEFINITIONS

**Reasonable Force:** The force that an objective, trained, and competent correctional employee faced with similar facts and circumstances, would consider necessary and reasonable to gain compliance (CCR Title 15 § 1059 and § 298.1(c)(1)(A)).

**DNA Coordinator:** Detention DNA Coordinator

#### **Qualifying Offender:**

- Arrestees - Immediately following arrest, or during the booking process, or as soon as administratively practicable after arrest (but in any case prior to release on bail or other physical release from custody), any adult arrested or charged with any of the following felony offenses are required to provide DNA samples (Penal Code § 296.1(a)(1)(A)):
  - Any felony offense or attempt to commit any felony offense specified in Penal Code § 290 or felony offense which requires registration under 290 (Penal Code § 296(a)(2)(A)).
  - Murder, voluntary manslaughter or the attempt to commit either offense (Penal Code § 296(a)(2)(B)).
- Sex and Arson Registrants: Any adult or juvenile who is required to register as a sex offender under Penal Code § 290 or arsonist under Penal Code § 457.1, including those whose registration resulted from a qualifying misdemeanor crime is required to submit a DNA sample (Penal Code § 296(a)(3)). At the time that any such registrant registers, updates registration, or is notified by the Department of Justice or other law enforcement officer, an appointment shall be made designating the time and place for the collections of DNA samples if no such sample has already been provided (Penal Code § 296.2(c)).
- Persons Subject to DNA Collection: Those who must submit a biological sample include (Penal Code § 296):
  - A person, including a juvenile, upon conviction or other adjudication of any felony offense.
  - A person, including a juvenile, upon conviction or other adjudication of any offense if the person has a prior felon on record.
  - An adult arrested or charged with any felony.

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#### **336.2 GENERAL GUIDELINES**

DNA samples will not be collected if the individuals DNA samples and print impressions are already in the possession of the Department of Justice (DOJ). Verification of DNA samples on file may be determined by a DNA collection "flag" on the individual's criminal history record (RAP sheet) or during regular business hours, by calling DOJ at (510) 620-3300 and pressing "1-1" in the automated system.

- (a) DNA samples will not be collected if the individuals DNA samples and print impressions are already in the possession of the Department of Justice (DOJ). Verification of DNA samples on file may be determined by a DNA collection "flag" on the individual's criminal history record (RAP sheet) or during regular business hours, by calling DOJ at (510) 620-3300 and pressing "1-1" in the automated system.
- (b) The DNA sample collected from qualifying persons will be in the form of a buccal swab (inner cheek scraping), unless the DOJ subsequently requests a blood sample.
- (c) The DNA sample must be accompanied by two right thumbprints. In addition, a full palm print impression of each hand must be collected via the live scan device. Full palm print impressions may also be obtained on Department of Justice prescribed forms along with all DNA samples (Penal Code § 298(b)(4)).
- (d) Samples, specimens, and print impressions must be collected reasonably promptly after arrest (i.e., during booking), conviction, or adjudication, and in any event prior to release from custody on bail or otherwise.
- (e) Samples, specimens, and print impressions must be collected "as soon as administratively possible" after a qualifying person reports to the facility to provide them.
- (f) Samples, specimens and print impressions must be collected using DOJ approved collection kits, and in accordance with DOJ instructions.
- (g) The DOJ DNA Laboratory may request collection of blood specimens(s) when the buccal swab is insufficient. The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. Blood samples obtained for submission to the DOJ DNA lab shall be placed in DOJ blood vials (Penal Code § 298(a) and § (b)(2)). A right thumbprint shall be placed on the sample vial along with other required identifying information. The DNA Coordinator will send a letter to the offender to return, and arrangements will be made with a nurse to collect the sample.
- (h) Staff properly trained to do so may collect buccal swab samples and print impressions and will take the necessary steps to avoid cross contamination. Buccal swab samples (taken from the inside of the mouth) may only be procured by staff who have successfully completed Office approved training in the collection of buccal swabs and with the use of DOJ buccal swab collectors. A right thumbprint shall be placed on the collector along with other required identifying information.
- (i) The Sheriff's Office is the designated collection agency for all county law enforcement agencies, except juvenile hall, and has exclusive responsibility for verifying an

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- offender's identity and status as a person qualifying for DNA collection, before collecting samples, specimens or print impressions.
- (j) A qualifying offender who, after having been given written notice by law enforcement personnel or an Officer of the court, refuses to give blood specimens, saliva samples, or thumb/palm prints, is guilty of a misdemeanor, per 298.1 PC, punishable by up to one year in the county jail and a \$500 fine.
  - (k) Samples, specimens, and print impressions must be forwarded promptly to the DOJ.
  - (l) In order to avoid redundant DNA collection from the same subject, it is important to communicate the fact of collection to DOJ, as well as to other law enforcement and/or correctional agencies that may assume jurisdiction over the subject (e.g., those felons who will be transported to state prison).
  - (m) A refusal to submit to DNA collection may be passive or aggressive and may or may not lead to the use of force. An initial refusal in which voluntary compliance is subsequently attained is not considered a refusal for reporting purposes.
  - (n) DOJ provides the CAL-DNA Collection Kits free of charge. A DNA Identification Fund has been established by the County Board of Supervisors to defray the costs of labor, administrative, and miscellaneous supplies associated with DNA collection.
  - (o) Collections for out-of-custody offenders will be completed at the MADF BPR Room. Agency representatives must schedule these collections with the DNA Coordinator or designee.
  - (p) The Sheriff's Office has an Agreement for Professional Services with American Medical Response (AMR) dba Sonoma Life Support, to provide blood draw services, including blood draws from physically restrained individuals.

### **336.3 REFERRALS**

Court Referrals: The Court will electronically send a copy of the Court Minutes, directing DNA collection, to the DNA Coordinator. The DNA Coordinator will process the DNA collection as described below.

- (a) An Agency Representative from an authorized notifying Agency (Police Department, Sheriff's Office, Probation Department, or District Attorney's Office ) will complete the DNA Data Bank Collection Referral and Notice of DNA and Print Collection Requirement Form and schedule the qualifying offender as follows:
  - 1. If out-of-custody, the offender will be scheduled to report to the MADF lobby at their scheduled time.
  - 2. If in-custody, the DNA Coordinator will make arrangements for the collections.
- (b) The Agency Representative will ensure that the offender receives the white copy of the referral form, and that the remaining copies are sent to the DNA Coordinator for recordation and preparation of the DNA kit.
- (c) Upon receiving copies of referral forms, the DNA Coordinator will:
  - 1. Prepare the CAL-DNA Collection Kit with all required information and data elements.

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2. Confirm that DNA has not been collected by checking the Criminal Identification and Information number (CII#) with the DOJ.

An Agency Representative must check to determine if a DNA collection has been completed prior to completing a referral for DNA.

### **336.4 COLLECTION**

#### 336.4.1 IN-CUSTODY COLLECTION

##### **Booking:**

The Detention Specialist will:

- (a) Determine if an arrestee is a "qualifying offender".
- (b) Complete the administrative data of the Penal Code § 298.1 Admonishment Form if the qualifying offenders DNA samples and print impressions are not in the possession of the DOJ.
- (c) Make appropriate entries into the computer system reflecting that the qualifying offender's DNA samples and print impressions are in the possession of the DOJ, or that a successful DNA sample and print impressions were collected. The following codes will be utilized in the "DNA Collected" field in the Special Handling screen:
  1. "O": Other-DNA has already been collected by a Department other than the Sheriff's Office, as indicated on the RAP Sheet.
  2. "S": A sample has been collected by the Sheriff's Office.
  3. An "R," in the DNA Collected field reflects that a blood draw (retest) has been taken. A new sample is not required. Do not change this entry.

The Correctional Deputy processing the qualifying offender will:

- (a) Serve the qualifying offender with the PC § 298.1 Admonishment form and confirm his/her identity.
- (b) Complete the DNA collection process.
- (c) Sign the Admonishment Form.
- (d) Ensure the completed DNA Kit and a designated copy of the PC § 298.1 Admonishment Form, are routed to the DNA Coordinator.

##### **Referrals:**

Buccal Swab DNA Kit:

- (a) After the Buccal Swab DNA collection Kit has been prepared, the DNA Coordinator will route the DNA Kit to the Booking Sergeant (MADF) or the NCDF Watch Commander, as applicable. If the inmate's release from custody is imminent, the DNA Coordinator will notify the Sergeant to expedite the collections.
- (b) The Sergeant will ensure the DNA collection is completed and return the completed DNA Kit to the DNA Coordinator as soon as possible.

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Blood Draw DNA Kit (Upon receipt of a DOJ Notice of Rejected Sample):

- (a) When the DOJ sends a Notice of Rejected Sample, the DNA Coordinator will process the DNA kit and enter an "R" (retest) in the computer system, under the DNA Collected field.

#### 336.4.2 OUT-OF-CUSTODY COLLECTION

- (a) The offender will report to the MADF BPR room as scheduled by the Agency Representative.
- (b) After all referrals have been received and processed the DNA Coordinator will gather the Kits and deliver a copy of the day's schedule to the Detention Specialist.
- (c) The Detention Specialist will contact the DNA Coordinator when each scheduled offender arrives.
  1. The DNA Coordinator will check the offender's photo identification to confirm identity before specimens are collected. If the offender does not have a photo ID, the DNA Coordinator or authorized designee will utilize the photo database to confirm identity.
  2. The DNA Coordinator will obtain the offender's buccal swab samples, palm prints and signature, will sign and date the card and the referral.
  3. If a blood draw is required, AMR will obtain the blood sample; secure the thumbprints; sign and date forms and vials, as applicable. If AMR is unable to obtain a specimen of blood from the qualified offender, they will so note on the referral form.

#### 336.4.3 PROCESSING COLLECTION KITS

- (a) Upon receiving the Collection Kits, the DNA Coordinator will:
  1. Check all forms for accuracy and completeness.
  2. Enter an "S" in the computer system's Special Handling Screen, DNA Collected field for all buccal swab referral collections. An "R" will be entered into this field to signify a retest blood draw was completed at the request of the DOJ.
  3. Forward the signed pink copy of the referral form to the notifying agency representative indicating the outcome of the referral. Retain the yellow copy in Detention Administration records.
  4. Retain the "no-show" Collection Kits and all remaining forms for possible future use should the offender (out-of-custody referrals) appear on a different date.
  5. Prepare the DNA Collection Envelope for mailing per DOJ instructions and place the envelopes in a United States Postal Services, Priority Mail, medium Flat Rate Box.
  6. Stamp the Sheriff's Office return address and the postage code on the box and place it in the outgoing "Courier" basket behind MADF Lobby Reception Desk.

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#### **336.5 REJECTIONS**

- (a) Rejections will require a blood draw.
- (b) The DNA Coordinator will notify a Sergeant that a blood draw will be required if the inmate is in custody.
- (c) The Sergeant will request the blood draw through Sheriff's Dispatch.
- (d) AMR will provide the rejection blood draw.
- (e) Upon completion of the blood draw the Sergeant will notify the DNA Coordinator and take possession of the blood sample placing it in proper storage in the Medical Clinic.
- (f) The DNA Coordinator will send the blood sample to DOJ with the required documentation.

#### **336.6 REFUSAL - USE OF FORCE**

- (a) Reasonable force may be used to collect DNA samples and specimens from a qualifying offender who refuses to cooperate. There is no need for a court order.
- (b) An offender who refuses to comply will be advised his refusal constitutes a violation of 298.1 PC and if he continues to refuse to provide the necessary sample(s), he will be arrested and booked for this new violation.
- (c) Force shall not be used without the prior written authorization by the on duty Detention Division Watch Commander on a PC § 298.1 Admonishment Form. The authorization shall include information that reflects the offender was asked to provide the requisite specimen, sample, or impression and refused.
- (d) All use of force events shall be video recorded, including audio and shall depict all personnel directly involved, to include an advisement that the requisite specimen, sample or impression is required. All use of force shall be documented in an Incident Report. The use of reasonable force to obtain DNA specimens shall be preceded by efforts to secure voluntary compliance (Refer: Restraint Chair Use).
  - 1. Efforts to secure voluntary compliance shall be documented and include an advisement to the inmate(s) of their legal obligation to provide the requisite specimen, sample or impression and the consequences of refusing.
  - 2. The video recording shall be retained by the Office for the length of time required by statute. Notwithstanding the use of the video recording as evidence in a criminal proceeding, the video recording shall be retained administratively.
- (e) The Sheriff's Office medical provider shall not be used for the collection of forced blood draws.
- (f) AMR will provide forced blood draw services. They are to be requested through Sheriff's Dispatch. The dispatcher shall advise that a "forced" blood draw is requested.
- (g) A copy of all reports and the video recordings will be routed to the Facility Manager via the chain-of-command. Upon final review, the video recording will be routed to the MADF Operations DNA Coordinator and maintained per the Sheriff's Office Records Retention Schedule.

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## **336.7 SEX AND ARSON REGISTRANTS**

### **336.8 FOLLOW UP NOTICE TO DOJ (APPLIES ONLY TO DNA SAMPLES COLLECTED FOR INVESTIGATIVE PURPOSES)**

### **336.9 LITIGATION**

The Sheriff or authorized designee shall immediately notify the Department of Justice's DNA Legal Unit at (415) 703-5892, in the event the Sheriff's Office is named in a lawsuit involving the DNA Data Bank sample collection, sample use, or any aspect of the state's DNA Data Bank Program.

## Mandatory Employer Notification

### 337.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the requirements and procedures to follow when a public or private school employee (teacher and non-teacher) has been arrested under certain circumstances.

### 337.2 POLICY

The Sonoma County Sheriff's Office will meet the reporting requirements of California law to minimize the risks to children and others.

### 337.3 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested for any offense enumerated below, the Sheriff or his/her designee is required to report the arrest as follows.

#### 337.3.1 ARREST OF PUBLIC SCHOOL TEACHER

In the event a public school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Sheriff or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the teacher and to immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools in the county where the person is employed (Health and Safety Code § 11591; Penal Code § 291).

#### 337.3.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE

In the event a public school non-teacher employee is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Sheriff or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the non-teacher and to immediately give written notice of the arrest to the governing board of the school district employing the person (Health and Safety Code § 11591; Penal Code § 291).

#### 337.3.3 ARREST OF PRIVATE SCHOOL TEACHER

In the event a private school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290 or Education Code § 44010, the Sheriff or his/her designee is mandated to immediately notify by telephone the private school authority employing the teacher and to immediately give written notice of the arrest to the private school authority employing the teacher (Health and Safety Code § 11591; Penal Code § 291.1).

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## *Mandatory Employer Notification*

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### **337.3.4 ARREST OF COMMUNITY COLLEGE INSTRUCTOR**

In the event a teacher or instructor employed in a community college district school is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591.5 or Health and Safety § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(9), or for any of the offenses enumerated in Penal Code § 290 or in Penal Code § 261(a)(1), the Sheriff or the authorized designee is mandated to immediately notify by telephone the superintendent of the community college district employing the person, and shall immediately give written notice of the arrest to the California Community Colleges Chancellor's Office (Health and Safety Code § 11591.5; Penal Code § 291.5).

### **337.4 ARREST OF PERSONS EMPLOYED IN COMMUNITY CARE FACILITIES**

In the event an employee of a community treatment facility, a day treatment facility, a group home, a short-term residential therapeutic program or a foster family agency is arrested for child abuse (as defined in Penal Code § 11165.6) and the employee is free to return to work where children are present, the investigating member shall notify the licensee of the charge of abuse (Health and Safety Code § 1522.2).

## **\*Critical Incident Defusing/Debriefing\***

### **338.1 PURPOSE AND SCOPE**

This policy provides guidance to office members that affirms the Sonoma County Sheriff's Office is committed to providing information and support for members after any critical incident that could involve traumatic injury or death.

#### **338.1.1 DEFINITIONS**

**Critical Incident** - Any significant event that may result in strong emotional reactions, which have the potential to impact a member's ability to cope. These include but are not limited to: line-of-duty death or serious injury, other death or serious injury of a co-worker, disasters/multi-casualty incidents, officer-involved shootings, significant incidents involving injury to children, events with excessive negative media coverage, deaths that occur during police operations, cumulative significant events that occur within a short time period, any circumstance that overwhelms a Sheriff's Office member, and deaths in the Detention facilities.

**Critical Incident Defusing** - A contact made with members involved in or affected by a critical incident, offering information, support, venting of reactions and an assessment of the need for a debriefing.

**Critical Incident Debriefing** - A confidential meeting intended to mitigate the impact and adverse affects of a critical incident. It is not an operational critique. These meetings are not "privileged conversations" recognized by law.

**Critical Incident Debriefing Team** - A team of Peer Support members who have received additional training in critical incident defusing and debriefing techniques. This training shall be a minimum of 24 hours and approved by POST or STC.

**Critical Incident Debriefing (CID) Team Coordinator** - The Peer Support Team Management Liaison.

#### **Actor Member (SCLEA Policy) -**

- A person whose action is a proximate cause of death or serious bodily injury to another person or themselves; or
- A person who intends an action to be the cause of serious bodily injury to a second party, but the second party is actually injured or killed by another person.
- An Actor may be a law enforcement member or a private citizen.

### **338.2 POLICY**

Sheriff's Office members, by nature of the job assignment, are routinely exposed to incidents that involve traumatic injury or death. These incidents are recognized as having a potential significant affect on Sheriff's Office members' mental, emotional and physical health. This policy attempts to provide members with opportunities to minimize potential health problems.

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## *\*Critical Incident Defusing/Debriefing\**

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### **338.3 GENERAL GUIDELINES**

- (a) All defusings/debriefings for the Sonoma County Sheriff's Office shall be coordinated through the CID Coordinator or designee.
- (b) Prior to a criminal investigation interview, a Sheriff's management member (e.g., Watch Commander) shall make actor members aware of Peer Support and Chaplaincy services. Access to these services for an Actor member is voluntary.
- (c) Watch Commanders and Supervisors of the affected Division shall assist the CID Coordinator as necessary to facilitate the defusing process.
- (d) Defusing for all members in a critical incident should occur prior to going off shift, if practical.
- (e) Debriefings should occur between 48-72 hours after a critical incident, if possible. The debriefing team shall consist of a facilitator, Peer Support members (as needed and designated by the facilitator), and a mental health professional. Peer Support members who have received additional training (beyond the Basic Peer Support) shall conduct critical incident defusings and debriefings with a mental health professional in attendance.
- (f) The CID Coordinator may use Contract Professional Services or another properly trained law enforcement member to facilitate debriefings.
- (g) The debriefing shall be restricted to those people involved in the incident. Any non-involved persons are subject to the approval of the facilitator.
- (h) A separate debriefing may also be conducted for family members of Sheriff's Office members.
- (i) The Peer Support team shall conduct a review of the defusings/debriefings, within the limits of confidentiality, at their meetings. Overtime is authorized for all involved in this process.
- (j) Overtime shall be charged to the member's regularly assigned budget.
- (k) The Peer Support Team Coordinator(s) and Management Liaison shall determine when the Peer Support member is ready to facilitate debriefings.

#### **338.3.1 CRITICAL INCIDENT PROCEDURE**

When a critical incident occurs, the CID Coordinator shall be notified by the on-duty Watch Commander of the affected Division. The CID Coordinator will work with the affected Division to coordinate the defusing/debriefing process.

## Child and Dependent Adult Safety

### 339.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this office (Penal Code § 833.2(a)).

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Senior and Disability Victimization policies.

### 339.2 POLICY

It is the policy of this office to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Sonoma County Sheriff's Office will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

### 339.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, deputies should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, deputies should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken (Penal Code § 13517.7(b)(1)):

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Deputies should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, deputies should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, deputies should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the deputy at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

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##### 339.3.1 AFTER AN ARREST

Whenever an arrest is made, the deputy should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Deputies should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
  - 1. Deputies should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
- (b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), deputies should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
  - 1. Except when a court order exists limiting contact, the deputy should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
- (c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (d) Notify Child Protective Services or the Division of Aging and Adult Services, if appropriate.
- (e) Notify the field supervisor or Watch Commander of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting deputy should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

##### 339.3.2 DURING THE BOOKING PROCESS

During the booking process the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law (Penal Code § 851.5(c)).

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If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

#### 339.3.3 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting member will document the following information:
1. Name
  2. Sex
  3. Age
  4. Special needs (e.g., medical, mental health)
  5. How, where and with whom or which agency the child was placed
  6. Identities and contact information for other potential caregivers
  7. Notifications made to other adults (e.g., schools, relatives)
- (b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:
1. Name
  2. Sex
  3. Age
  4. Whether he/she reasonably appears able to care for him/herself
  5. Disposition or placement information if he/she is unable to care for him/herself

#### 339.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling deputies, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

#### **339.4 DEPENDENT WELFARE SERVICES**

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling deputy should contact the appropriate welfare service or other office-approved social service to determine whether protective custody is appropriate (Welfare and Institutions Code § 305).

Only when other reasonable options are exhausted should a child or dependent adult be transported to the sheriff's facility, transported in a marked patrol car or taken into formal protective custody.

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Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

### **339.5 TRAINING**

The Professional Standards Bureau Lieutenant is responsible to ensure that all personnel of this office who may be involved in arrests affecting children or dependent adults receive approved POST-approved training on effective safety measures when a parent, guardian or caregiver is arrested (Penal Code § 13517.7).

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## Volunteer Program

### 340.1 PURPOSE AND SCOPE

It is the policy of the Sonoma County Sheriff's Office to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Office and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn deputies and civilian personnel. Volunteers can be an important part of any organization and are proven to be a valuable asset to law enforcement agencies. Volunteers help to increase office responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Office and prompt new enthusiasm.

#### 340.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Office without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid reserve deputies, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

### 340.2 VOLUNTEER MANAGEMENT

#### 340.2.1 VOLUNTEER COORDINATOR

The Volunteer Coordinator shall be appointed by the Administration Captain. The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Office, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator should work with other Office staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinator, or his/her designee, shall be responsible for the following:

- (a) Recruiting, selecting and training qualified volunteers for various positions.
- (b) Facilitating the implementation of new volunteer activities and assignments.
- (c) Maintaining records for each volunteer.
- (d) Tracking and evaluating the contribution of volunteers.
- (e) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.
- (f) Maintaining a record of volunteer schedules and work hours.
- (g) Completion and dissemination as appropriate of all necessary paperwork and information.
- (h) Planning periodic recognition events.
- (i) Administering discipline when warranted.

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- (j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

#### 340.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with office policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Office in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time-frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

#### 340.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with an applicant under consideration.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

- (a) Traffic and criminal background check. Fingerprints shall be obtained from all applicants and processed through the California Criminal Information Index.
- (b) Employment
- (c) References

A polygraph exam may be required of each applicant depending on the type of assignment.

#### 340.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Office shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Office, who will normally be the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement of service with the Office. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Office.

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##### 340.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Office, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn deputies or other full-time members of the Office. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Office.

##### 340.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

- (a) Driver license
- (b) Medical condition
- (c) Arrests
- (d) Criminal investigations

All volunteers shall adhere to the guidelines set forth by this office regarding drug and alcohol use.

##### 340.2.7 DRESS CODE

As representatives of the Office, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to office-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn deputies. The uniform or identifiable parts of the uniform shall not be worn while off-duty except volunteers may choose to wear the uniform while in transit to or from official office assignments or functions provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off duty.

Volunteers shall be required to return any issued uniform or office property at the termination of service.

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### **340.3 SUPERVISION OF VOLUNTEERS**

Each volunteer who is accepted to a position with the Office must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

- (a) Take the time to introduce volunteers to employees on all levels.
- (b) Ensure volunteers have work space and necessary office supplies.
- (c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

### **340.4 CONFIDENTIALITY**

With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or office policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by office policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Office. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Office, or maintain that they represent the Office in such matters without permission from the proper office personnel.

### **340.5 PROPERTY AND EQUIPMENT**

Volunteers will be issued an identification card that must be worn at all times while on-duty. Any fixed and portable equipment issued by the Office shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Office and shall be returned at the termination of service.

#### **340.5.1 VEHICLE USE**

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

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- (a) A driving safety briefing and office approved driver safety course.
- (b) Verification that the volunteer possesses a valid California Driver License.
- (c) Verification that the volunteer carries current vehicle insurance.

The Volunteer Coordinator should insure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a Office vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Office vehicles.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and are not authorized to operate a Office vehicle Code-3.

#### 340.5.2 RADIO AND MDC USAGE

Volunteers shall successfully complete CLETS and radio procedures training prior to using the police radio or MDC and comply with all related provisions. The Volunteer Coordinator should ensure that radio and CLETS training is provided for volunteers whenever necessary.

#### **340.6 DISCIPLINARY PROCEDURES/TERMINATION**

A volunteer may be removed from the volunteer program at the discretion of the Sheriff or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing which shall be limited to a single appearance before the Sheriff or authorized designee.

Volunteers may resign from volunteer service with the Office at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

#### 340.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Office.

#### **340.7 EVALUATION**

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.

## Service Animals

### 341.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA).

#### 341.1.1 DEFINITIONS

Definitions related to this policy include:

**Service animal** - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104; Health and Safety Code § 113903).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

### 341.2 POLICY

It is the policy of the Sonoma County Sheriff's Office to provide services and access to persons with service animals in the same manner as those without service animals. Office members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

### 341.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with

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schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

### **341.4 MEMBER RESPONSIBILITIES**

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Office members are expected to treat individuals with service animals with the same courtesy and respect that the Sonoma County Sheriff's Office affords to all members of the public (28 CFR 35.136).

#### **341.4.1 INQUIRY**

If it is apparent or if a member is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The individual should not be questioned about his/her disability nor should the person be asked to provide any license, certification or identification card for the service animal.

#### **341.4.2 CONTACT**

Service animals are not pets. Office members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

#### **341.4.3 REMOVAL**

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, a deputy may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this office are expected to provide all services as are reasonably available to an individual with a disability, with or without a service animal.

#### **341.4.4 COMPLAINTS**

When handling calls of a complaint regarding a service animal, members of this office should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany

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their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

Absent a violation of law independent of the ADA, deputies should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ).

## **\*Off-Duty Law Enforcement Actions\***

### **342.1 PURPOSE AND SCOPE**

The decision to become involved in a law enforcement action when off-duty can place a deputy as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for deputies of the Sonoma County Sheriff's Office with respect to taking law enforcement action while off-duty.

### **342.2 POLICY**

Initiating law enforcement action while off-duty is generally discouraged. Deputies should not attempt to initiate enforcement action when witnessing minor crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Deputies are not expected to place themselves in unreasonable peril. However, any sworn member of this office who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, deputies should first consider reporting and monitoring the activity and only take direct action as a last resort.

### **342.3 FIREARMS**

Deputies of this office may carry firearms while off-duty in accordance with federal regulations and office policy. All firearms and ammunition must meet guidelines as described in the office Firearms Policy. When carrying firearms while off-duty deputies shall also carry their office-issued badge and identification.

Deputies should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any deputy who has consumed an amount of an alcoholic beverage or taken any drugs or medications or any combination thereof that would tend to adversely affect the deputy's senses or judgment.

### **342.4 DECISION TO INTERVENE**

There is no legal requirement for off-duty deputies to take law enforcement action. However, should deputies decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.
- (c) The lack of equipment, such as handcuffs, OC or baton.

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- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty deputy were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty deputy to be misidentified by other peace officers or members of the public.

Deputies should consider waiting for on-duty uniformed deputies to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

### 342.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary the deputy should attempt to call or have someone else call 9-1-1 to request immediate assistance. The dispatcher should be informed that an off-duty deputy is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the deputy should loudly and repeatedly identify him/herself as a Sonoma County Sheriff's Office deputy until acknowledged. Official identification should also be displayed.

### 342.4.2 INCIDENTS OF PERSONAL INTEREST

Deputies should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances deputies should call the responsible agency to handle the matter.

### 342.4.3 CIVILIAN RESPONSIBILITIES

Professional Staff personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

### 342.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed deputy in public, uniformed deputies should wait for acknowledgement by the non-uniformed deputy in case he/she needs to maintain an undercover capability.

## **342.5 REPORTING**

Any off-duty deputy who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Watch Commander as soon as practicable. The Watch Commander shall determine whether a report should be filed by the employee.

Deputies should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

## Gun Violence Restraining Orders

### 343.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning and serving gun violence restraining orders and accounting for the firearms obtained pursuant to those orders (Penal Code § 18108).

#### 343.1.1 DEFINITIONS

Definitions related to this policy include:

**Gun violence restraining order** - Civil restraining order prohibiting a named person from controlling, owning, purchasing, possessing, receiving, or otherwise having custody of any firearms or ammunition, including an ammunition magazine (Penal Code § 18100).

### 343.2 POLICY

It is the policy of the Sonoma County Sheriff's Office to petition for and serve gun violence restraining orders in compliance with state law and to properly account for firearms and ammunition obtained by the Office pursuant to such orders.

### 343.3 GUN VIOLENCE RESTRAINING ORDERS

A deputy who reasonably believes a person is a present danger to him/herself or another person by controlling, owning, purchasing, possessing, receiving, or otherwise having custody of a firearm should request permission from his/her supervisor to petition the court for a gun violence restraining order.

Deputies petitioning the court should use the forms established by the Judicial Council (Penal Code § 18105). The petition should describe the number, types, and locations of any firearms and ammunition that the deputy believes to be possessed or controlled by the person (Penal Code § 18107). The petition should also describe why less-restrictive alternatives are ineffective or inadequate for the circumstances (Penal Code § 18125; Penal Code § 18150; Penal Code § 18175).

If it is not practical under the circumstances to submit a written petition, a deputy may orally request an order, and then prepare and sign a declaration under penalty of perjury that recites the oral statements provided to the judicial officer and memorialize the order of the court on the appropriate Judicial Council form (Penal Code § 18122; Penal Code § 18140).

#### 343.3.1 ADDITIONAL CONSIDERATIONS

Deputies should also consider requesting permission to petition the court for a gun violence restraining order (Penal Code § 18108):

- (a) When responding to a domestic disturbance where the residence is associated with a firearm registration or record.
- (b) When responding to any call or incident when a firearm is present or when one of the involved parties owns or possesses a firearm.

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- (c) During a contact with a person exhibiting mental health issues, including suicidal thoughts, statements, or actions if that person owns or possesses a firearm.

Deputies should consider obtaining a mental health evaluation if the encounter involves a situation where there is a reasonable cause to believe that the person poses an immediate and present danger of causing personal injury to themselves or another person by having custody or control of a firearm (see the Mental Illness Commitments Policy) (Penal Code § 18108).

### **343.4 SERVICE OF GUN VIOLENCE RESTRAINING ORDERS**

A deputy serving any gun violence restraining order shall:

- (a) Verbally ask the subject of the order if he/she has any firearm, ammunition, or magazine in his/her possession or under his/her custody or control (Penal Code § 18160).
- (b) Request that any firearms or ammunition be immediately surrendered and issue a receipt for the surrendered items (Penal Code § 18120).
- (c) Take into temporary custody any firearm or other deadly weapon discovered in plain view or pursuant to consent or other lawful search (Penal Code § 18250).
- (d) Inform the restrained person of any scheduled hearing regarding the order (Penal Code § 18160).
- (e) Transmit the original proof of service form to the issuing court as soon as practicable but within one business day (Penal Code § 18115).
- (f) As soon as practicable, but by the end of his/her shift, submit proof of service to the CIB Manager for prompt entry into the California Restraining and Protective Order System (Penal Code § 18115).

The deputy should also inform the restrained person that he/she is required, within 24 hours, to surrender to a law enforcement agency any other firearms and ammunition he/she owns or that are in his/her custody or control or sell them to a firearms dealer. This notification should be documented.

All firearms and ammunition collected shall be handled and booked in accordance with the Property and Evidence Policy.

#### **343.4.1 TEMPORARY EMERGENCY GUN VIOLENCE RESTRAINING ORDERS**

A deputy requesting a temporary emergency gun violence restraining order shall (Penal Code § 18140):

- (a) For oral requests, sign a declaration under penalty of perjury reciting the oral statements provided to the judicial officer and memorialize the order of the court on the form approved by the Judicial Council.
- (b) Serve the order on the restrained person if the person can be reasonably located.
- (c) Forward a copy of the order to the CIB Manager for filing with the court and appropriate databases.

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### **343.5 SEARCH WARRANTS**

If a person who has been served with a gun violence restraining order refuses to surrender any firearm or ammunition, the deputy should consider whether to seek a search warrant. If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the Warrant Service Policy. Additionally, (Penal Code § 1542.5):

- (a) The deputy serving the warrant shall take custody of any firearm or ammunition that is controlled, possessed or owned by the person who is the subject of the gun violence restraining order, including any discovered pursuant to the warrant, a consensual search or other lawful search.
- (b) If the location being searched is jointly occupied and the firearm or ammunition is owned by a person other than the restrained person, the firearm or ammunition should not be seized if the following conditions are met:
  - 1. The firearm or ammunition can be stored in a manner that does not allow the restrained person to have control or access.
  - 2. There is no evidence that the owner unlawfully possesses the firearm or ammunition.
- (c) If a locked gun safe belonging to someone other than the subject of a gun violence restraining order is discovered, the deputy shall not search the contents of the safe unless the owner consents or there is a valid search warrant for the safe. Any search of the safe must be done in the owner's presence.

### **343.6 COURT-ORDERED FIREARMS AND AMMUNITION SURRENDERS**

Authorized members shall accept firearms and ammunition from any individual who is the subject of a gun violence restraining order. The member receiving any firearm or ammunition shall:

- (a) Record the individual's name, address and telephone number.
- (b) Record the serial number of the firearm.
- (c) Prepare an incident report and property report.
- (d) Provide a property receipt to the individual who surrendered the firearms and ammunition.
- (e) Package and submit the firearms and ammunition in accordance with the Property and Evidence Policy.

### **343.7 RELEASE OF FIREARMS AND AMMUNITION**

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with Penal Code § 18120 and the Property and Evidence Policy.

### **343.8 GUN VIOLENCE RESTRAINING ORDER COORDINATOR**

The Sheriff will appoint the DVSA Supervisor as the gun violence restraining order coordinator. The responsibilities of the coordinator include:

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- (a) Developing and maintaining procedures for the filing of a petition for an order or a renewal of an order by office members, also including procedures for requesting and serving (Penal Code § 18108):
  - 1. A temporary emergency gun violence restraining order.
  - 2. An ex parte gun violence restraining order.
  - 3. A gun violence restraining order issued after notice and hearing.
- (b) Developing and maintaining factors to consider when assessing the need to seek an order, including:
  - 1. Whether threats have been made, and if so, whether the threats are credible and specific.
  - 2. Whether the potential victim is within close proximity.
  - 3. Whether the person has expressed suicidal tendencies.
  - 4. Whether the person has access to firearms.
  - 5. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation, or monitored release.
  - 6. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to themselves or others.
  - 7. Any upcoming holidays, anniversaries, or other dates of significance that may serve as a trigger for the person, such as the death of a family member.
  - 8. Whether the person has any history of drug or alcohol abuse.
- (c) Developing and maintaining procedures for the receipt and service of orders consistent with the requirements of Penal Code § 18115; Penal Code § 18120; Penal Code § 18135; Penal Code § 18140; and Penal Code § 18160. Procedures should include:
  - 1. Evaluation of an order to determine appropriate service and necessary precautions (see the Warrant Service Policy and the Operations Planning and Deconfliction Policy).
  - 2. Forwarding orders to the CIB Manager for recording in appropriate databases and required notice to the court, as applicable.
  - 3. Preparing or obtaining a search warrant prior to attempting service of an order, when appropriate (Penal Code § 18108).
  - 4. Seizure procedures of firearms and ammunition at the time of issuance of a temporary emergency gun violence restraining order.
  - 5. Verification procedures for the removal of firearms and ammunition from the subject of a gun violence restraining order.
- (d) Coordinating with the Investigations Bureau Lieutenant to provide deputies who may be involved in petitioning for or serving orders with training on such orders. Training

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should include determining when a petition is appropriate, the process for seeking an order, and the service of such orders.

- (e) Reviewing each petition and any associated court documents for an order prepared by members, for compliance with this policy, office procedures, and state law.
- (f) Developing and maintaining procedures for members to accept voluntarily surrendered prohibited items at times other than when an order is being served by the Office.
  - 1. Procedures should include preparing and providing a receipt identifying all prohibited items to the person surrendering the items.
- (g) Coordinating review of notices of court hearings and providing notice to the appropriate deputy of the hearing date and the responsibility to appear (Penal Code § 18108).

### **343.9 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS**

The DVSA supervisor is responsible for the review of a gun violence restraining order obtained by the Office to determine if renewal should be requested within the time prescribed by law (Penal Code § 18190).

### **343.10 POLICY AVAILABILITY**

The Sheriff or the authorized designee shall be responsible for making this policy available to the public upon request (Penal Code § 18108).

### **343.11 TRAINING**

The DVSA supervisor should ensure that members receive periodic training on the requirements of this policy (Penal Code § 18108).

# Native American Graves Protection and Repatriation

## 344.1 PURPOSE AND SCOPE

This policy is intended to ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

### 344.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

**Funerary objects** - Objects that, as part of the death rite or ceremony of a Native American culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains. Funerary objects are either associated funerary objects or unassociated funerary objects.

Associated funerary objects are any funerary objects related to removed human remains, where the location of the human remains is known. This includes objects that were made exclusively for burial purposes or to contain human remains, regardless of the physical location or existence of any related human remains.

Unassociated funerary objects are any other funerary objects that are identified by a preponderance of the evidence such as:

- Related to human remains but the remains were not removed, or the location of the remains is unknown.
- Related to specific individuals or families.
- Removed from specific burial sites with Native American cultural affiliation.
- Removed from an area where such burial sites are known to have existed, but the site no longer exists.

**Native American human remains** - Any physical part of the body of a Native American individual.

**Objects of cultural patrimony** - Objects having ongoing historical, traditional, or cultural importance that is central to the Native American group or culture itself and, therefore, cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

**Sacred objects** - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

## 344.2 POLICY

It is the policy of the Sonoma County Sheriff's Office that the protection of Native American human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred

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objects, or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption, or complicated custody transfer processes.

### **344.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT**

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred objects, or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.5).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.5):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land/Private land - Coroner, when appropriate (Health and Safety Code § 7050.5)
- Tribal land - Responsible Indian tribal official

### **344.4 EVIDENCE AND PROPERTY**

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.7).

## Community Relations

### 345.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

### 345.2 POLICY

It is the policy of the Sonoma County Sheriff's Office to promote positive relationships between members of the office and the community by treating community members with dignity and respect and engaging them in public safety education and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

### 345.3 MEMBER RESPONSIBILITIES

Deputies should, as time and circumstances reasonably permit:

- (a) Make casual and consensual contacts with community members to promote positive community relationships (see the Detentions and Photographing Detainees Policy).
- (b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.
- (c) Work with community members and the Community Engagement Liaison to identify issues and solve problems related to community relations and public safety.
- (d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Deputies carrying out foot patrols should notify an appropriate supervisor and Dispatch of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform Dispatch of their location and status during the foot patrol.

### 345.4 COMMUNITY ENGAGEMENT LIAISON

The Sheriff or the authorized designee should designate a member of the Office to serve as the Community Engagement Liaison. He/she reports directly to the Administration Captain or authorized designee and is responsible for:

- (a) Obtaining office-approved training related to his/her responsibilities.
- (b) Responding to requests from office members and the community for assistance in identifying issues and solving problems related to community relations and public safety.
- (c) Working with community groups, office members and other community resources to:
  1. Identify and solve public safety problems within the community.
  2. Organize programs and activities that help build positive relationships between office members and the community and provide community members with an improved understanding of office operations.
- (d) Working with the Patrol Captain to develop patrol deployment plans that allow deputies the time to participate in community engagement and problem-solving activities.

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- (e) Attending County council and other community meetings to obtain information on community relations needs.
- (f) Assisting with the office's response to events that may affect community relations, such as an incident where the conduct of a office member is called into public question.
- (g) Informing the Sheriff and others of developments and needs related to the furtherance of the office's community relations goals, as appropriate.

#### **345.5 SURVEYS**

The Community Engagement Liaison, when requested by the Sheriff, would arrange for a survey of community members and office members to be conducted to assess the condition of the relationship between the Office and the community. Survey questions should be designed to evaluate perceptions of the following:

- (a) Overall performance of the Office
- (b) Overall competence of office members
- (c) Attitude and behavior of office members
- (d) Level of community trust in the Office
- (e) Safety, security or other concerns

A written summary of the compiled results of the survey should be provided to the Sheriff.

#### **345.6 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS**

The Community Engagement Liaison should organize or assist with programs and activities that create opportunities for office members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

- (a) Police-community get-togethers (e.g., cookouts, meals, charity events, sporting events).
- (b) Youth leadership and life skills mentoring.
- (c) School resource deputy.
- (d) Neighborhood Watch and crime prevention programs.

#### **345.7 INFORMATION SHARING**

The Community Engagement Liaison should work with the Public Information Officer to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in office operations, comments, feedback, positive events) between the Office and community members. Examples of information-sharing methods include:

- (a) Community meetings.
- (b) Social media (see the Office Use of Social Media Policy).
- (c) Office website postings.

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Information should be regularly refreshed, to inform and engage community members continuously.

### **345.8 LAW ENFORCEMENT OPERATIONS EDUCATION**

The Community Engagement Liaison should develop methods to educate community members on general law enforcement operations so they may understand the work that deputies do to keep the community safe. Examples of educational methods include:

- (a) Development and distribution of informational cards/flyers.
- (b) Office website postings.
- (c) Instruction in schools.
- (d) Office ride-alongs (see the Ride-Along Policy).
- (e) Scenario/Simulation exercises with community member participation.
- (f) Youth internships at the Office.
- (g) Citizen academies.

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make a complaint to the office regarding alleged misconduct or inappropriate job performance by office members.

### **345.9 SAFETY AND OTHER CONSIDERATIONS**

Office members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, not allow them to be present in any location or situation that would jeopardize their safety.

Office members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

### **345.10 COMMUNITY ADVISORY COMMITTEE**

The Community Engagement Liaison may establish a committee of volunteers consisting of community members, community leaders and other community stakeholders (e.g., representatives from schools, churches, businesses, social service organizations). The makeup of the committee should reflect the demographics of the community as much as practicable.

The committee should:

- (a) Provide a public forum for gathering information about public safety concerns in the community.

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- (b) Work with the Office to develop strategies to solve public safety problems.
- (c) Generate plans for improving the relationship between the Office and the community.
- (d) Participate in community outreach to solicit input from community members, including youth from the community.

### **345.10.1 LEGAL CONSIDERATIONS**

The Sheriff and the Community Engagement Liaison should work with the County Counsel as appropriate to ensure the committee complies with any legal requirements such as public notices, records maintenance and any other associated obligations or procedures.

### **345.11 TRANSPARENCY**

The Office should periodically publish statistical data and analysis regarding the office's operations. The reports shall not contain the names of deputies, suspects or case numbers. The Office should work with the community advisory committee to identify information that may increase transparency regarding office operations.

### **345.12 TRAINING**

Subject to available resources, members should receive training related to this policy, including training on topics such as:

- (a) Effective social interaction and communication skills.
- (b) Cultural, racial and ethnic diversity and relations.
- (c) Building community partnerships.
- (d) Community policing and problem-solving principles.
- (e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

## Transportation of Inmates

### 346.1 PURPOSE AND SCOPE

Inmates may be transported for a variety of reasons, including, but not limited to: inter-facility movements of work crews, court appearances, medical and dental appointments, disciplinary actions, transfers to other state or federal detention facilities, and extraditions or renditions. Deputies assigned to the Transportation Bureau will have primary responsibility for the safe, orderly and efficient transportation of inmates. When necessary, and in the absence of Transportation Bureau personnel, Patrol deputies will be responsible for transporting inmates between MADF and NCDF. In addition, support staff may complete inmate transports to meet facility tasks that are normally completed by an in-custody inmate work crew.

#### 346.1.1 DEFINITIONS

**Bulk Property:** Any inmate valuables or property that is not clothing and/or cannot be placed in the inmate's personal clothing storage bag.

**Cell Property:** Any personal property an inmate may keep in his/her cell.

**Medical Referral Form:** A form used by Detention Medical Staff which must accompany certain inmates sent to hospitals for treatment.

**Jail Hold Form:** A form which directs hospital staff to notify the designated Sheriff's Office member when an unguarded inmate is ready for release from the hospital.

### 346.2 GENERAL GUIDELINES

- (a) Members shall have the appropriate driver's license and training for the vehicle being used for the transport. A "Class B" license is required if the transportation vehicle is designed, used, or maintained to carry more than 15 persons including the driver.
- (b) Deputy Sheriffs, unless directed by the Transportation Bureau Lieutenant or the Patrol Watch Commander, shall transport all inmates between detention facilities, to outside dental and medical appointments, to county and state mental health facilities, to any state or federal correctional facilities, and for extradition or rendition purposes.
- (c) The Deputy Sheriff shall assist the MADF or NCDF Detention members, as needed, to ensure the safe transfer of inmates and inmate property. The transporting deputy is responsible for the inmate(s) and property in his/her care until relieved by a Detention Division member.
- (d) Support staff members may transport inmate work crews to or from NCDF and MADF.
- (e) Transporting arrestees of the opposite sex should be avoided, if possible. Even when handcuffed and seat belted, a determined prisoner can shift position within the vehicle, allowing access to the other prisoner. Proximity also has the potential for inappropriate verbal contact.

### 346.3 PROCEDURES

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##### 346.3.1 DETENTION DIVISION

- (a) A Detention Division Sergeant shall make and confirm all arrangements for the transfer of inmates on the MADF/NCDF Inmate Transfer list prior to requesting transport.
- (b) Inmates shall be separated by classification, with all required paperwork completed and bulk and cell property readied prior to the arrival of the transporting deputy.
- (c) The Detention Division Sergeant will determine the availability of a Transportation Bureau deputy. If no deputy is available, the Dispatch Bureau will be contacted and a patrol unit requested. The Detention Division Sergeant shall advise the Dispatch Bureau of the reason for the transport, the estimated time that transportation will be needed, and the number of inmates to be transported.
- (d) A Detention Division member will brief the transporting deputy regarding the destination and any special considerations or concerns regarding each inmate.
- (e) If a conflict arises (e.g., time of transport, manner of transport, number to be transported, special handling requirements), the Detention Division Sergeant shall assume responsibility for the custody of the inmate(s), and release the deputy until the conflict is resolved.

##### 346.3.2 DISPATCH BUREAU

- (a) When a request is received regarding the transportation of an inmate, the dispatcher will inform the requester of the availability of a transporting deputy.
  - 1. If one is not immediately available, an estimated time of availability will be given.
  - 2. In case of a conflict (e.g., time of transport, manner of transport, number to be transported, special handling requirements), the Patrol Sergeant or Watch Commander shall resolve the conflict with the Detention Division Sergeant or Watch Commander prior to the deputy being dispatched.
  - 3. A Reserve Deputy or an Extra-help Deputy may be used to make the transport.
- (b) Dispatch will monitor the patrol activity and advise the Detention Sergeant of any delays.

##### 346.3.3 TRANSPORTING DEPUTY

Generally and when circumstances permit, inmates of the opposite sex, or adult and juvenile inmates, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating inmates is not practicable, deputies should be alert to inappropriate physical or verbal contact between them and take appropriate action as necessary.

- (a) The transporting deputy shall respond without delay.
- (b) Deputies shall secure all firearms, impact weapons and knives prior to entering a secure area of a detention facility.
- (c) Multiple trips may be necessary to move the inmates.
- (d) Prior to transporting an inmate, the deputies shall:

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1. Receive all paperwork, (e.g., booking files, booking sheets, minute sheets, classification files, medical files) and property from the Detention Division member. Verify that the identity of each prisoner to be transported matches the booking paperwork.
  2. Ensure that any known threat or danger the inmate may pose, such as escape risk, suicide potential, or medical condition, is recorded on the inmates booking documentation and is transported with the inmate to the next facility. The transporting deputy shall ensure such threat or danger is communicated to intake personnel at the facility.
  3. Ensure the appropriate vehicle is used to transport the inmate, for officer safety purposes, and in order to prevent injury to the inmate.
  4. Ensure that the inmate is secured in the most appropriate restraint device and is appropriate for the type of vehicle being used (e.g., bus, van, patrol car).
- (e) The deputy shall advise Dispatch of his/her departure noting the final transport location, and start time when transporting female inmates, provide mileage.
- (f) Inmates being transported back to a detention facility shall be handcuffed (double-locked).
- (g) Transporting deputies shall deliver the inmate(s) and all property to a Detention Division member. The deputy shall advise Dispatch upon the completion of the transport, providing end time and mileage, if necessary.
- (h) The transporting deputy shall remain with an inmate at medical facilities unless a Patrol Sergeant of Patrol Watch Commander directs otherwise.

#### 346.3.4 EMERGENCY TRANSPORTS

- (a) In the event of a medical emergency involving an inmate at the MADF or NCDF, the Detention Division Sergeant or Watch Commander shall immediately notify Dispatch and request an ambulance, Code-3 if necessary. If required, the Detention Division Sergeant or Watch Commander shall also request that a Patrol Deputy respond Code-3 to the location to escort the inmate to the hospital and request an estimated time of arrival.
- (b) If no Patrol deputy is available or, if in the judgment of the Detention Division Sergeant or Watch Commander, the arrival time for the deputy is excessive, he/she shall request Dispatch to have a Santa Rosa Police Department unit respond.
- (c) Should there be no Santa Rosa Police Department unit available, the Detention Division Sergeant or Watch Commander may have the inmate transported Code-3 to the hospital without an escort. The Detention Division Sergeant or Watch Commander may direct a Correctional Deputy escort the inmate to the medical facility. The Correctional Deputy shall be relieved as soon as possible by a Patrol Deputy.
- (d) The Detention Division Sergeant or Watch Commander may elect to delay the departure of the ambulance until a Deputy or Police Officer has arrived to escort the inmate.

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- (e) Detention Division and Law Enforcement Division members shall use physical restraints to ensure that the inmate is secured prior to transport. Restraints shall be consistent with the medical emergency.

#### 346.3.5 NCDF HOUSING UNITS

**Units: 101, 201, 501, 502:** These are minimum/medium security housing units. Inmates are to be delivered to these units via the fenced-in drive-through. Inmate property and files are to be delivered by a Detention Assistant at a later time.

**Units: 202, 203:** These are medium security housing units. Inmates are to be delivered to Correctional Deputies in the outer yards of these units. Inmate property and files are to be delivered by a Detention Assistant at a later time.

#### 346.4 JUVENILE JUSTICE CENTER (JJC)

Adult inmates shall be transported and moved completely separate from juvenile inmates. The following guidelines shall be used when an adult inmate enters the JJC.

##### 346.4.1 ENTERING AND EXITING THE JJC

- (a) Any time an adult inmate is transported to the JJC the transporting deputy will notify the JJC bailiffs via telephone, when they are en-route with an adult inmate and when they have arrived.
- (b) The transporting deputy shall not enter the JJC until he/she has been notified by the bailiff that the rear hallway is secure and there are no juveniles in the process of being moved within the JJC. The bailiff will be responsible for escorting the adult inmate and the transportation deputy into the court room, in addition to notifying juvenile movement.
- (c) Once the bailiff confirms the security movement hallway is clear for movement, the adult inmate will be moved directly into court room for the hearing or out of the facility at the conclusion of the hearing. Juvenile Hall Movement will be informed when the adult inmate has been moved to the designated location.

##### 346.4.2 MOVING TO AND FROM COURT IN THE JJC

- (a) Anytime an adult inmate is moved to or from a courtroom, Juvenile Hall Movement will be contacted prior to the adult inmate entering the security movement hallway.
- (b) Juvenile Hall Movement will be contacted to ensure the hallway is clear of any juveniles and they will stop all juvenile movement prior to an adult inmate entering the security movement hallway. The bailiff will be responsible for escorting the adult inmate and the transportation deputy out of the JJC.
- (c) Once Juvenile Hall Movement confirms all juveniles have been secured the adult inmate will be moved to or from the courtroom. Juvenile Hall Movement will be informed when the adult inmate has been moved to the designated location.

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##### 346.4.3 ADULT HOLDING CELLS AT THE JJC

- (a) The JJC has two adult holding cells that shall be used in the event an adult inmate needs to be housed for a short period of time during a dependency hearing. Under normal circumstances upon arriving at the JJC the adult inmate will be brought directly into the courtroom and immediately removed at the completion of the hearing.
- (b) Prior to the inmate being placed in the holding cell the deputy will search the cell to ensure there are no prohibited items in the cell. The transporting deputy shall document the inmate's name, date and time the inmate was placed in and removed from the holding cell and monitor the inmate the entire time. If the inmate is in the holding cell for more than sixty (60) minutes, the deputy will document safety checks once an hour.
- (c) Step (B) will then be followed ensuring the security movement hallway is clear of any juveniles.

##### 346.4.4 TRANSPORTING ADULTS TO THE JJC

- (a) Prior to any adult inmate(s) being transported to the JJC, a classification check will be conducted by the transporting deputy(s).
- (b) If more than one adult inmate is being transported the inmates shall be separated based on classification and gender within the transportation vehicle.
- (c) Deputies shall follow the Detention Divisions classification policies when utilizing the adult holding cells.

##### 346.4.5 ON-VIEW ARRESTS

- (a) If an adult is arrested at the JJC, the bailiff or guard shall notify Dispatch and request a Patrol Deputy Sheriff respond for transportation to MADF.
- (b) If a juvenile is arrested at the JJC, the bailiff or guard will transport and book the juvenile into Juvenile Hall.

##### 346.4.6 AT-RISK ADULT INMATES

- (a) If an adult inmate is suffering from any type of mental or physical illness, including a contagious disease, which requires special housing or medical care, the following procedures shall be followed:
  - 1. The transportation deputy shall check with the Detention Division medical and/or mental health staff to determine whether or not the inmate can safely be transported to the JJC.
  - 2. If the inmate cannot be safely transported, the transportation deputy will notify the court bailiff who will forward the information to the presiding Judge for a decision on how to proceed.
  - 3. Upon return to the Detention Facility the transportation deputy shall notify a Detention Division member of any unusual behavior exhibited by the inmate who leads the deputy to believe the inmate may be suicidal or require immediate medical or mental health attention.

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4. This information shall be documented by the intake correctional deputy who accepts custody. Examples of information that should be documented are dependency hearings that result in a child being removed from the care of the parent, significant jail sentences, dependents who are victims or suspects in a sexual assault case, etc.

#### 346.4.7 TRANSPORTING FEMALE INMATES

- (a) When an adult female inmate needs to be transported to the JJC the following procedures shall be followed:
  1. If the transportation deputy is male, he will verify that there is a female bailiff at the JJC who will supervise the inmate if she is placed in a holding cell.
  2. If there is no female bailiff on duty, the transportation deputy will arrange to have a female deputy accompany him to the JJC to supervise the inmate. The bailiff may also request a female court employee remain with him while the female is in the holding cell.

#### 346.4.8 EMERGENCY EVACUATION OF ADULT INMATES

In the event of an emergency that results in building evacuation, adult inmates will be transported back to the Detention facility as soon as possible.

#### 346.4.9 ADULT HOLDING CELL INSPECTION FORM

Bailiffs assigned to the JJC will be responsible for completing and maintaining monthly inspections of the adult holding cells. Those forms will be maintained by the transportation lieutenant.

## **\*Transporting Injured or Ill Persons\***

### **347.1 PURPOSE AND SCOPE**

This policy establishes guidelines for the transporting of injured or ill (non-arrestees) persons in County vehicles by Sheriff's Office members. Each case must be evaluated and no hard and fast rules can be established. However, members should understand that there is increased liability, not only for the County, but also for the Office member, concerning the welfare and safety of individual(s) transported in a County vehicle. This liability is greatly increased when the person being transported is seriously injured or in grave danger of dying.

### **347.2 GENERAL GUIDELINES**

- (a) Injured and/or ill persons shall be transported to a medical facility by an ambulance whenever possible.
- (b) Members are frequently under considerable pressure from family members and others to immediately transport a seriously injured or ill person to a hospital. In the majority of cases, this should be avoided and all alternatives available should be considered. In most areas of the County an ambulance and fire department resources are within a reasonable distance. The rear seat of a patrol car is one of the least desirable and unaccommodating places to administer emergency First Aid, CPR, or deliver a baby. Hasty action on the part of the member because an ambulance is temporarily delayed may, in fact, deprive the individual of the life-sustaining equipment and properly trained emergency medical personnel.
- (c) In most cases of simple assaults etc., the injuries sustained are not of a serious nature and an ambulance, family member or friend can make transportation.
- (d) Under no circumstances shall privately owned vehicles containing injured or ill persons be escorted by a Sheriff's Office vehicle going Code 3 to a medical facility.

## Transportation of Arrestees

### 348.1 PURPOSE AND SCOPE

Members of the Office will take all necessary security and safety precautions when transporting arrestees. Transporting deputies will ensure the safety of themselves, the public and the arrestee.

### 348.2 GENERAL INFORMATION

- (a) The transporting deputy will search the arrestee prior to placing them in the transport vehicle. Ideally, deputies searching members of the opposite sex should have a witness present and be aware of potential claims that can result. When possible, searches should be done by deputies who are the same sex as the person to be transported.
- (b) All arrestees will be physically restrained with handcuffs or belly chained. Leg restraints may also be used under certain circumstances. Handcuffing behind the back is the preferred method for officer safety purposes. If the arrestee is physically unable to be handcuffed, alternate means, such as double cuffing or the use of plastic "flex" cuffs should be used.

### 348.3 TRANSPORTATION

#### 348.3.1 TRANSPORTING VIOLENT OR COMBATIVE ARRESTEES

When transporting a violent or combative arrestee, deputies should notify Sheriff's dispatch when enroute to the county jail and request dispatch notify jail staff. The transporting deputy should provide dispatch an estimated travel time to the jail and any officer safety considerations. Dispatch should notify jail staff of the transportation and provide the jail staff with necessary information (i.e., arrestee in Maximum Restraint Cord). Upon arrival at the jail, the transporting deputy should wait for the assistance of jail staff prior to removing the violent or combative arrestee from the patrol vehicle.

#### 348.3.2 TRANSPORTING INJURED ARRESTEES

The deputy should evaluate the arrestee to determine whether their physical or emotional behavior is acceptable for booking. Sick and injured arrestees should be transported to an approved Medical Center and medical treatment obtained, prior to booking. In an extreme emergency, the nearest hospital will be used. An ambulance may be used depending on the arrestee's condition.

## Environmental Crimes Investigations

### 349.1 PURPOSE AND SCOPE

The purpose of this Policy is to establish a procedure for the investigation of environmental crimes and the operation of the Environmental Crimes Unit. Deputies and Investigative Members are expected to respond to and conduct Environmental Crime Investigations in a manner consistent with this policy.

#### 349.1.1 DEFINITIONS

An environmental crime is an act or omission committed by a person, business or entity which violates that body of law designed to protect the health and safety of people, property or natural resources from the effects of toxic contamination or environmental degradation in the public realm.

- (a) Specific environmental crimes are codified in a variety of statutes and codes including the Penal Code, Health and Safety Code, Fish and Game Code and Vehicle Code.
- (b) Hazardous materials incidents which are the result of criminal law violations shall be classified and investigated as environmental crimes.

### 349.2 GENERAL GUIDELINES

Because of the multitude of public agencies involved in the enforcement of environmental laws, the Sheriff's Office shall focus its investigative resources on those incidents where a clear violation of criminal law is believed to exist and where no other criminal investigation agency is charged with conducting the investigation.

It shall be the practice of the Sheriff's Office to recover from the person, business or entity responsible for the environmental crime incident all lawfully permissible personnel and resource cost.

### 349.3 PATROL BUREAU

Initial responsibility for the investigation of environmental crimes occurring within the unincorporated areas of Sonoma County rests with the Patrol Bureau of the Sheriff's Office.

As with other investigations, Patrol Bureau personnel may be the first to respond to environmental crime investigations.

The investigation of environmental law violations for the purpose of regulatory, administrative and/or civil sanctions may occur as part of the environmental investigation process, but shall be secondary to criminal enforcement efforts.

- (a) Environmental crime investigations will be undertaken by any Deputy and in such manner as is consistent with the practices used in any other criminal investigation. Deputies conducting environmental crimes investigations, however, shall be cognizant of potential toxic hazards and not engage in investigative activities without following appropriate safety precautions.
- (b) In most circumstances, a patrol officer shall conduct and document the basic crime investigation. Should additional follow-up be required, or if the incident is of such scope

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or complexity that specific technical expertise is needed, the investigation shall be referred to the Environmental Crimes Unit.

- (c) Environmental crimes shall be formally documented by a written report and in such a manner as is consistent with the Sheriff's Office's Report Writing Manual.
- (d) The Deputy taking the original incident report shall document in his or her report, the number of work hours spent conducting their portion of the investigation.

### **349.4 HAZARDOUS MATERIAL RESPONSE**

Members may encounter situations involving suspected hazardous material, such as at the scene of a traffic accident, chemical spill or fire. When members come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Attempt to identify the type of hazardous substance. Identification can be determined by placard, driver's manifest, or statements from the person transporting.
- (b) Notify the Department of Emergency Services (DES) Hazardous Materials Division about all hazmat incidents, except sewage, through RedCom.
  - 1. Whenever a Deputy investigates an incident where illegal controlled substance(s) is or was manufactured, the Deputy shall notify the Department of Toxic Substances Control (DTSC) for the purpose of taking removal action (Health and Safety Code § 25354.5). This notification generally applies to the Narcotics Unit. If the on-call Narcotics Detective is not available, the Deputy can contact the DTSC through the on-call County DES via RedCom.
- (c) Notify Sonoma County Department of Health Services, Environmental Health Division on sewage issues through RedCom.
- (d) Unless it is a catastrophic event, Deputies should allow the (DES) County Hazmat team to assess the situation. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.
- (e) Notify the Public Health Officer through RedCom when human life could be threatened by a hazardous material release. Such notification is mandatory when a spilled or released item is a pesticide (Health and Safety Code § 105215).
- (f) Write an informational report and forward to the CSI Supervisor.

### **349.5 ENVIRONMENTAL CRIMES UNIT**

The Environmental Crimes Unit is a collateral duty of the CSI Unit. The Detectives charged with investigating such crimes shall receive specialized training in accordance with § 29 CFR 1910.120.

- (a) Environmental Crimes Investigators shall:
  - 1. Conduct follow-up investigations that involve significant hazardous materials incidents
  - 2. Conduct environmental crimes investigations that:
    - They uncover

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#### *Environmental Crimes Investigations*

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- Are beyond the scope of Patrol Bureau members
  - Are referred by other County agencies or investigative/regulatory agencies
3. Attend meetings with other criminal and regulatory investigators in order to exchange pertinent information and gain task-specific knowledge
  4. Maintain liaison with other County and allied environmental enforcement and regulatory investigator personnel
  5. Provide training to other enforcement personnel
- (b) CSI Investigators shall be called to duty whenever the on-duty Watch Commander deems it appropriate as part of a significant environmental crimes or hazardous materials incident.

#### **349.6 CENTRAL INFORMATION BUREAU (CIB)**

Central Information Bureau members shall route copies of all environmental crimes and hazardous materials incident reports to the Crime Scene Investigations Unit Sergeant.

## **ARTIFICIAL INTELLIGENCE (AI)**

### **350.1 SCOPE**

This policy is intended to address the use of Automated Report Writing Applications or other Web Based applications such as Chatgpt and/or Open AI (artificial intelligence) applications to assist or write crime reports. This policy applies to all Sonoma County Sheriff Office employees.

### **350.2 PURPOSE**

The purpose of this policy is to maintain the confidentiality and private information obtained during official business and sharing this information with an unapproved third-party cloud hosted public software applications or service such as Chatgpt and/or Open AI without the approval of the Sheriff.

### **350.3 DEFINITIONS**

Definitions related to this policy include:

- Chatgpt - An artificial intelligence (AI) application that uses processing language and/or code to create humanlike conversational dialogue. These applications can respond to questions and compose various written content, such as reports, articles, emails, essays, social media posts, coding, and/or other written documents.
- Open-Source Software - Computer software that is open to public use for use of obtaining or gaining collaboration which allows a user to contribute or obtain information.
- Third-Party Cloud Hosted Application - A software service hosted outside of the Sheriff's secure on-premise network that is not directly managed by the Sonoma County Sheriff's Office. These services may or may not be approved for agency use and approval by management needs to be verified before use.
- Personal Identifiable Information (PII) - Any representation of information that permits the identity of an individual to whom the information applies to be reasonably inferred by either direct or indirect means. Further, PII is defined as information: (i) that directly identifies an individual (e.g., name, address, social security number or other identifying number or code, telephone number, email address, etc.) or (ii) by which an agency intends to identify specific individuals in conjunction with other data elements, i.e., indirect identification. These data elements may include a combination of gender, race, birth date, geographic indicator, and other descriptors.

### **350.4 POLICY**

The Sonoma County Sheriff's Office prohibits the use of any type of artificial intelligence service or software such as Chatgpt, Open AI, and/or any other similar type of applications software for the use of writing a crime and/or informational report.

It is prohibited to use these types of AI software systems to write any type of written document for the use of Sonoma County Sheriff's Office business that contains employee, victim, suspect

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## *ARTIFICIAL INTELLIGENCE (AI)*

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and any privileged information obtained during the normal course of business or conducting any type of investigation.

It is prohibited to use these types of AI software systems to produce a document from privileged information received using any county software systems, such as Central Square, AIM, CAD, Intergraph, county email and/or CLETS.

The entry, transmission, or disclosure of Personal Identifiable Information (PII) to an unapproved application, service or Third Party Cloud Hosted Application violates various local, State, and Federal laws, regulations, and policies.

### **350.5 RESPONSIBILITIES**

This policy applies to all office personnel. All members shall follow the intent of the guidelines in a manner that reflects office policy, professional law enforcement standards, and the best interest of the Office and its mission.

Personnel who become aware of an employee violating this policy are required to report it to their immediate supervisor or through the appropriate chain of command. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and if so, document the allegation in a memo and forward it to the Professional Standards Lieutenant for investigation.

### **350.6 TRAINING**

Subject to available resources, the Sheriff's Office should provide training regarding the use of artificial intelligence to all members of the office.

## **Chapter 4 - Patrol Operations**

## Patrol Function

### **400.1 PURPOSE AND SCOPE**

The purpose of this policy is to define the patrol function and address intra-organizational cooperation and information sharing.

### **400.2 INFORMATION SHARING**

To the extent feasible, all information relevant to the mission of the Office should be shared among all bureaus and specialized units on a timely basis. Members should be provided with opportunities on a regular basis to share information during the daily briefings and to attend briefings of other bureaus or specialized units.

Additionally, information should be shared with outside agencies and the public in conformance with office policies and applicable laws. Members are encouraged to share information with other units and bureaus.

### **400.3 CROWDS, EVENTS AND GATHERINGS**

Deputies may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Deputies should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Deputies responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action.

Generally, deputies should consider seeking compliance through advisements and warnings for minor violations and should reserve greater enforcement options for more serious violations or when voluntary compliance with the law is not achieved.

Deputies are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Deputies should consider enforcement of applicable state and local laws, such as Penal Code 602.1 (obstructing or intimidating business operators), when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

### **400.4 POLICY**

The Sonoma County Sheriff's Office provides patrol services 24 hours a day, seven days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and office members.

### **400.5 FUNCTION**

Patrol will generally be conducted by uniformed deputies in clearly marked law enforcement vehicles in assigned jurisdictional areas of Sonoma. The function of patrol is to respond to calls

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#### *Patrol Function*

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for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies.

Patrol services include, but are not limited to:

- (a) Responding to emergency calls for service.
- (b) Apprehending criminal offenders.
- (c) Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.
- (d) Preventing criminal acts, traffic violations and collisions, maintaining public order and discovering hazardous situations or conditions.
- (e) Responding to reports of criminal and non-criminal acts.
- (f) Responding to routine calls for service, such as public assistance or public safety.
- (g) Carrying out crime prevention activities such as residential inspections, business inspections and community presentations.
- (h) Carrying out community oriented policing and problem-solving activities including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way.
- (i) Directing and controlling traffic.

## Bias-Based Policing

### 401.1 PURPOSE AND SCOPE

This policy provides guidance to office members that affirms the Sonoma County Sheriff's Office's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the office's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

#### 401.1.1 DEFINITIONS

Definitions related to this policy include:

**Bias-based policing or improper profiling** - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin (including limited English proficiency), religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4). This includes explicit and implicit biases (i.e., conscious and unconscious beliefs or attitudes towards certain groups).

### 401.2 POLICY

The Sonoma County Sheriff's Office is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this office to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

### 401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit a deputy from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

#### 401.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):

- (a) In compiling personal information about a person's religious belief, practice, affiliation, national origin or ethnicity.

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## *Bias-Based Policing*

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- (b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.

### **401.4 MEMBER RESPONSIBILITIES**

Every member of this office shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. If a member does not feel comfortable reporting suspected or known biased-based policing to a supervisor, the member may also file a report with the Independent Office of Law Enforcement Review and Outreach. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

#### **401.4.1 REASON FOR CONTACT**

Deputies contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved deputy should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any deputy to document a contact that would not otherwise require reporting.

#### **401.4.2 DISCLOSURE AND DOCUMENTATION OF TRAFFIC OR PEDESTRIAN STOP**

A deputy conducting a traffic or pedestrian stop shall state the reason for the stop prior to questioning the individual related to a criminal investigation or traffic violation unless the deputy reasonably believes that withholding the reason for the stop is necessary to protect life or property from imminent threat, including but not limited to cases of terrorism or kidnapping (Vehicle Code § 2806.5).

Deputies shall document the reason for the stop on any citation or report (Vehicle Code § 2806.5).

### **401.5 SUPERVISOR RESPONSIBILITIES**

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved deputy and his/her supervisor in a timely manner.
  - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review BWC recordings, (MDC) data and any other available resource used to document contact between deputies and the public to ensure compliance with the policy.
  - 1. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.

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- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this office who discloses information concerning bias-based policing.

### **401.6 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE**

The Professional Standards Bureau shall ensure that all data required by the California Department of Justice (DOJ) regarding complaints of racial bias against deputies is collected and provided to the CIB Manager for required reporting to the DOJ (Penal Code § 13012; Penal Code § 13020). See the CIB Policy.

### **401.7 TRAINING**

#### **401.7.1 ADDITIONAL STATE REQUIREMENTS**

Training should be conducted as directed by the Training Unit.

- (a) All sworn members of this office will be scheduled to participate in the Peace Officer Standards and Training (POST) approved training on the subject of bias-based policing.
- (b) Pending participation such POST-approved training and at all times, all members of this office are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.
- (c) Each sworn member of this office who received initial bias-based policing training will thereafter be required to complete an approved POST refresher course every five years, or sooner if deemed necessary, in order to keep current with changing racial, identity, and cultural trends (Penal Code §13519.4(i)).

## Briefing Training

### **402.1 PURPOSE AND SCOPE**

Briefing training is generally conducted at the start of a patrol deputy's assigned shift. Briefing training provides an opportunity for important exchange between members and supervisors. A supervisor generally conducts Briefing training; however senior deputies may conduct Briefing for training purposes with supervisor approval. Deputies assigned to substations or other units where briefings do not normally take place will make use of all available materials to brief themselves.

Briefing training should accomplish, at a minimum, the following basic tasks:

- (a) Briefing deputies with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations
- (b) Notifying deputies of changes in schedules and assignments
- (c) Notifying deputies of new directives or changes in directives
- (d) Reviewing recent incidents for training purposes
- (e) Providing training on a variety of subjects

### **402.2 PREPARATION OF MATERIALS**

The supervisor conducting Briefing training is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate deputy in his or her absence or for training purposes.

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## Crime and Disaster Scene Integrity

### 403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

### 403.2 POLICY

It is the policy of the Sonoma County Sheriff's Office to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

### 403.3 SCENE RESPONSIBILITY

The first deputy at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Deputies shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once a deputy has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the deputy shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

### 403.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Broadcast emergency information, including requests for additional assistance and resources.
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

### 403.5 SEARCHES

Deputies arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once deputies are satisfied that no additional suspects are present and/or there are no injured

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## *Crime and Disaster Scene Integrity*

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persons to be treated, those exigent circumstances will likely no longer exist. Deputies should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

### **403.5.1 CONSENT**

When possible, deputies should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

### **403.6 EXECUTION OF HEALTH ORDERS**

Any sworn member of this office is authorized to enforce all orders of the local health officer that have been issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (Health and Safety Code § 120155).

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## Special Operations Unit

### 404.1 PURPOSE AND SCOPE

The Special Operations Unit (SOU) is comprised of four specialized teams: the Special Weapons and Tactics Team (SWAT), the Hostage Negotiation Team (HNT), the Tactical Dispatch Team (TDT), and the Explosive Ordinance Detail Unit (EOD). The unit has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appear to be necessary. This policy is written to comply with the guidelines established in the Attorney General's Commission on Special Weapons and Tactics Report (September 2002) and the POST 2005 SWAT Operational Guidelines and Standardized Training Recommendations (Penal Code § 13514.1).

#### 404.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the Special Operations Unit are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a police response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational Policy outlined in this manual section serves as a guideline to office personnel allowing for appropriate on scene decision making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

#### 404.1.2 MISSION

To contain, control, and resolve a critical incident while minimizing the risk to bystanders and law enforcement as well as to the criminal suspect.

#### 404.1.3 DEFINITIONS

- (a) **CRITICAL INCIDENT:** Critical Incidents are defined as those law enforcement situations that are characterized by significant or imminent criminal behavior, dangerous circumstances or threatening conditions created by the suspect(s) or other factors that exceed the capabilities of patrol deputies to resolve. Examples include, but are not limited to:
1. **HOSTAGE SITUATION:** The holding of any person(s) against their will by an armed or potentially armed suspect.
  2. **BARRICADE SITUATIONS:** The standoff created by an armed or potentially armed suspect in any location, whether fortified or not, who is refusing to comply with law enforcement demands for surrender.
  3. **SNIPER SITUATIONS:** The firing upon citizens and/or Deputies by an armed suspect, whether stationary or not.
  4. **HIGH RISK APPREHENSIONS:** The arrest or apprehension of armed or potentially armed suspect(s) where there is a potential for armed resistance.
  5. **HIGH RISK WARRANT SERVICE:** The service of search or arrest warrants where there is a potential of armed resistance or other factors that demonstrate a need for SWAT assistance.

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6. CROWD CONTROL: The deployment of the SWAT team to assist or augment the Tactical Team for purposes of crowd/protester(s) control, multiple arrests, area containment, riots and special event management.
  7. SPECIAL ASSIGNMENT: Any assignment, incident, or emergency situation approved by the SOU Commander or higher authority, which exceeds the capability and/or capacity of the agency's first responders or investigative units, based upon a high level of threat, the need for specialized equipment or skill, or rapid deployment capabilities.
- (b) SWAT TEAM DEFINED: A SWAT team is a designated unit of law enforcement officers that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units including, but not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such unit.
- (c) SPECIAL OPERATIONS COMMANDER: A Lieutenant charged with overall management responsibility of all of the teams that fall under the Special Operations Unit. The Special Operations Commander reports directly to the Patrol Bureau Captain.
- (d) SWAT TEAM: The Special Weapons and Tactics Team.
1. SWAT TEAM LEADER: A Sergeant charged with overall supervisory responsibility of the SWAT Team. The SWAT Team Sergeant reports directly to the Special Operations Commander.
  2. SWAT TEAM SCOUT: A member charged with the immediate supervision of a unit during training or any operation. The SWAT Team Scout reports directly to the SWAT Team Leader.
  3. SWAT TEAM MEMBER: A member who performs a team function as a member of a sniper team, entry/apprehension/rescue team, or containment team.
  4. SPECIAL WEAPON: Any weapon issued by the Office to a SWAT Team member for use during their official duties on the SWAT Team. Sheriff's Office issued duty weapons (handguns) are not considered special weapons for the purpose of this policy.
- (e) HNT: The Hostage Negotiation Team.
1. HNT SERGEANT: A Sergeant charged with overall supervisory responsibility of the HNT Team. The HNT Sergeant reports directly to the Special Operations Commander.
  2. HNT TEAM LEADER: A member charged with the immediate supervision of a unit during training or any operation. The HNT Team Leader reports directly to the HNT Team Sergeant. In the absence of the HNT Sergeant, an HNT Team Leader will assume the role of the HNT Sergeant.

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3. NEGOTIATOR: A member who negotiates with a barricaded or recalcitrant subject, or who assists in the negotiation process.
- (f) TACTICAL SUPPORT UNIT: The Tactical Support Unit consists of the Technical Team and Tactical Dispatch Team.
1. TECHNICAL TEAM LEADER: A Sergeant charged with the supervision of the Technical Team and Tactical Dispatchers. The Technical Team Leader reports to the Special Operations Commander.
  2. TECHNICAL TEAM MEMBER: A member who provides technical assistance to the different teams of the Special Operations Unit.
  3. TACTICAL DISPATCHERS: A member who performs a team function at the Command Post. Tactical Dispatchers report to the Technical Team Leader for training, equipment and support. During an operation, Tactical Dispatchers may be assigned directly to a variety of roles in and around the Command Post. Dispatch Supervisors may be part of the Tactical Dispatch Team and assigned a Team Leader function under the Technical Team Leader.
  4. TACTICAL MEDIC: A person certified as a paramedic or an Advance Life Support Emergency Medical Technician who provides medical assistance, when necessary, at a critical incident. The Tactical Medic is supervised by a SWAT Team Leader.
- (g) INCIDENT COMMAND STRUCTURE: The command structure for each special operations unit shall be as follows:
1. INCIDENT COMMANDER (IC): Highest ranking Sheriff's Office member, normally a Lieutenant or above, responsible for the overall operation, to include all tactical, field and support resources committed to the incident site. The IC will manage and conduct operations from the Incident Command Post. The IC assumes overall responsibility for the incident once on scene and provides the authority for all operational efforts necessary to resolve the incident. Depending on the size and scope of the operation, the IC may also assume the role of the Tactical Commander.
  2. TACTICAL COMMANDER (TC): A Sheriff's Lieutenant assigned to the Tactical Operations Center. When available, the SOU Commander will normally assume this role. The TC is responsible for the oversight of tactical planning and execution of authorized courses of action that are put into effect to resolve an incident. The TC controls tactical units, negotiators, and any other units directly committed to the objective sight. The TC coordinates tactical operations at the objective site with the IC on a continual basis through the entire operation.
  3. TACTICAL SERGEANT (Ops): SWAT Team Leader assigned to the Tactical Operations Center. The Tactical Sergeant reports directly to the Tactical Commander. The Tactical Sergeant is responsible for the overall supervision of the tactical aspects of the operation. The Tactical Sergeant is responsible for deploying SWAT Team resources and providing the Tactical Commander with tactical options. Once authorized courses of action are established, the Tactical Sergeant is responsible for executing those authorized courses of action. The

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Tactical Sergeant is responsible for keeping the Tactical Commander advised of the progress of the Tactical Operations.

4. **NEGOTIATIONS SERGEANT (Intel):** A HNT Sergeant assigned to the Tactical Operations Center. The Negotiations Sergeant reports directly to the Tactical Commander. The Negotiations Sergeant is responsible for the overall supervision of the negotiations aspects of the operation (i.e. HNT Team). The Negotiations Sergeant is responsible for ensuring equipment requested by the Tactical Sergeant (throw phone, passive overhear devices, etc.) is available upon request. The Negotiations Sergeant is responsible for keeping the Tactical Commander advised of the progress of the negotiations and any gathered intelligence.
5. **TACTICAL SUPPORT SERGEANT (Logistics):** The Technical Team Sergeant is assigned to the TOC. The Technical Team Sergeant reports directly to the Tactical Commander. The sergeant is responsible for the overall supervision of the Tactical Dispatchers and Technical Team. The sergeant is responsible for equipment needs of the Special Operations Unit and any outside resources requested by the Tactical Commander.
6. **INCIDENT COMMAND POST (ICP):** The on-scene command post from which the Incident Commander functions. The ICP provides operational control over the entire incident, including the Tactical Operations Center. Depending on the size of the incident, the ICP may be established separately or in the immediate vicinity of the Tactical Operations Center.
7. **TACTICAL OPERATIONS CENTER (TOC):** The on-scene command post from which the Tactical Commander and/or first supervisor on-scene functions. The TOC provides operational control, from the inner perimeter forward, over teams directly committed to tactical actions or negotiations. The TOC is generally established at the outside edge of the inner perimeter.

#### **404.2 POLICY**

It shall be the policy of this office to maintain a SWAT team and to provide the equipment, manpower, and training necessary to maintain a SWAT team. The SWAT team should develop sufficient resources to perform three basic operational functions:

- (a) Command and Control
- (b) Containment
- (c) Entry/Apprehension/Rescue

It is understood it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

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### 404.2.1 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of SWAT missions and operations appropriate to this office. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the SWAT Commander or his/her designee.

### 404.2.2 OPERATIONAL PROCEDURES

This Office shall develop a separate written set of operational procedures in accordance with the determination of their level of capability, using sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association Suggested SWAT Best Practices. Because such procedures are specific to SOU members and will outline tactical and officer safety issues, they are not included within this policy. The operational procedures should include, at minimum, the following:

- (a) Designated personnel responsible for developing an operational or tactical plan prior to, and/or during SWAT operations (time permitting).
  - 1. All SWAT team members should have an understanding of operational planning.
  - 2. SWAT team training should consider planning for both spontaneous and planned events.
  - 3. SWAT teams should incorporate medical emergency contingency planning as part of the SWAT operational plan.
- (b) Plans for mission briefings conducted prior to an operation, unless circumstances require immediate deployment.
  - 1. When possible, briefings should include the specialized units and supporting resources.
- (c) Protocols for a sustained operation should be developed which may include relief, rotation of personnel and augmentation of resources.
- (d) A generic checklist to be worked through prior to initiating a tactical action as a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of SWAT.
- (e) The appropriate role for a trained negotiator.
- (f) A standard method of determining whether or not a warrant should be regarded as high-risk.
- (g) A method for deciding how best to serve a high-risk warrant with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.
- (h) Post incident scene management including:
  - 1. Documentation of the incident.
  - 2. Transition to investigations and/or other units.
  - 3. Debriefing after every deployment of the SWAT team.

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- (a) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments, helps to identify training needs, and reinforces sound risk management practices.
- (b) Such debriefing should not be conducted until involved deputies have had the opportunity to individually complete necessary reports or provide formal statements.
- (c) In order to maintain candor and a meaningful exchange, debriefing will generally not be recorded.
- (d) When appropriate, debriefing should include specialized units and resources.
  - (i) Sound risk management analysis.
  - (j) Standardization of equipment deployed.

#### **404.2.3 MUTUAL AID REQUESTS**

The Sonoma County Sheriff's Office may respond to approved outside agency requests for SOU for critical incidents. Outside Agency requests for SOU shall be approved by the Special Operations Commander, or in his absence, the Watch Commander. The Watch Commander should consult with the SWAT Sergeant prior to activation of SOU. If the request is only for HNT, the Watch Commander should consult with the HNT Sergeant prior to activation.

- (a) All out-of-county requests for SOU shall be approved by a Captain, or his designee, prior to activation.
- (b) If SOU responds to an outside agency's request to handle a critical incident in the outside agency's jurisdiction, SOU will normally take over the entire event (perimeter, HNT, etc.). A supervisory or command level member of the outside agency should remain in the SOU command post as a liaison. Requests to integrate various SOU teams with another agency's personnel will be evaluated on a case-by-case basis. Nothing in this policy is meant to prohibit or discourage SOU personnel from responding to an in-progress emergency such as an Active Shooter where time does not permit waiting for an SOU response.
- (c) Nothing in this policy is meant to prohibit or discourage SOU personnel from responding to an in-progress emergency such as an Active Shooter where time does not permit waiting for an SOU response.

#### **404.3 TRAINING NEEDS ASSESSMENT**

The SWAT/SOU Commander shall conduct an annual SWAT Training needs assessment to ensure that training is conducted within team capabilities, office policy and the training guidelines as established by POST (11 C.C.R. § 1084).

##### **404.3.1 INITIAL TRAINING**

SWAT team operators and SWAT supervisors/team leaders should not be deployed until successful completion of the POST-certified Basic SWAT Course or its equivalent.

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- (a) To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content (topics) meet or exceed office requirements or POST standardized training recommendations.

#### 404.3.2 UPDATED TRAINING

Appropriate team training for the specialized SWAT functions and other supporting resources should be completed prior to full deployment of the team.

SWAT team operators and SWAT supervisors/team leaders should complete update or refresher training as certified by POST, or its equivalent, every 24 months.

#### 404.3.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level to ensure personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the teams.

Command personnel who may assume incident command responsibilities should attend SWAT or Critical Incident Commander course or its equivalent. SWAT command personnel should attend a POST-certified SWAT commander or tactical commander course, or its equivalent.

#### 404.3.4 SWAT ONGOING TRAINING

Training shall be coordinated by the SOU Commander. The SOU Commander may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise in addition to specialized training. Training shall consist of the following:

- (a) Each SWAT member shall perform a physical fitness test twice each year. A minimum qualifying score must be attained by each team member.
- (b) Any SWAT team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest and attain a qualifying score. Within 30 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.
  - 1. Members who are removed from the team under this section may apply for future team openings.
  - 2. Members who are removed from the SWAT Team pursuant to this policy may appeal the decision to the Law Enforcement Assistant Sheriff.
- (c) Those members who are on vacation, ill, or are on light duty status with a doctor's note of approval on the test date, shall be responsible for reporting to a team supervisor and taking the test within 30 days of their return to regular duty. Any member, who fails to arrange for and perform the physical fitness test within the 30-day period, shall be considered as having failed to attain a qualifying score for that test period.
- (d) Quarterly, each SWAT team member shall perform the mandatory SWAT firearms qualification course. The qualification course shall consist of the SWAT Basic Drill for the firearms. Failure to qualify will require that deputy to seek remedial training from a team range master approved by the SOU Commander. Team members who fail

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to qualify must retest within 30 days. Failure to qualify within 30 days with or without remedial training may result in dismissal from the team.

- (e) Each SWAT team member shall complete the quarterly SWAT qualification course for any specialty weapon issued to, or used by, the team member during SWAT operations. Failure to qualify will require the team member to seek remedial training from the Firearms Instructor who has been approved by the SOU Commander. Team members who fail to qualify on their specialty weapon may not utilize the specialty weapon on SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify with specialty weapons within 30 days may result in the team member being removed from the team or permanently disqualified from use of that particular specialty weapon.

#### 404.3.5 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

#### 404.3.6 SCENARIO BASED TRAINING

SWAT teams should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

#### 404.3.7 TRAINING DOCUMENTATION

Individual and team training shall be documented and records maintained by the Professional Standards Unit. Such documentation shall be maintained in each member's individual training file. A separate agency SWAT training file shall be maintained with documentation and records of all team training.

### **404.4 UNIFORMS, EQUIPMENT, AND FIREARMS**

#### 404.4.1 UNIFORMS

SWAT teams from this agency should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

#### 404.4.2 EQUIPMENT

SWAT teams from this agency should be adequately equipped to meet the specific mission(s) identified by the agency.

#### 404.4.3 FIREARMS

Weapons and equipment used by SWAT, the specialized units, and the supporting resources should be agency-issued or approved, including any modifications, additions, or attachments.

#### 404.4.4 OPERATIONAL READINESS INSPECTIONS

The SOU Commander shall appoint a SOU supervisor to perform operational readiness inspections of all unit equipment at least quarterly. The result of the inspection will be forwarded to the SOU Commander in writing. The inspection will include personal equipment issued to

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members of the unit, operational equipment maintained in the SOU facility and equipment maintained or used in SOU vehicles.

### **404.5 INCIDENT COMMAND STRUCTURE DURING SOU ACTIVATION**

The following is meant to provide a structure for managing a critical incident that requires an SOU response. It is understood that these are difficult situations, involve rapidly changing events, and members may have to assume roles outside their normal duties.

- (a) The first on-scene supervisor shall, as soon as practical, establish a TOC. The TOC should be located at the outer edge of the inner perimeter, in a location safe from possible suspect's fire.
- (b) The first on-scene supervisor is responsible for conducting operations at the incident site until relieved by the Tactical Commander, or higher ranking member. The first arriving SWAT Sergeant may assume the role of Tactical Commander until relieved by a Lieutenant, or higher ranking member.
- (c) If the SOU Commander is available, he will normally assume the role of Tactical Commander. Otherwise, the on-call Sheriff's Lieutenant shall become the Tactical Commander.
- (d) Depending on the size, scope and duration of the operation, the roles of the Tactical Commander and Incident Commander may be combined. If the situation dictates, and there is only one Lieutenant on-scene, he may call in another Sheriff's Lieutenant (or higher ranking member) to become either the Tactical Commander or Incident Commander, depending on the member's experience in these situations.
- (e) If there is a separate Incident Commander, he shall establish an ICP. the ICP may be at a separate location or co-located near the TOC, depending on the size and complexity of the operation.
- (f) The IC may call in additional resources consistent with the Incident Command System, to assist with the overall operation.

#### **404.5.1 USE OF FORCE**

While the Incident Commander may exercise specific rules of engagement, in all cases they will comply with the Sheriff's Office Use of Force and Firearms policies. In the event that no specific rules of engagement have been specified, members shall operate under the Sheriff's Office Use of Force and Firearms policies and do not need the Incident Commander's prior approval to do so.

#### **404.5.2 OPERATIONAL ORDER**

Operational orders shall be developed and implemented for all operations where prior notice allows sufficient time for the formation of an order. Operations orders shall be reviewed and approved by a SWAT Sergeant. Operational Orders shall be filed with the incident's After Action Report. A copy of the current Operations Order form shall be included in the SWAT Team's Training File.

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### 404.5.3 AFTER ACTION REPORT

Each operation shall have an After Action Report that will be approved and maintained by either the SWAT or the HNT Team Sergeants, dependent on the respective call.

### 404.5.4 REPORT RETENTION PERIOD

With the exception of cases that are involved with civil or criminal litigation, After Action Reports shall be retained for five years. In January of each year, the SWAT or HNT Sergeant shall review the After Action Reports and purge reports over five years old.

### 404.5.5 DEBRIEF

Upon completion of all operations and significant training events, the SOU Commander, or his/her designee, will conduct an after action debrief with all team members present. The purpose for this review is to discuss the events of the overall tactical operation and create a forum for team members to offer constructive criticism to improve the effectiveness of the team.

## **404.6 SWAT SPECIAL WEAPONS STORAGE POLICY**

### 404.6.1 ON-DUTY SWAT MEMBERS

SWAT Members are encouraged to carry their assigned special weapon in their vehicle during their shift. These weapons shall be locked in the trunk, unless their vehicle has an electro-lock for the weapon, in which case it may be secured in the electro-lock.

### 404.6.2 OFF-DUTY SWAT MEMBERS

Special Weapons shall be stored in the SWAT Locker, except under the following conditions:

- (a) Assigned Vehicle: SWAT members with assigned vehicles may store their special weapons in the locked trunk or vehicle electro-lock if so equipped.
- (b) Member's Residence: Members are discouraged from storing special weapons in/at their residences. A member may choose to store a special weapon in/at their residence if it is securely locked in a gun safe or similarly secure, theft resistant device.

## **404.7 SELECTION AND PROFICIENCY STANDARDS**

### 404.7.1 SOU COMMANDER

The Commander of the SOU shall be selected by the Sheriff upon recommendation of staff.

### 404.7.2 SWAT TEAM ADMINISTRATIVE PROCEDURES

The Special Weapons and Tactics Team was established to provide a skilled and trained team which may be deployed during events requiring specialized tactics in such situations as cases where suspects have taken hostages and/or barricaded themselves as well as prolonged or predicable situations in which persons armed or suspected of being armed pose a danger to themselves or others.

The following procedures serve as directives for the administrative operation of the Special Weapons and Tactics Team.

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### 404.7.3 SELECTION OF PERSONNEL

Interested sworn personnel who are off probation shall submit a change of assignment request to the SOU Commander or designee, a copy of which will be forwarded to other SWAT supervisors. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the SOU Commander. The testing process will consist of an oral board, physical agility, SWAT basic firearms, and team evaluation.

- (a) Oral board: The oral board will consist of personnel selected by the SOU Commander. Applicants will be evaluated by the following criteria:
  - 1. Recognized competence and ability as evidenced by performance.
  - 2. Demonstrated good judgment and understanding of critical role of SWAT member.
  - 3. Special skills, training, or appropriate education as it pertains to this assignment.
  - 4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions, and training obligations.
- (b) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as it relates to performance of SWAT-related duties. The test and scoring procedure will be established by the SOU Commander. A minimum qualifying score shall be attained by the applicant to be considered for the position.
- (c) SWAT basic firearms: Candidates will be invited to shoot the SWAT Basic Drill for the firearms. A minimum qualifying score must be attained to qualify.
- (d) Team evaluation: Current team members will evaluate each candidate on his or her field tactical skills, teamwork, ability to work under stress, communication skills, judgment, and any special skills that could benefit the team.
- (e) A list of successful applicants shall be submitted to staff, by the SOU Commander, for final selection.

### 404.7.4 TEAM EVALUATION

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the SOU Commander. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all SWAT Team members. Any member of the SWAT Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

### **404.8 HOSTAGE NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES**

The Hostage Negotiation Team has been established to provide skilled verbal communicators who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves, or have suicidal tendencies.

The following procedures serve as directives for the administrative operation of the Hostage Negotiation Team.

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### 404.8.1 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a change of assignment request to their appropriate Captain. A copy will be forwarded to the SOU Commander and the Hostage Negotiation Team supervisor. Qualified applicants will then be invited to an oral interview. The oral board will consist of the SOU Commander, the Hostage Negotiation Team supervisor, and a third person to be selected by the two. Interested personnel shall be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by performance.
- (b) Demonstrated good judgment and understanding of critical role of negotiator and negotiation process.
- (c) Effective communication skills to ensure success as a negotiator.
- (d) Special skills, training, or appropriate education as it pertains to the assignment.
- (e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions, and training obligations.
- (f) The oral board shall submit a list of successful applicants to staff for final selection.

### 404.8.2 TRAINING OF NEGOTIATORS

Those deputies selected as members of the Negotiation Team should attend the Basic Negotiators Course as approved by the Commission on Peace Officer Standards and Training (POST) prior to primary use in an actual crisis situation. Untrained deputies may be used in a support or training capacity. Additional training will be coordinated by the team supervisor.

A minimum of one training day per quarter will be required to provide the opportunity for role playing and situational training necessary to maintain proper skills. This will be coordinated by the team supervisor.

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the team supervisor. Performance and efficiency levels, established by the team supervisor, will be met and maintained by all team members.

Any member of the Negotiation Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the unit.

### **404.9 OPERATION GUIDELINES FOR HOSTAGE NEGOTIATIONS RESPONSE TEAM**

The following procedures serve as guidelines for the operational deployment of the Hostage Negotiations Team. Generally, the Special Weapons and Tactics Team and the Hostage Negotiations Team will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the Hostage Negotiation Team such as warrant service operations. This shall be at the discretion of the SOU Commander.

### 404.9.1 ON-SCENE DETERMINATION

The supervisor in charge on the scene of a particular event will assess whether the Hostage Negotiations Team is to respond to the scene. Upon final determination by the Watch Commander, he/she will notify the SOU Commander.

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### 404.9.2 APPROPRIATE SITUATIONS FOR USE OF HOSTAGE NEGOTIATIONS TEAM

The following are examples of incidents which may result in the activation of the Special Operations Unit:

- (a) Barricaded suspects who refuse an order to surrender.
- (b) Incidents where hostages are taken.
- (c) Cases of suicide threats.
- (d) Arrests of dangerous persons.
- (e) Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

### **404.10 MOBILIZATION OF THE SPECIAL OPERATIONS UNIT**

The On-Scene supervisor shall make a request to the Watch Commander for the Special Operations Unit. The Watch Commander shall then notify the SOU Commander. If unavailable, a team supervisor shall be notified. The Watch Commander will then notify the Patrol Captain as soon as practical.

The Watch Commander should advise the SOU Commander with as much of the following information which is available at the time:

- (a) The number of suspects, known weapons and resources.
- (b) If the suspect is in control of hostages.
- (c) If the suspect is barricaded.
- (d) The type of crime involved.
- (e) If the suspect has threatened or attempted suicide.
- (f) The location of the command post and a safe approach to it.
- (g) The extent of any perimeter and the number of deputies involved.
- (h) Any other important facts critical to the immediate situation and whether the suspect has refused an order to surrender.

The SOU Commander or supervisor shall then call selected deputies to respond.

The Special Operations Commander or his/her designee shall notify the Patrol Captain of any activation of the Special Operations Unit, SWAT, HNT, or Sniper Team.

### 404.10.1 FIELD UNIT RESPONSIBILITIES

While waiting for the Special Operations Unit, field personnel should, if safe, practical and sufficient resources exist:

- (a) Establish an inner and outer perimeter.
- (b) Establish a command post outside of the inner perimeter.
- (c) Establish an arrest/response team. The team actions may include:
  - 1. Securing any subject or suspect who may surrender.

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2. Taking action to mitigate a deadly threat or behavior.
  - (d) Evacuate any injured persons or citizens in the zone of danger.
  - (e) Attempt to establish preliminary communication with the suspect. Once the SOU has arrived, all negotiations should generally be halted to allow the negotiators and SWAT time to set up.
  - (f) Be prepared to brief the SOU Commander on the situation.
  - (g) Plan for, and stage, anticipated resources.

#### 404.10.2 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the Special Operations Unit at the scene, the Incident Commander shall brief the SOU Commander and team supervisors about the situation. Upon review, it will be the Incident Commander's decision, with input from the SOU Commander, whether to deploy the Special Operations Unit. Once the Incident Commander authorizes deployment, the SOU Commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security, and support for the Special Operations Unit. The Incident Commander and the SOU Commander, or his/her designee, shall maintain communications at all times.

#### 404.10.3 COMMUNICATION WITH SPECIAL OPERATION UNIT PERSONNEL

All of those persons who are non-Special Operations Unit personnel should refrain from any non-emergency contact or interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel and, as a result, no one should interrupt or communicate with Special Operations Unit personnel directly. All non-emergency communications shall be channeled through the Negotiation Team Sergeant or his/her designee.

#### 404.10.4 TACTICAL SUPPORT SELECTION PROCESS

- (a) Technical Team Members shall be selected by the SOU Commander based on the recommendations from current Technical Team Members of the individual's technical skills and suitability for the position.
- (b) Tactical Dispatchers shall be selected by the SOU Commander based on recommendations of the Technical Team Leader regarding the individual's skills and suitability for the position. The Technical Team Leader may conduct testing necessary to evaluate candidates.
- (c) Tactical Medics shall be selected by the SOU Commander based on recommendations from the SWAT Sergeant(s) regarding the individual's skills and suitability for the position. SWAT Sergeants may conduct testing necessary to evaluate the candidates.
- (d) Tactical Support Members or Tactical Medics who fail to maintain the standards of their unit may be dismissed from the team.

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### 404.10.5 ORGANIZATIONAL PROCEDURES

- (a) Locally identified specific missions the team is capable of performing.
- (b) Team organization and function.
- (c) Personnel selection and retention criteria.
- (d) Training and required competencies (i.e., minimum monthly training standards, physical standards, shooting test standards, and yearly training plan).
- (e) Procedures for activation and deployment.
- (f) Command and control issues, including a clearly defined command structure.
- (g) Multi-agency response.
- (h) Out-of-jurisdiction response.
- (i) Specialized functions and supporting resources.
- (j) Equipment and vehicles (i.e. authorized uniform and equipment, required safety equipment, and equipment replacement schedule).

**REVIEW:** Team Sergeants shall review their manuals annually and update them as necessary to ensure they remain current with POST standards and best practices. As necessary, a self-critical analysis of completed operations may be conducted to ensure best practices are reviewed and maintained.

**APPROVAL:** The SOU Commander shall approve the Team Training File and any changes thereto, prior to distribution to team members.

### **404.11 EXPLOSIVE BREACHING**

Explosive breaching is the "tactical use" of explosive materials to effect a breach, can be an effective option in S.W.A.T. operations. An explosive breach is not a bomb and should not be viewed as such, but rather as an industrial tool. An effective breach is a tool designed to use the minimal amount of explosives to achieve 100% penetration, 100% of the time. Effective breaching techniques allows tactical teams immediate entry with the minimal risk to themselves, the victims and the suspects.

In addition, explosive breaching techniques are not limited to tactical operations. In the event of civil disasters, for example, explosive breaching may be employed to rescue victims entrapped in buildings or other structures where conventional access is restricted or unavailable.

#### 404.11.1 DEFINITIONS

**EXPLOSIVE BREACH:** The positive use of explosive materials to create an opening through a wall, door or barrier to allow access by a tactical/rescue team.

**BREACHER:** A Bomb Technician currently assigned to the Sonoma County Sheriff Explosives Unit (Bomb Squad), who is trained and certified in the construction, placement and initiation of explosive breaching devices.

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**ASSISTANT BREACHER:** Also a Bomb Technician assigned to the Bomb Squad or a member of the S.W.A.T. team who works and trains in breaching techniques under the direction and supervision of the Bomb Squad. The Assistant Breacher can assist in the construction, placement and initiation of an explosive breaching device when directed by the Breacher.

**BREACHING UNIT:** Members of the Office Bomb Squad and S.W.A.T. Team who train regularly and are proficient in Explosive Breaching techniques. These members are also referred to as Breachers and Assistant Breachers.

**EXPLOSIVE BREACHING DEVICES:** A construction of explosive materials created for the specific purpose of using explosives as an industrial breaching tool.

#### 404.11.2 PROCEDURES

Explosive breaching is a S.W.A.T. team tactical option and can be employed when a rapid entry is critical to the success of the mission. A "breach and delay" situation is an explosive breach where the tactical advantage is gained when a rapid entry is not desirable. The option to use an explosive breach shall be at the discretion of the S.W.A.T. Team commander or designee.

- (a) The construction of all explosive breach devices shall be constructed by or supervised by a Bomb Squad Breaching Technician, also referred to as the Breacher.
- (b) Scouting and target analysis is a pre-breach responsibility of the Breacher and/or the Assistant Breacher.
- (c) Construction of the explosive breaching device varies upon completion of target analysis. Each device is designed, in composition and construction, on the breaching needs, past training and experiences of the Breacher.
- (d) Prior to setting the explosive breach, the Breacher will present a briefing to the S.W.A.T. Commander and all involved team members.
- (e) The Breacher or Assistant Breacher (at the direction of the Breacher) shall perform the placement of an explosive breaching device.
- (f) Placement of the entry team during the explosive breach will be the responsibility of the S.W.A.T. team leader with input from the Breacher and the Assistant Breacher.
- (g) Each tactical situation will dictate the best initiation sequence of the explosive breach. This may include a verbal countdown, if safety of the team is not compromised.

At the conclusion of the mission, the Breacher and/or Assistant Breacher shall submit a "Breachers Report," entailing the situation requiring the explosive breach and the composition of the breaching device. A copy of all Breacher's Reports and training will be kept in a Breacher Notebook maintained by the Bomb Squad.

#### 404.11.3 CONSIDERATIONS

Explosive breaching is a valuable and useful tool which may not be appropriate in all breaching situations. An explosive breach should not be employed when:

- (a) The construction of the doors, walls or building are unknown.

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- (b) The locations of the occupants/victims are not known.
- (c) There is a presence of flammable/unstable chemicals or other incendiary materials.
- (d) Other means of mechanical breaching techniques (i.e., "ram," Halogen, etc.) are effective and safe to use.
- (e) The breacher has not trained and been documented as proficient in the type of charge needed on a similar target size.

#### 404.11.4 SAFETY PROCEDURES

- (a) All explosives shall remain in control and stored by members of the Bomb Squad.
- (b) EMT's and/or Paramedics should be present during all missions where explosive breaching techniques are to be performed.
- (c) The handling and use of explosive materials shall be conducted in a safe and reasonable manner.
- (d) The designated Breacher or Assistant Breacher will be in control of the initiating device at all times to prevent unintentional detonation.
- (e) The Breacher or Assistant Breacher will be responsible for construction, placement and initiation of the explosive breaching device.
- (f) Double priming will be a standard procedure to ensure positive initiation.
- (g) Safety clothing will be carried by all members of the entry "Stack" during training and missions. This will include, but is not limited to helmet, gloves, eye protection, boots, long sleeved shirt, hearing protection, ballistic vest and gas mask or respirator.
- (h) In the event that any injury requiring medical attention is sustained during a mission where an explosive breach was utilized, a member of the Office will accompany the injured person to the treating facility. This Office member will remain with the injured party throughout the duration of treatment as to supply medical staff with all pertinent information needed regarding how the injury was sustained.

#### 404.11.5 HANDLING OF MISFIRES

- (a) Handling of misfires and non-functioning breaching devices are the responsibility of the Breacher.
- (b) In the event of a misfire, the Breacher or Assistant Breacher will re-cock the initiator and fire the device again.
- (c) In the event of a second misfire, the Breacher or Assistant Breacher will call for a secondary breach, after which the Breacher will remove the breaching device and place it safely away from team members.
- (d) A method of allowing remote control removal of the breaching device will be utilized whenever possible.
- (e) The Breacher will be responsible for security of the removed device and for the subsequent disposition of it.

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### 404.11.6 TRAINING AND DOCUMENTATION

- (a) All Breachers will attend an accredited 40-hour "Explosive Breaching" course prior to performing operational breaches of any kind. All Breachers shall train on a quarterly basis. This training will entail a minimum of one explosive breach.
- (b) Explosive breach training is perpetual and will be coordinated and conducted by the Bomb Squad for all Breachers and Assistant Breachers. The S.W.A.T. Team, incorporating both the Breaching Unit and Tactical Team, will conduct additional semi-annual training utilizing an explosive breach.
- (c) All Breachers and Assistant Breachers will maintain a Breacher's logbook and complete a "Breacher's Report" whenever explosive breaching devices are used in training or during actual operations. A copy of this report will also be placed into a "Breacher's Notebook" maintained by the Bomb Squad for documentation purposes.

## Ride-Along Policy

### 405.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program.

#### 405.1.1 ELIGIBILITY

The Sonoma County Sheriff's Office Ride-Along Program is offered to residents, students and those employed within the County. Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 15 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Office
- Denial by any supervisor

#### 405.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. The ride-along times are from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Watch Commander or above.

### 405.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Watch Commander. The participant will complete a ride-along waiver form. Information requested will include a valid ID or California driver's license, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along Form.

The Watch Commander will schedule a date, based on availability, at least one week after the date of application. If approved, the Ride-Along Form will be maintained in a file at the front desk of the Sheriff's Office.

If the ride-along is denied after the request has been made, a representative of the Office will contact the applicant and advise him/her of the denial.

#### 405.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: Explorers, VIP's, Chaplains, sheriff's applicants, and all others with approval of the Watch Commander.

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An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the deputy's vehicle at a given time.

Ride-along requirements for sheriff's Explorers are covered in the Sheriff's Explorers Policy.

#### 405.2.2 SUITABLE ATTIRE

Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the sheriff's vehicle. The Watch Commander or field supervisor may refuse a ride along to anyone not properly dressed.

#### 405.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty members of this office or any other law enforcement agency will not be permitted to ride-along with on-duty deputies without the expressed consent of the Watch Commander. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

#### 405.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK

All Ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Department of Justice Automated Criminal History System check through CLETS prior to their approval as a ride-along with a law enforcement officer (provided that the ride-along is not an employee of the Sonoma County Sheriff's Office) (CLETS Policies, Practices and Procedures Manual § 1.6.1.F.2.).

#### **405.3 DEPUTY'S RESPONSIBILITY**

The deputy shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Deputies shall consider the safety of the ride-along at all times. Deputies should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another sheriff's unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Watch Commander is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the yellow form shall be returned to the Watch Commander with any comments which may be offered by the deputy.

#### **405.4 CONTROL OF RIDE-ALONG**

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

- (a) The ride-along will follow the directions of the deputy
- (b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any sheriff's equipment

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- (c) The ride-along may terminate the ride at any time and the deputy may return the observer to their home or to the station if the ride-along interferes with the performance of the deputy's duties
- (d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety
- (e) Deputies will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen
- (f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with a deputy without the expressed consent of the resident or other authorized person
- (g) Ride-Alongs are not permitted to bring or use tape recorders or cameras during their ride-along

All signed Ride-Along forms shall be maintained by CIB.

## Hazardous Material Response

### 406.1 PURPOSE AND SCOPE

Exposure to hazardous materials presents potential harm to office members and the public. This policy outlines the responsibilities of members who respond to these events and the factors that should be considered while on-scene, including the reporting of exposures and supervisor responsibilities. To comply with 8 CCR § 5194, the following is to be the policy of this office.

#### 406.1.1 DEFINITIONS

Definitions related to this policy include:

**Hazardous material** – A substance which, by its nature, containment, or reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

### 406.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Attempt to identify the type of hazardous substance. (Identification can be determined by placard, driver's manifest or statements from the person transporting).
- (b) Notify the Fire Department.
- (c) Provide first-aid for injured parties if it can be done safely and without contamination.
- (d) Begin evacuation of the immediate area and surrounding areas, depending on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.
- (e) Notify the local health authority. Such notification is mandatory when a spilled or released item is a pesticide (Health and Safety Code § 105215).
- (f) Notify the Department of Toxic Substances Control. This is mandatory when a deputy comes in contact with, or is aware of, the presence of a suspected hazardous substance at a site where an illegal controlled substance is or was manufactured (Health and Safety § 79355).

### 406.3 REPORTING EXPOSURE(S)

Office personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum that shall be forwarded via chain of command to the Watch Commander as soon as practicable. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the report.

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Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report as applicable.

### 406.3.1 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that an employee has been exposed to a hazardous material, the supervisor shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Office will be obtained through the Fire Department.

## Hostage and Barricade Incidents

### 407.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where deputies have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the deputies by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that deputies encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

#### 407.1.1 DEFINITIONS

Definitions related to this policy include:

**Barricade situation** - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

**Hostage situation** - An incident where it is reasonable to believe a person is:

- (a) Unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.
- (b) Unlawfully held against his/her will under threat or actual use of force.

### 407.2 POLICY

It is the policy of the Sonoma County Sheriff's Office to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

### 407.3 COMMUNICATION

When circumstances permit, initial responding deputies should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Deputies should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, office-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

#### 407.3.1 EMERGENCY COMMUNICATIONS

Only a deputy who has been designated by the District Attorney or Attorney General may use or authorize the use of an electronic amplifying or recording device to eavesdrop on or record,

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or both, oral communication in response to an emergency situation involving a hostage or the barricading of a location, and only when (Penal Code § 633.8(b)):

- (a) The deputy reasonably determines an emergency situation exists that involves the immediate danger of death or serious physical injury to any person within the meaning of 18 USC § 2518(7)(a)(i),
- (b) The deputy reasonably determines that the emergency situation requires that eavesdropping on oral communication occur immediately, and
- (c) There are grounds upon which an order could be obtained pursuant to 18 USC § 2516(2).
- (d) An application for an order approving the eavesdropping and complying with the requirements of Penal Code § 629.50 is made within 48 hours of the beginning of the eavesdropping.
- (e) The contents of any oral communications overheard are recorded on tape or other comparable device.

### **407.4 FIRST RESPONDER CONSIDERATIONS**

First responding deputies should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding deputy should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding deputy shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The deputy shall continually evaluate the situation, including the level of risk to deputies, to the persons involved and to bystanders, and the resources currently available.

The handling deputy should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

#### **407.4.1 BARRICADE SITUATION**

Unless circumstances require otherwise, deputies handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

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- (c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (d) Provide responding emergency personnel with a safe arrival route to the location.
- (e) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.
- (f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.
- (g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.
- (h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (i) Determine the need for and notify the appropriate persons within and outside the Office, such as command officers and the Public Information Officer (PIO).
- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post.

#### 407.4.2 HOSTAGE SITUATION

Deputies presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that deputies react quickly to developing or changing threats. The following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.
- (e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (f) Provide responding emergency personnel with a safe arrival route to the location.
- (g) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.

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- (h) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (i) Attempt to obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- (j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- (k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (l) Determine the need for and notify the appropriate persons within and outside the Office, such as command officers and the PIO.
- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

#### **407.5 SUPERVISOR RESPONSIBILITIES**

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a Special Weapons and Tactics Team (SWAT) response if appropriate and apprising the SWAT Commander of the circumstances. In addition, the following options should be considered:

- (a) Ensure injured persons are evacuated and treated by medical personnel.
  - (b) Ensure the completion of necessary first responder responsibilities or assignments.
  - (c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.
  - (d) Establish a command post location as resources and circumstances permit.
  - (e) Designate assistants who can help with intelligence information and documentation of the incident.
  - (f) If it is practicable to do so, arrange for video documentation of the operation.
  - (g) Consider contacting utility and communication providers to restrict such services (e.g., restricting electric power, gas, telephone service).
1. When considering restricting communication services, a supervisor should make the determination that there is reason to believe an emergency situation exists involving immediate danger of death or great bodily harm and that an interruption to communication services is necessary to protect public safety (Penal Code § 11471). The supervisor must ensure the Office obtains a court order, in accordance with Penal Code § 11472, prior to requesting the interruption. In the case of an extreme emergency when there is insufficient time to obtain an order prior to the request, application for the order must be submitted within six hours after initiating the interruption. If six hours is not possible, then the application for the court order shall be made at the first reasonably available opportunity, but no later than 24 hours in accordance with Penal Code § 11475.

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- (h) Ensure adequate law enforcement coverage for the remainder of the County during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or Dispatch.
- (i) Identify a media staging area outside the outer perimeter and have the office Public Information Officer or a designated temporary media representative provide media access in accordance with the Media Relations Policy.
- (j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
- (k) Debrief personnel and review documentation as appropriate.

### **407.6 SWAT RESPONSIBILITIES**

The Incident Commander will decide, with input from the SOU Commander, whether to deploy SWAT during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the SOU Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for SWAT. The Incident Commander and the SOU Commander or the authorized designee shall maintain communications at all times.

### **407.7 REPORTING**

Unless otherwise relieved by a supervisor or Incident Commander, the handling deputy at the scene is responsible for completion and/or coordination of incident reports.

## Response to Bomb Calls

### 408.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Sonoma County Sheriff's Office in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

### 408.2 POLICY

It is the policy of the Sonoma County Sheriff's Office to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

### 408.3 RECEIPT OF BOMB THREAT

Office members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established office evidence procedures.

The member receiving the bomb threat should ensure that the Watch Commander is immediately advised and informed of the details. This will enable the Watch Commander to ensure that the appropriate personnel are dispatched, and, as appropriate, the threatened location is given an advance warning.

### 408.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

#### 408.4.1 SONOMA COUNTY SHERIFF'S OFFICE FACILITY

If the bomb threat is against the Sonoma County Sheriff's Office facility, the Watch Commander will direct and assign deputies as required for coordinating a general building search or evacuation of the sheriff's office, as he/she deems appropriate.

#### 408.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Sonoma County Sheriff's Office that is not the property of this office, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Watch Commander deems appropriate.

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### 408.4.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

### 408.5 PRIVATE FACILITY OR PROPERTY

When a member of this office receives notification of a bomb threat at a location in the County of Sonoma County Sheriff's Office, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

- (a) The location of the facility.
- (b) The nature of the threat.
- (c) Whether the type and detonation time of the device is known.
- (d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.
- (e) Whether the individual is requesting sheriff's assistance at the facility.
- (f) Whether there are any internal facility procedures regarding bomb threats in place, such as:
  - 1. No evacuation of personnel and no search for a device.
  - 2. Search for a device without evacuation of personnel.
  - 3. Evacuation of personnel without a search for a device.
  - 4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Watch Commander is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

#### 408.5.1 ASSISTANCE

The Watch Commander should be notified when sheriff's assistance is requested. The Watch Commander will make the decision whether the Office will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including sheriff's control over the facility.

Should the Watch Commander determine that the Office will assist or control such an incident, he/she will determine:

- (a) The appropriate level of assistance.

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- (b) The plan for assistance.
- (c) Whether to evacuate and/or search the facility.
- (d) Whether to involve facility staff in the search or evacuation of the building.
  - 1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
  - 2. The safety of all participants is the paramount concern.
- (e) The need for additional resources, including:
  - 1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request sheriff's assistance to clear the interior of a building, based upon the circumstances and known threat, deputies may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

#### **408.6 FOUND DEVICE**

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
- (b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
- (c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:
  - 1. Two-way radios
  - 2. Cell phones
  - 3. Other personal communication devices
- (d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
- (f) A safe access route should be provided for support personnel and equipment.
- (g) Search the area for secondary devices as appropriate and based upon available resources.
- (h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (i) Promptly relay available information to the Watch Commander including:
  - 1. The time of discovery.

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2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

#### **408.7 EXPLOSION/BOMBING INCIDENTS**

When an explosion has occurred, there are multitudes of considerations which may confront the responding deputies. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

##### 408.7.1 CONSIDERATIONS

Deputies responding to explosions, whether accidental or a criminal act, should consider the following actions:

- (a) Assess the scope of the incident, including the number of victims and extent of injuries.
- (b) Request additional personnel and resources, as appropriate.
- (c) Assist with first aid.
- (d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.
- (e) Assist with the safe evacuation of victims, if possible.
- (f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.
- (g) Preserve evidence.
- (h) Establish an outer perimeter and evacuate if necessary.
- (i) Identify witnesses.

##### 408.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional office personnel, such as investigators and forensic services
- Field supervisor
- Watch Commander
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

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### 408.7.3 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

### 408.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Watch Commander should assign deputies to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

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## Crisis Intervention Incidents

### 409.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires a deputy to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

#### 409.1.1 DEFINITIONS

Definitions related to this policy include:

**Person in crisis** - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

### 409.2 POLICY

The Sonoma County Sheriff's Office is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Office will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

### 409.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

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### **409.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS**

The Sheriff should designate an appropriate Lieutenant to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide office interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

### **409.5 FIRST RESPONDERS**

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to deputies; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit a deputy's authority to use reasonable force when interacting with a person in crisis.

Deputies are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

A deputy responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup deputies and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
  1. Prior to making contact, and whenever possible and reasonable, conduct a search of the Department of Justice Automated Firearms System via the California Law Enforcement Telecommunications System (CLETS) to determine whether the person is the registered owner of a firearm (Penal Code § 11106.4).
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the deputy.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

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### **409.6 DE-ESCALATION**

Deputies should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding deputies generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

### **409.7 INCIDENT ORIENTATION**

When responding to an incident that may involve mental illness or a mental health crisis, the deputy should request that the dispatcher provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous sheriff's response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

### **409.8 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

- (a) Attempt to secure appropriate and sufficient resources.

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- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.

#### **409.9 INCIDENT REPORTING**

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to office reporting procedures or other official mental health or medical proceedings.

##### **409.9.1 DIVERSION**

Individuals who are not being arrested should be processed in accordance with the Mental Illness Commitments Policy.

#### **409.10 PROFESSIONAL STAFF INTERACTION WITH PEOPLE IN CRISIS**

Professional Staff members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, a deputy should be promptly summoned to provide assistance.

#### **409.11 TRAINING**

In coordination with the mental health community and appropriate stakeholders, the Office will develop and provide comprehensive education and training to all office members to enable them to effectively interact with persons in crisis.

This Office will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, welfare checks and

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crisis intervention (Penal Code § 11106.4; Penal Code § 13515.25; Penal Code § 13515.27; Penal Code § 13515.30).

## Mental Illness Commitments

### 410.1 PURPOSE AND SCOPE

This policy provides guidelines for when deputies may take a person into custody for psychiatric evaluation and treatment (5150 commitment) (Welfare and Institutions Code § 5150).

### 410.2 POLICY

It is the policy of the Sonoma County Sheriff's Office to protect the public and individuals through legal and appropriate use of the 72-hour treatment and evaluation commitment (5150 commitment) process.

### 410.3 AUTHORITY

A deputy having probable cause may take a person into custody and place the person in an approved mental health facility for 72-hour treatment and evaluation when the deputy believes that, as a result of a mental disorder, the person is a danger to him/herself or others or the person is gravely disabled (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5585.50).

When determining whether to take a person into custody, deputies are not limited to determining the person is an imminent danger and shall consider reasonably available information about the historical course of the person's mental disorder, which may include evidence presented from any of the following (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05):

- (a) An individual who is providing or has provided mental health treatment or related support services to the person
- (b) A family member
- (c) The person subject to the determination or anyone designated by the person

#### 410.3.1 VOLUNTARY EVALUATION

If a deputy encounters an individual who may qualify for a 5150 commitment, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the person so desires, the deputies should:

- (a) Transport the person to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a 5150 commitment.
- (b) If at any point the person changes his/her mind regarding voluntary evaluation, deputies should proceed with the 5150 commitment, if appropriate.
- (c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

### 410.4 CONSIDERATIONS AND RESPONSIBILITIES

Any deputy handling a call involving an individual who may qualify for a 5150 commitment should consider, as time and circumstances reasonably permit:

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- (a) Available information that might assist in determining the cause and nature of the person's action or stated intentions.
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade deputies from taking reasonable action to ensure the safety of the deputies and others.

Deputies should consider a 5150 commitment over arrest when mental health issues appear to be a mitigating factor for people who are suspected of committing minor crimes or creating other public safety issues.

#### **410.4.1 SECURING OF PROPERTY**

When a person is taken into custody for evaluation, or within a reasonable time thereafter, and unless a responsible relative, guardian or conservator is in possession of the person's personal property, the deputy shall take reasonable precautions to safeguard the individual's personal property in his/her possession or on the premises occupied by the person (Welfare and Institutions Code § 5150).

The deputy taking the person into custody shall provide a report to the court that describes the person's property and its disposition in the format provided in Welfare and Institutions Code § 5211, unless a responsible person took possession of the property, in which case the deputy shall only include the name of the responsible person and the location of the property (Welfare and Institutions Code § 5150).

#### **410.5 TRANSPORTATION**

When transporting any individual for a 5150 commitment, the transporting deputy should have Dispatch notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Deputies may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of a deputy during the transport, Watch Commander approval is required before transport commences.

#### **410.6 TRANSFER TO APPROPRIATE FACILITY**

Upon arrival at the facility, the deputy will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the deputy should provide the staff member with the written application for a 5150 commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting deputy should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported

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and delivered while restrained, the deputy may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, deputies will not apply facility-ordered restraints.

### **410.7 DOCUMENTATION**

The deputy shall complete an application for a 72-Hour detention for evaluation and treatment, provide it to the facility staff member assigned to that patient and retain a copy of the application for inclusion in the case report.

The application shall include the circumstances for deputy involvement; the probable cause to believe the person is, as a result of a mental health disorder, a danger to others or him/herself or gravely disabled; and all information used for the determination of probable cause (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05).

The deputy should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

#### **410.7.1 ADVISEMENT**

The deputy taking a person into custody for evaluation shall advise the person of:

- (a) The deputy's name and agency.
- (b) The fact that the person is not under criminal arrest but is being taken for examination by mental health professionals and the mental health staff will advise him/her of their rights.
- (c) The name of the facility to which the person is being taken.
- (d) If the person is being taken into custody at his/her residence, he/she should also be advised that he/she may take a few personal items, which the deputy must approve, and may make a telephone call or leave a note indicating where he/she is being taken. The deputy should also ask if the person needs assistance turning off any appliance or water.

The advisement shall be given in a language the person understands. If the person cannot understand an oral advisement, the information shall be provided in writing (Welfare and Institutions Code § 5150).

### **410.8 CRIMINAL OFFENSES**

Deputies investigating an individual who is suspected of committing a minor criminal offense and who is being taken on a 5150 commitment should resolve the criminal matter by issuing a warning or a Notice to Appear as appropriate.

When an individual who may qualify for a 5150 commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the deputy should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the 5150 commitment.

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- (c) Facilitate the individual's transfer to jail.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a 5150 commitment.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this office to regain custody of the individual, office resources (e.g., posting a guard) and other relevant factors in making this decision.

#### **410.9 FIREARMS AND OTHER WEAPONS**

Whenever a person is taken into custody for a 5150 commitment, the handling deputies should seek to determine if the person owns or has access to any firearm or other deadly weapon defined in Welfare and Institutions Code § 8100. Deputies should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Deputies are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A search warrant may also be needed before searching for or seizing weapons

The handling deputies shall issue a receipt describing the deadly weapon or any firearm seized, and list any serial number or other identification that is on the firearm. Deputies shall advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody (Welfare and Institutions Code § 8102 (b)) (see Property and Evidence Policy).

##### **410.9.1 PETITION FOR RETURN OF FIREARMS AND OTHER WEAPONS**

Whenever the handling deputy has cause to believe that the future return of any confiscated weapon might endanger the person or others, the deputy shall detail those facts and circumstances in a report. The report shall be forwarded to the Investigative Bureau, which shall be responsible for initiating a petition to the Superior Court for a hearing in accordance with Welfare and Institutions Code § 8102(c), to determine whether the weapon will be returned.

The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon has been confiscated, unless the Office makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Office shall send written notice to the individual informing him/her of the right to a hearing on the issue, that he/she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon.

##### **410.10 TRAINING**

This Office will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, 5150 commitments and crisis intervention.

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### **410.11 PROCEDURE**

Voluntary Commitments to PES: Those persons in need of mental health assistance who do not fall within the definition of 5150 W & I, but are in need of crisis counseling may be referred to PES by a deputy.

- (a) Deputies are encouraged to have the individual telephone PES and talk with a crisis counselor prior to any transport.
- (b) Deputies should encourage the individual to find a private transport. However, if a private transport is not possible or will result in an unreasonable delay, the deputy may choose to provide the transport. Deputies may also consider contacting Sonoma County Mental Health's Mobile Support Team when appropriate.
- (c) If a deputy agrees to transport the individual and PES requires a non-emergency or routine medical clearance (such as a blood draw) before seeing the person, the deputy shall deliver the person to the emergency room. The deputy shall notify PES when the person is at the hospital. The deputy can then clear the detail. The Sheriff's Office is not responsible for the cost of any medical treatment or further transport between facilities.

If the person is a member of Kaiser Permanente, the deputy should deliver the person to the emergency room at Kaiser Hospital. The deputy can then clear the detail. Once the person is medically cleared, Kaiser will arrange for an inter-facility transfer to an appropriate facility within their network.

- (a) No Medical Treatment Required Prior to Commitment: The deputy shall have dispatch notify PES of the person's name, date of birth and the circumstances that brought the person to the deputy's attention requiring a 72 hour hold.
- (b) Routine or Non-Emergency Medical Clearance Needed Prior to Commitment: Persons who need routine or non-emergency medical clearance (such as a blood draw) prior to transport to PES, the deputy shall transport the person to the emergency room.

If the person is potentially violent or uncooperative, the deputy should assist the hospital staff in the safe transfer of custody, including the application of physical restraints. The deputy should provide security for intake staff only until such time as the person is secure.

Once the person is accepted by the hospital staff, the deputy should leave the original 5150 W & I hold with the emergency room supervisor. A copy of this form shall be attached to the deputy's incident report. Once the subject is medically cleared, the hospital staff will arrange for an inter-facility transfer to PES via private provider.

If the person is a member of Kaiser Permanente, the deputy should deliver the person to the emergency room at Kaiser Hospital. The deputy should leave the 5150 W & I hold with the emergency room supervisor. A copy of this form shall be attached to the deputy's incident report. Once the subject is medically cleared, Kaiser will arrange an inter-facility transfer to an appropriate facility within their network.

- (a) Emergency Medical Treatment Needed Prior to Transport to PES: Any person who has obvious trauma, indications of overdose, is severely intoxicated, has had a loss

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of consciousness, head wounds, fractures and/or severe pain shall be transported to the nearest hospital via ambulance.

If the person is violent, the deputy should assist the hospital staff in the safe transfer of custody, including the application of physical restraints. The deputy should provide security for intake staff only until such time as the person is secured.

The deputy should complete the 5150 W & I hold and leave the original with the emergency room supervisor. A copy of this form shall be attached to the deputy's incident report.

The deputy is not responsible for guarding the person or any further transportation between the hospital and PES.

- (a) Person Admitted into the Hospital: If the person being detained per 5150 W & I is admitted into any hospital, prior to being transported to PES, the hold written by the deputy becomes void. In these cases the hospital is responsible for any "re-evaluation" and the subsequent transportation to PES (County Counsel opinion dated 6/21/96).
- (b) Deputies shall not be responsible for conducting 5150 W & I evaluations for persons who have been taken to a hospital by private transport. The hospital should have staff trained to conduct 5150 W & I evaluations. In the event the hospital does not have anyone authorized to conduct such evaluations, a supervisor may authorize a deputy respond to evaluate the person. If the deputy places the 5150 W & I hold on the person, the hospital shall accept the hold and the deputy may clear the detail. The hospital shall be responsible to arrange for the inter-facility transfer.
- (c) Criminal Acts by Persons in Need of Mental Health Services Prior to Booking at MADF: Individuals who are arrested for the commission of a crime and are in need of mental health treatment shall be transported to the MADF by the deputy and booked for the alleged criminal violation. The deputy shall note on the pre-booking sheet the individual's need for mental health services and confer with the medical and mental health staff about the individual's actions if requested.
- (d) Criminal Acts by Persons in Need of PES, Prior to Booking at MADF: Individuals who have committed a crime and are in need of PES pursuant to 5150 W & I shall be transported to the Charles W. Norton Mental Health Center. The Watch Commander shall be notified to determine if a guard must be assigned pursuant to the mandates of Penal Code Sections 4011.7 and 4011.9.
- (e) Emergency Protection Orders: Pursuant to a Memorandum dated March 10, 1997, the staff at the Charles W. Norton Mental Health Center will allow the service of Emergency Protection Orders on persons in their facility. Deputies shall contact the supervising staff member for entry into the locked area.

#### **410.12 TARASOFF**

##### 410.12.1 TARASOFF NOTIFICATIONS

The California Supreme Court ruled psychotherapists have a duty to warn potential victim(s) of a serious threat of violence made by one of their patients. Per the Welfare and Institutions Code any person who communicates to a licensed psychotherapist a serious threat of physical

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violence against a reasonably identifiable victim is prohibited from possessing or purchasing any firearm or other deadly weapon for a period of five years. Welfare and Institutions Code § 8105(c) requires licensed psychotherapists to report the identity of these prohibited persons to local law enforcement agencies. Upon receiving a report from a licensed psychotherapist concerning the identity of a prohibited person, Law Enforcement is required to immediately notify the Department of Justice.

#### 410.12.2 PATROL RESPONSIBILITIES

Upon receiving a Tarasoff Notification, the patrol deputy will obtain the reporting party's full name, address, and telephone number, as well as the suspect's information. The deputy will also obtain as much information about the victim as possible. If the victim or suspect is not in the Sheriff's Office jurisdiction, the deputy will notify the appropriate law enforcement agency.

Patrol will make a reasonable attempt to locate and interview the suspect. Deputies will make a reasonable attempt to identify and contact the intended victim. The victim should be given information about the threat of violence and the identity of the suspect. If the suspect is located, appropriate action should be taken based on the circumstances surrounding the nature of the threat and weapons considerations (see below). Patrol deputies shall complete a case report detailing the incident and any actions taken. If the patrol deputy cannot make contact with the suspect or needs assistance based on the potential crime of violence, the deputy should notify the on-call Violent Crimes Detective.

The investigating deputy will also complete a California Department of Justice Law Enforcement Report of Firearms Prohibition Form (DOJ form BOF 4074). The form will be faxed to the Department of Justice and a copy of the form will be scanned and attached to the Case Report. The investigating deputy must provide a copy of the DOJ BOF 4074 form to Sheriff's Central Information Bureau (CIB) for entry into the Mental Health Reporting System (MHRS). Patrol deputies will document in their report the date and time the form was faxed and entered into MHRS. It should be noted these forms are only to be used in cases which involve a licensed psychotherapist making a TARASOFF notification and not for other crime reporting purposes.

[See attachment: Bureau of Firearms Form\\_4074\\_LE.pdf](#)

#### 410.12.3 WEAPONS CONSIDERATIONS

Pursuant to Welfare and Institution Code § 8100(b)(1), a person who communicates to a licensed psychotherapist a serious threat of physical violence against a reasonably identifiable victim(s) is prohibited from possessing, having under custody or control, purchasing, receiving, or attempting to purchase or receive any firearms or other deadly weapon for five years. This prohibition begins on the date the licensed psychotherapist reports the identity of the prohibited person to the local law enforcement agency. Per Welfare and Institution Code § 8102, whenever a person, described in Welfare and Institution Code § 8100 or § 8103, is found to own, have in his or her possession or under his or her control, any firearm, or any other deadly weapon, the firearm or other deadly weapon shall be confiscated by any law enforcement agency or peace officer, who shall retain custody of the firearm or other deadly weapon. The arresting deputy shall notify the person of the

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procedure for the return of any firearm or other deadly weapon that has been confiscated. If the investigating deputy is unable to locate the suspect or confiscate firearms, the report should be forwarded to the Violent Crimes Unit for follow-up.

## Cite and Release Policy

### 411.1 PURPOSE AND SCOPE

This policy provides guidance on when to release adults who are arrested for a criminal misdemeanor offense on a written notice to appear (citation) and when to hold for court or bail.

### 411.2 POLICY

It is the policy of the Sonoma County Sheriff's Office to release all persons arrested on misdemeanor or other qualifying charges on a citation with certain exceptions (Penal Code § 853.6).

If there is a reason for non-release, the Office's mission to protect the community will be the primary consideration when determining whether to release any individual in lieu of holding for court or bail.

### 411.3 RELEASE BY CITATION

Except in cases where a reason for non-release as described below exists, adults arrested for a misdemeanor offense, including a private person's arrest, shall be released from custody on a citation (Penal Code § 853.6).

The citing deputy shall, at the time the defendant signs the notice to appear, call attention to the time and place for appearance and take any other steps he/she deems necessary to ensure that the defendant understands his/her written promise to appear.

#### 411.3.1 FIELD CITATIONS

In most cases an adult arrested for a misdemeanor offense may be released in the field on a citation in lieu of physical arrest when booking and fingerprinting is not practicable or immediately required provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present (Penal Code § 853.6; Penal Code § 1270.1). In such cases the arresting deputy should check the booking required box on the citation form to indicate that the person will be photographed and fingerprinted at a later time when ordered by the court.

When a booking photo or fingerprints are needed for the furtherance of any investigation, the person should be released on citation after booking instead of on a field citation.

#### 411.3.2 RELEASE AFTER BOOKING

In some cases it may not be feasible or desirable to release a person in the field. The person should instead be released on citation after booking at the jail.

### 411.4 MISDEMEANOR WARRANTS

An adult arrested on a misdemeanor warrant may be released, unless any of the following conditions exist:

- (a) The misdemeanor cited in the warrant involves violence
- (b) The misdemeanor cited in the warrant involves a firearm

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- (c) The misdemeanor cited in the warrant involves resisting arrest
- (d) The misdemeanor cited in the warrant involves giving false information to a deputy
- (e) The person arrested is a danger to him/herself or others due to intoxication or being under the influence of drugs or narcotics
- (f) The person requires medical examination or medical care or was otherwise unable to care for his/her own safety
- (g) The person has other ineligible charges pending against him/her
- (h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person
- (i) The person refuses to sign the notice to appear
- (j) The person cannot provide satisfactory evidence of personal identification
- (k) The warrant of arrest indicates that the person is not eligible to be released on a notice to appear

Release under this section shall be done in accordance with the provisions of this policy.

### **411.5 JUVENILE CITATIONS**

Completion of criminal citations for juveniles is generally not appropriate with the following exceptions:

- Misdemeanor traffic violations of the Vehicle Code
- Violations of the Sonoma County codes

All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to the Investigative Bureau for further action including diversion.

### **411.6 REQUESTING CASE NUMBERS**

Many cases involving a criminal citation release can be handled without requesting a case number. Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. Most Penal Code sections will require a case number to document the incident properly in a report. This section does not preclude a deputy from requesting a case number if he/she feels the situation should be documented more thoroughly in a case report.

# Foreign Diplomatic and Consular Representatives

## 412.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Sonoma County Sheriff's Office extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

## 412.2 POLICY

The Sonoma County Sheriff's Office respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

## 412.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

## 412.4 ENFORCEMENT

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

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- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
  - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
  - 1. Diplomatic-level staff of missions to international organizations and recognized family members
  - 2. Diplomatic agents and recognized family members
  - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
  - 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
  - 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
  - 2. Support staff of missions to international organizations
  - 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
  - 4. Honorary consular officers
  - 5. Whenever a deputy arrests and incarcerates, or detains for investigation for over two hours, a person with diplomatic and consular privileges and immunities, the deputy shall promptly advise the person that he/she is entitled to have his/her government notified of the arrest or detention (Penal Code § 834c). If the individual wants his/her government notified, the deputy shall begin the notification process.

#### **412.5 DOCUMENTATION**

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

#### **412.6 DIPLOMATIC IMMUNITY TABLE**

Reference table on diplomatic immunity:

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#### *Foreign Diplomatic and Consular Representatives*

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
<b>Diplomatic Agent</b>	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
<b>Member of Admin and Tech Staff</b>	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
<b>Service Staff</b>	Yes (note (a))	Yes	Yes	Yes	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
<b>Career Consul Officer</b>	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts. Yes otherwise (note (a))	No immunity or inviolability
<b>Honorable Consul Officer</b>	Yes	Yes	Yes	No for official acts Yes otherwise.	No for official acts Yes otherwise	No immunity or inviolability
<b>Consulate Employees</b>	Yes (note (a))	Yes	Yes	No for official acts Yes otherwise.	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
<b>Int'l Org Staff (note (b))</b>	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts. Yes otherwise (note (c))	No immunity or inviolability
<b>Diplomatic-Level Staff of Missions to Int'l Org</b>	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
<b>Support Staff of Missions to Int'l Orgs</b>	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

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## *Foreign Diplomatic and Consular Representatives*

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- (a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.
- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

## Rapid Response and Deployment

### 413.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding deputies in situations that call for rapid response and deployment.

### 413.2 POLICY

The Sonoma County Sheriff's Office will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Office in protecting themselves or others from death or serious injury.

### 413.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding deputies should consider reasonable options to reduce, prevent or eliminate the threat. Deputies must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, deputies should take immediate action, if reasonably practicable, while requesting additional assistance.

Deputies should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action deputies should consider:

- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel. This does not preclude an individual deputy from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the deputies have the ability to effectively communicate with other personnel or resources.
- (f) Whether planned tactics can be effectively deployed.

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- (g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, deputies should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

#### **413.3.1 RESPONSE TO SCHOOL THREATS**

Upon receiving a threat or perceived threat from a school official that involves grades 6 to 12, deputies shall immediately investigate and conduct a threat assessment. The investigation shall include a review of the firearm registry of the California Department of Justice. A reasonable search of the school at issue shall be conducted when the search is justified by reasonable suspicion that it would produce evidence related to the threat or perceived threat (Education Code § 49394).

For purposes of this subsection a "threat" or "perceived threat" means any writing or action of a pupil that creates a reasonable suspicion that the pupil is preparing to commit a homicidal act related to school or a school activity. This may include possession, use, or depictions of firearms, ammunition, shootings, or targets in association with infliction of physical harm, destruction, or death in a social media post, journal, class note, or other media associated with the pupil. It may also include a warning by a parent, pupil, or other individual (Education Code § 49390).

#### **413.4 CONSIDERATIONS**

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

#### **413.5 PLANNING**

The SOU Lieutenant or designee should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.

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- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

### **413.6 TRAINING**

The Professional Standards Bureau Lieutenant should include rapid response to critical incidents in the training plan. This training should address:

- (a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
  - (a) This should include the POST terrorism incident training required for deputies assigned to field duties (Penal Code § 13519.12).
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

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## Marine Safety & Enforcement Unit

### 414.1 PURPOSE AND SCOPE

To establish the general operational guidelines of the Sheriff's Office Marine Safety & Enforcement Unit. Marine Safety & Enforcement Unit has three primary functions: Law Enforcement; Search and Rescue; and Boating Safety and Education. The primary responsibilities for Marine Units Deputies are enforcement and safety patrols on the various waterways in and adjacent to Sonoma County. Marine Units are not available for routine calls for service unless the call is related to a boating enforcement action or is in the contract law enforcement area (Lake Sonoma) – emergency and officer safety issues excepted.

#### 414.1.1 JURISDICTION

The Marine Unit is responsible for enforcement of laws and regulations as they relate to the use of watercraft upon all waterways in the County and within three miles offshore of the Sonoma County coast line.

### 414.2 RESPONSIBILITIES

- (a) The Unit is required to investigate and complete reports on all fatal, serious injury, and major property damage boating accidents occurring within the County. The Unit may also investigate other activities in which boats are primarily involved such as vessel theft, narcotic trafficking, fish and game violations, and waterborne environmental crimes.
- (b) Marine Unit deputies conduct inspections of vessels for compliance with required safety equipment, registrations requirements, and sanitation and pollution control that satisfy the intent of State law.
- (c) Deputies in the Unit are equipped and trained to conduct searches for lost/overdue boaters, assist stranded boaters, BUI (boating under the influence) evaluations, boating related investigations, and assist in most water related rescue activity or other related emergencies.
- (d) Promoting boating safety is also a primary function. Deputies within the Unit do this during routine boater contacts, during their daily activities, and by participating in organized events and functions. The Unit regularly conducts boating safety education programs within schools, safety fairs and other organized groups. The Deputies develop partnerships with citizens, communities, user groups, other governmental agencies and organizations, water safety councils and the media in an effort to educate the public on boating safety issues and maximize the Units' efforts in accomplishing its mission.
- (e) The Marine Unit provides supervision of organized on-the-water boating or water events that allows for the protection and safety of the boating public during such activities and events. Marine Unit personnel work cooperatively with other local Marine Safety & Enforcement Units on events in the greater San Francisco Bay Area.
- (f) Marine Unit deputies function as role models to the boating public for the safe and responsible operation of vessels.

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#### *Marine Safety & Enforcement Unit*

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##### 414.2.1 CALL-OUT

Deputies assigned to the Marine Unit are not required to be “on-call.” Deputies are issued cell phones, and at their discretion are available for after hour calls, on an overtime basis. Attempts to call out Marine Unit deputies should be made in the event of a boating accident involving serious injury or death, or whenever an incident requires access by a boat, such as a lost or overdue boater, or a reported in-progress crime at a location where access can only be made by a boat.

- (a) After hour call-outs must have the Watch Commander’s approval.
- (b) After-hour response times may vary, however in most situations a Marine Unit deputy should be able to on the water within 30-60 minutes of a call- out.

##### After Hours Investigators:

- (a) If a deputy assigned to the Marine Unit cannot be located for an after hours call to a boating accident or incident that may require enforcement action, the Sergeant in charge of the unit should be notified immediately. If no deputy can be located with boating accident investigation training, and no enforcement action needs to be taken immediately, the patrol deputy shall respond and collect the basic identification information, and write an “Incident Report.” A copy of the report shall be sent to the Sergeant in charge of the unit and the incident assigned to a Marine Unit deputy for proper documentation and follow up investigation. If enforcement action is required immediately, such as an operator that is under the influence of alcohol and/or drugs, the patrol deputy shall take the appropriate enforcement action.

##### Intoxicated Boater:

- (a) Non-accident: Patrol deputies who respond to calls of intoxicated boaters on waterways shall take the appropriate enforcement action for the situation. Harbors and Navigation Code § 655 prohibits the operation of a vessel in a negligent manner or under the influence of any drug and/or alcohol.
- (b) Accidents: When no Marine deputy is available for an after hour’s investigation, and the boat operator involved in a boating accident or incident appears to be under the influence of alcohol and/or drugs, the patrol deputy will conduct a thorough investigation. If the boat operator is determined to be in violation of the Harbors and Navigation Code § 655, the patrol deputy shall take the appropriate enforcement action. Evidence to determine the blood alcohol/drug level of the arrested operator is critical and shall be collected pursuant to statutory and case law. The patrol deputy will not be responsible for writing the accident portion of the enforcement report.
- (c) The report shall be forwarded to the Marine Unit Sergeant for assignment to a deputy assigned to the Marine Unit for proper documentation and investigation of the accident.

##### 414.2.2 TRAINING

Deputies assigned to the Marine Unit receive specialized training for this assignment. Training includes enforcement of:

- Boating related laws
- Intoxicated boat operator enforcement

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#### *Marine Safety & Enforcement Unit*

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- Vessel theft investigation
- Accident investigation
- Navigation
- Rescue boat operations
- Marine fire fighting

The Unit members work closely, and train with, the Office's Helicopter and Dive Team in water search and rescue techniques. The Marine Unit also works and trains with allied agencies affiliated with the waterways within this County and adjoining Counties to develop rapid and efficient responses to mutual aid requests.

#### 414.2.3 EQUIPMENT

- (a) **Patrol Vessels:** The Unit currently has eight primary patrol vessels selected and equipped specifically for conditions on each of the major county waterways: Lake Sonoma, Petaluma River/San Pablo Bay, Russian River and Bodega Bay/Sonoma Coast. These boats are equipped to handle search and rescue, law enforcement type operations and assist with medical transports in water related emergencies. The larger boats are equipped with radar, GPS, marine band radios, and equipment necessary for night operation.
- (b) **Flood Boats:** The Marine Unit maintains small boats available for flood operations on the Russian River.
- (c) **Personal Watercraft:** The Marine Unit operates personal watercraft. These are available for response in waterways that prohibit the use of the larger boats for selective patrol in the rivers and/or congested waterways and for high profile enforcement situations on holidays and during organized on-water events.
- (d) **Patrol Vehicles:** The Marine Unit maintains four-wheel drive vehicles specially equipped for towing, launching, and fueling Unit vessels, carrying necessary tools equipment and personnel. These vehicles are not to be used for other office functions unless some form of exigent circumstances exists. In such cases, permission from the on-duty Watch Commander, Marine Unit Lieutenant, or Marine Unit Supervisor is required. The Marine Unit Sergeant will be notified in the event of such use.
- (e) **Authorization to Operate:** No person shall be allowed to operate a Marine Unit vessel without vessel-specific training, sign-off by the Marine Unit deputy assigned responsibility for that vessel, and authorization by the Marine Unit Supervisor.

#### 414.2.4 GRANT & CONTRACT OBLIGATIONS

As the Office's Marine Unit is largely supported by State and Federal funds, it is very important that all grant and contract requirements be fully met by accurate and timely recording of necessary statistical data and timely submission of required billing and related reports.

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## *Marine Safety & Enforcement Unit*

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### 414.2.5 LAKE SONOMA

The Sheriff's Office has primary law enforcement responsibility in and around Lake Sonoma. The US Army Corps of Engineers contract with the Sheriff's Office to provide enhanced law enforcement services at Lake Sonoma from April through September. The Rangers at Lake Sonoma do not have peace officer status and most have only limited law enforcement training.

## \*Immigration Policy\*

### 415.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Sonoma County Sheriff's Office relating to immigration and interacting with federal immigration officials.

#### 415.1.1 DEFINITIONS

The following definitions apply to this policy (Government Code § 7284.4).

**Criminal Immigration Violation:** Any federal criminal immigration violation that penalizes a person's presence in, entry, or reentry to, or employment in, the United States. This does not include any offense where a judicial warrant already has been issued.

**Judicial Warrant:** An arrest warrant for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge.

**Judicial Probable Cause Determination:** A determination made by a federal judge or federal magistrate judge that probable cause exists that an individual has violated federal criminal immigration law and that authorizes a law enforcement officer to arrest and take into custody the individual.

**Civil Immigration Warrant:** Any warrant for a violation of federal civil immigration law, and includes civil immigration warrants entered in the National Crime Information Center database.

**Notification Request:** An Immigration and Customs Enforcement request that a local law enforcement agency inform ICE of the release date and time in advance of the public of an individual in its custody and includes, but is not limited to, DHS Form I-247N. It does not authorize the Sheriff's Office to hold an individual beyond the point at which he or she would otherwise be released.

**Transfer Request:** An Immigration and Customs Enforcement request that a local law enforcement agency facilitate the transfer of an individual in its custody to ICE, and includes, but is not limited to, DHS Form I-247X.

**Hold Request:** A Federal Immigration and Customs Enforcement (ICE) request that a local law enforcement agency maintain custody of an individual currently in its custody beyond the time he or she would otherwise be eligible for release in order to facilitate transfer to ICE.

**Immigration Notification Matrix:** A list of conditions that when met requires immigration authorities to be notified of an inmate being, or will be, released on a certain date.

### 415.2 POLICY

It is the policy of the Sonoma County Sheriff's Office that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this office in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

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### **415.3 VICTIMS AND WITNESSES**

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and without regard to race, ethnicity or national origin in any way that would violate the United States or California constitutions.

### **415.4 IMMIGRATION INQUIRIES PROHIBITED**

Deputies shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6).

#### **415.4.1 CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)**

Members shall not use information transmitted through CLETS for immigration enforcement purposes except for criminal history information and only when consistent with the California Values Act (Government Code § 15160).

Members shall not use the system to investigate immigration violations of 8 USC § 1325 (improper entry) if that violation is the only criminal history in an individual's record (Government Code § 15160).

#### **415.4.2 CALIFORNIA DEPARTMENT OF MOTOR VEHICLES**

Members shall not obtain, access, use, or otherwise disclose noncriminal history information maintained by the DMV for immigration enforcement (Vehicle Code § 1808.48).

### **415.5 DETENTIONS AND ARRESTS**

A deputy shall not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant (Government Code § 7284.6).

A deputy who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of 8 USC § 1326(a) (unlawful reentry) that may be subject to an enhancement due to a previous conviction of an aggravated felony under USC § 1326(b)(2), may detain the person for a reasonable period of time to contact federal immigration officials to verify whether the United States Attorney General has granted the individual permission for reentry and whether the violation is subject to enhancement (Government Code § 7284.6). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the deputy has facts that establish probable cause to believe that a person already lawfully detained has violated 8 USC § 1326(a) and the penalty may be subject to enhancement due to prior conviction for specified aggravated felonies, he/she may arrest the individual for that offense (Government Code § 7284.6).

A deputy shall not detain any individual, for any length of time, for any other criminal immigration violation of federal immigration laws (Government Code § 7284.6).

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A deputy should notify a supervisor as soon as practicable whenever an individual is arrested for violation of 8 USC § 1326(a).

### 415.5.1 SUPERVISOR RESPONSIBILITIES

When notified that a deputy has arrested an individual for violation of 8 USC § 1326(a) or under the authority of a judicial warrant, the supervisor should determine whether it is appropriate to:

- (a) Transfer the person to federal authorities.
- (b) Transfer the person to jail.

### 415.6 FEDERAL REQUESTS FOR ASSISTANCE

Requests by federal immigration officials for assistance from this office should be directed to a supervisor. The supervisor is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.).

### 415.7 INFORMATION SHARING

No member of this office will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373; Government Code § 7284.6):

- (a) Sending information to, or requesting or receiving such information from federal immigration officials
- (b) Maintaining such information in office records
- (c) Exchanging such information with any other federal, state, or local government entity

Nothing in this policy restricts sharing information that is permissible under the California Values Act.

#### 415.7.1 IMMIGRATION HOLD REQUESTS AND REQUEST FOR NOTIFICATION

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 (Government Code § 7284.6). The Sonoma County Sheriff's Office shall not unlawfully extend the detention of an inmate so that ICE may detain the individual based on such a detainer or hold request, unless the Sonoma County Sheriff's Office has received a duly issued judicial warrant and probable cause determination for the arrest of the inmate signed by a federal judge or federal magistrate.

Notification to a federal authority may be made prior to release of an individual who is the subject of a notification request only if the individual meets one of the following conditions (Government Code § 7282.5; Government Code § 7284.6):

- (a) The individual's release date or other information is available to the public.
- (b) The individual has been convicted or arrested and had a judicial probable cause determination for a serious or violent felony identified in Penal Code § 667.5(c) or Penal Code § 1192.7(c).

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- (c) The individual has been convicted or arrested and had a judicial probable cause determination for a felony punishable by time in a state prison.
- (d) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).
- (e) The individual is a current registrant on the California Sex and Arson Registry.
- (f) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.
- (g) The individual has been convicted within the past 5 years of a misdemeanor for a crime that is punishable as either a misdemeanor or a felony ("wobbler") for, or has been convicted within the last 15 years of a felony, or any of the offense categories listed in Government Code § 7282.5(a)(3). The examples of specific crimes listed under the categories set forth in § 7282.5(a)(3) is extensive and include some straight misdemeanor crimes (i.e. 242 PC) amongst the wobbler offenses. Officers shall verify a crime is, in fact, a wobbler offense prior to responding to an ICE notification request form. A straight misdemeanor conviction should not be considered qualifying criteria under § 7282.5(a)(3). (Sheriff's Office members personnel shall refer to the Sonoma County Sheriff's Office Immigration Notification Matrix for listed exceptions).

#### 415.7.2 NOTICE TO INDIVIDUALS

Individuals in custody shall be given a copy of documentation received from U.S. Immigration and Customs Enforcement (ICE) regarding a hold, notification or transfer request along with information as to whether the Sheriff's Office intends to comply with the request (Government Code § 7283.1).

If the Sheriff's Office provides ICE with notification that an individual is being, or will be, released on a certain date, the same notification shall be provided in writing to the individual and to his/her attorney or to one additional person who the individual may designate (Government Code § 7283.1).

Sheriff's Office members shall not provide personal information, as defined in Civil Code § 1798.3, about an individual, including, but not limited to, the individual's home address or work address, to immigration authorities unless that information is available to the public.

#### 415.7.3 ICE INTERVIEWS

Before any interview regarding civil immigration violations takes place between ICE personnel and an individual in custody, the Sonoma County Sheriff's Office shall provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary and that he/she may decline to be interviewed or may choose to be interviewed only with his/her attorney present. The consent form must be available in the languages specified in Government Code § 7283.1.

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### 415.7.4 TRANSFERS TO IMMIGRATION AUTHORITIES

Members shall not transfer an individual to immigration authorities unless one of the following circumstances exist (Government Code § 7282.5; Government Code § 7284.6):

- (a) Transfer is authorized by a judicial warrant or judicial probable cause determination.
- (b) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).
- (c) The individual is a current registrant on the California Sex and Arson Registry.
- (d) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

### 415.7.5 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Detention Records supervisor shall ensure that data regarding the number of transfers of an individual to immigration authorities, as permitted by Government Code § 7284.6(a)(4), and the offense that allowed for the transfer is collected and provided to the Detention Information Bureau Manager for required reporting to the DOJ (Government Code § 7284.6(c)(2)).

### **415.8 U VISA AND T VISA NONIMMIGRANT STATUS**

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigative Bureau supervisor assigned to oversee the handling of any related case. The Investigative Bureau supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
  - 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
  - 2. Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). The certification shall be completed and not refused for the specified reasons in Penal Code § 679.10(k) (3).
  - 3. Form I-914 Supplement B declaration shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (human trafficking). The

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declaration shall be completed and not refused for completion for the specified reasons in Penal Code § 679.11(j)(3).

4. Forward the completed Form I-918 Supplement B certification or completed Form I-914 declaration B to the victim, family member, or authorized representative (as defined in Penal Code § 679.10 and Penal Code § 679.11) without requiring the victim to provide government-issued identification (Penal Code § 679.10; Penal Code § 679.11)
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.
1. If Form I-918 Supplement B is not certified, a written explanation of denial shall be provided to the victim or authorized representative. The written denial shall include specific details of any reasonable requests for cooperation and a detailed description of how the victim refused to cooperate (Penal Code § 679.10).
- (e) Inform the victim liaison of any requests and their status.

#### 415.8.1 TIME FRAMES FOR COMPLETION

Deputies and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall complete the above process and the documents needed for indicating the individual is a victim for the T visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Deputies and their supervisors shall complete the above process and the documents needed certifying victim cooperation for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 30 days of a request from the victim, victim's family, or authorized representative (as defined in Penal Code § 679.10 and Penal Code § 679.11) related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within seven days of the first business day following the day the request was received.

#### 415.8.2 REPORTING TO LEGISLATURE

The Investigative Bureau supervisor or the authorized designee should ensure that certification requests are reported to the Legislature in January of each year and include the number of certifications signed and the number denied. The report shall comply with Government Code § 9795 (Penal Code § 679.10; Penal Code § 679.11).

#### 415.8.3 POLICE REPORTS

Upon request, the Office shall provide a victim or authorized representative with a copy of the report filed by the victim within seven days of the request (Penal Code § 679.10).

#### 415.9 TRAINING

The Professional Standards Bureau Lieutenant should ensure that all appropriate members receive training on immigration issues.

Training should include:

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- (a) Identifying civil versus criminal immigration violations.
- (b) Factors that may be considered in determining whether a criminal immigration violation has been committed.
- (c) Prohibitions contained in the California Values Act (Government Code § 7284 et seq.).

## Emergency Utility Service

### 416.1 PURPOSE AND SCOPE

The County has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Sheriff's Office. Requests for such service received by this office should be handled in the following manner.

#### 416.1.1 BROKEN WATER LINES

The County's responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility.

If a break occurs on the County side of the meter, emergency personnel should be called as soon as practical by Dispatch.

#### 416.1.2 ELECTRICAL LINES

When a power line poses a hazard, fire and law enforcement should be dispatched to protect against personal injury or property damage that might be caused by power lines. The Electric Company should be promptly notified, as appropriate.

#### 416.1.3 RESERVOIRS, PUMPS, WELLS, ETC.

The County maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

#### 416.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by Dispatch.

### 416.2 TRAFFIC SIGNAL MAINTENANCE

The County Road Department, the Town of Windsor, and the City of Sonoma, maintain all traffic signals within the County, other than those maintained by the State of California.

#### 416.2.1 DEPUTY'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the deputy will advise the Dispatch of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

## Aircraft Accidents

### 417.1 PURPOSE AND SCOPE

The purpose of this policy is to provide office members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

### 417.2 RESPONSIBILITIES

In the event of an aircraft crash the employee responsibilities are as follows:

### 417.3 ARRIVAL AT SCENE

Deputies or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property.
- (b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- (c) Preserve ground scars and marks made by the aircraft.
- (d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- (e) Maintain a record of persons who enter the accident site.
- (f) Consider implementation of an Incident Command System (ICS).

### 417.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

### 417.5 NOTIFICATIONS

When an aircraft accident is reported to this office, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- (a) Fire department

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- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)

#### **417.6 DANGEROUS MATERIALS**

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- (a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
- (b) Pressure vessels, compressed gas bottles, accumulators and tires.
- (c) Fluids, batteries, flares and igniters.
- (d) Evacuation chutes, ballistic parachute systems and composite materials.

#### **417.7 DOCUMENTATION**

All aircraft accidents occurring within the County of Sonoma shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of SCSO members deployed to assist; other County resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

##### **417.7.1 WRECKAGE**

When reasonably safe, members should:

- (a) Obtain the aircraft registration number (N number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.
- (c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
  1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
- (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

##### **417.7.2 WITNESSES**

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her observation relative to the accident site.
- (b) A detailed description of what was observed or heard.

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- (c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.
- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

### **417.8 MEDIA RELATIONS**

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

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## Field Training Officer Program

### 418.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate the deputy's transition from the academic setting to the actual performance of general law enforcement duties of the Sonoma County Sheriff's Office.

It is the policy of this office to assign all new sheriff's deputies to a structured Field Training Officer Program that is designed to prepare the new deputy to perform in a patrol assignment, and possessing all skills needed to operate in a safe, productive and professional manner.

The Field Training Officer Program shall adhere to the state POST requirements.

### 418.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced deputy trained in the art of supervising, training and evaluating entry level and lateral sheriff's deputies in the application of their previously acquired knowledge and skills.

#### 418.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

- (a) Desire to be an FTO
- (b) Minimum of three years of patrol experience and off probation
- (c) Demonstrated ability as a positive role model
- (d) Participate and pass an internal oral interview selection process
- (e) Evaluation by supervisors and current FTOs
  - 1. Prospective FTOs performance evaluation shall indicate if the deputy meets or exceeds office standards during the previous evaluation period
- (f) Possess a POST Basic certificate

#### 418.2.2 TRAINING

A deputy selected as a Field Training Officer shall successfully complete a POST certified (40-hour) Field Training Officer's Course prior to being assigned as an FTO.

All FTOs must complete a 24-hour Field Training Officer update course every three years while assigned to the position of FTO (11 CCR 1004).

All FTOs must meet any training mandate regarding crisis intervention behavioral health training pursuant to Penal Code § 13515.28.

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### **418.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR**

The FTO Program supervisor should be selected from the rank of sergeant or above by the Patrol Captain or a designee and should possess, or be eligible to receive, a POST Supervisory Certificate.

The responsibilities of the FTO Program supervisor include the following:

- (a) Assignment of trainees to FTOs
- (b) Conduct FTO meetings
- (c) Maintain and ensure FTO/trainee performance evaluations are completed
- (d) Maintain, update and issue the Field Training Manual to each trainee
- (e) Monitor individual FTO performance
- (f) Monitor overall FTO Program
- (g) Maintain DORs and trainee files
- (h) Maintain liaison with academy staff on recruit performance during the academy
- (i) Develop ongoing training for FTOs

The FTO Program supervisor will be required to successfully complete a POST approved Field Training Administrator's Course within one year of appointment to this position (11 CCR 1004(c)).

### **418.4 TRAINEE DEFINED**

Any entry level or lateral sheriff's deputy newly appointed to the Sonoma County Sheriff's Office who has successfully completed a POST approved Basic Academy.

### **418.5 REQUIRED TRAINING**

Entry level deputies should be required to successfully complete the Field Training Program, consisting of a minimum of 22 weeks.

The training period for a lateral deputy may be modified depending on the trainee's demonstrated performance and level of experience, but should consist of a minimum of 10 weeks.

To the extent practicable, entry level and lateral deputies should be assigned to a variety of Field Training Officers, shifts and geographical areas during their Field Training Program.

#### **418.5.1 FIELD TRAINING MANUAL**

Each new deputy will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as a deputy with the Sonoma County Sheriff's Office. The deputy shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules and regulations adopted by the Sonoma County Sheriff's Office.

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### **418.6 EVALUATIONS**

Evaluations are an important component of the training process and shall be completed as outlined below.

#### **418.6.1 FIELD TRAINING OFFICER**

The FTO will be responsible for the following:

- (a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO Coordinator on a daily basis.
- (b) Review the Daily Trainee Performance Evaluations with the trainee each day.
- (c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.
- (d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.
- (e) Train and evaluate performance of trainee assigned to them.
- (f) Participate in change of phase meetings.
- (g) Maintain a professional relationship with trainee.
- (h) Attend court with trainee.
- (i) Participate in office-wide training projects and assignments.

#### **418.6.2 IMMEDIATE SUPERVISOR**

The immediate supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Administrator.

#### **418.6.3 FIELD TRAINING ADMINISTRATOR**

The Field Training Administrator will review and approve the Daily Trainee Performance Evaluations submitted by the FTO through his/her immediate supervisor.

The Field Training Administrator will meet with FTO supervisors to discuss the program and trainee status.

The Field Training Administrator will prepare a comprehensive evaluation of any trainee and forward to the Captain.

The Field Training Administrator will attend the Field Training Program SAC course within the first 12 months.

#### **418.6.4 TRAINEE**

At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTOs and on the Field Training Program.

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### **418.7 DOCUMENTATION**

All documentation of the Field Training Program will be retained in the deputy's training files and will consist of the following:

- (a) Daily Trainee Performance Evaluations
- (b) End of phase evaluations
- (c) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training

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## Helicopter/Air Support

### 419.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of the Sheriff's Office helicopter. The Sheriff's Office helicopter operates in four task areas: law enforcement, search and rescue, emergency medical transport and fire suppression/support. The helicopter is available to support all elements of the Sheriff's Office as established by automatic response protocols and by request and authorization in all other areas. On occasion, the helicopter performs tasks for other Sonoma County agencies including; fire, public works, flood control and communications.

### 419.2 STAFFING

The normal staffing complement for the helicopter consists of a Pilot, Paramedic and a Deputy Sheriff observer. When only the pilot and paramedic are on board, the helicopter may not be dispatched unless directed to do so by the sworn observer. The crew members for flights that support other agencies such as communications, flood control/assessment etc., will be determined by the sworn observer.

### 419.3 COMMAND/AUTHORITY

Each crew member has certain duties and responsibilities during flight operations. It is expected that crew members will work with each other and lend whatever assistance necessary within that person's ability.

#### 419.3.1 SWORN OBSERVER

The observer is the Sheriff's Office representative during flight operations and is, therefore, in charge from an operational aspect. As the law enforcement officer during flight operations, the observer will take whatever law enforcement action necessary and prudent under the circumstances at hand. The observer will be in charge of and will direct rescue operations conducted by the helicopter.

#### 419.3.2 PILOT

The pilot is in charge of the aircraft from an aviation aspect. The pilot shall have the final authority in determining whether a flight will be suspended or canceled due to safety factors.

#### 419.3.3 PARAMEDIC

The paramedic is the medical authority during helicopter operations.

### 419.4 REQUEST FOR HELICOPTER ASSISTANCE

If a supervisor of an incident determines that the use of a helicopter would be beneficial, a request to obtain helicopter assistance may be made.

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##### 419.4.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for a helicopter, the Watch Commander, or his/her designee, will call the closest agency having helicopter support available. The Watch Commander on duty will apprise that agency of the specific details of the incident prompting the request.

##### 419.4.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Law Enforcement helicopters may be requested under any of the following conditions:

- (a) When the helicopter is activated under existing mutual aid agreements
- (b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopter may reduce such hazard
- (c) When the use of the helicopter will aid in the capture of a suspected fleeing suspect whose continued freedom represents an ongoing threat to the community
- (d) When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard
- (e) Vehicle pursuits
- (f) Rescues
- (g) Fire suppression missions
- (h) Emergency medical aid transports
- (i) Any time a Watch Commander believes the use of a helicopter would be beneficial

##### 419.4.3 CALL-OUT RESPONSES

The helicopter is available after regular duty hours in an on-call status. Law Enforcement requests must be approved by the Watch Commander, or in his/her absence, the Sergeant.

- (a) When calling out the helicopter after duty hours, Dispatch shall contact the on-duty observer, who shall screen the request and decide if the flight crew should be paged.

##### 419.4.4 OUT-OF-COUNTY MEDICAL TRANSFERS

The Sheriff's Office helicopter may be utilized for an out-of-county medical transfer (moving a patient from one hospital to another) only on a "last resort" basis. Dispatch will determine from the requesting facility that:

- (a) The requesting facility has contacted the other air ambulance services for that area and none are available or feasible.
- (b) The patient is in such a serious medical condition that rapid transport via helicopter is truly necessary.
- (c) Once these conditions have been met, the helicopter may make the flight with authorization from the sworn observer.

## Contacts and Temporary Detentions

### 420.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

#### 420.1.1 DEFINITIONS

Definitions related to this policy include:

**Consensual encounter** - When a deputy contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the deputy is voluntary.

**Field interview** - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the deputy's suspicions.

**Field photographs** - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

**Pat-down search** - A type of search used by deputies in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the deputy, the detainee, or others.

**Reasonable suspicion** - When, under the totality of the circumstances, a deputy has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

**Temporary detention** - When a deputy intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when a deputy actually restrains a person's freedom of movement.

### 420.2 POLICY

The Sonoma County Sheriff's Office respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the deputy, the decision to temporarily detain a person and complete a field interview (FI), pat-down search, or field photograph shall be left to the deputy based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

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### **420.3 FIELD INTERVIEWS**

Based on observance of suspicious circumstances or upon information from investigation, a deputy may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the deputy's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Sonoma County Sheriff's Office to strengthen community involvement, community awareness, and problem identification.

#### **420.3.1 INITIATING A FIELD INTERVIEW**

When initiating the stop, the deputy should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

- (a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act
- (b) Actions suggesting that he/she is engaged in a criminal activity
- (c) Presence in an area at an inappropriate hour of the day or night
- (d) Presence in a particular area is suspicious
- (e) Carrying of suspicious objects or items
- (f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon
- (g) Location in proximate time and place to an alleged crime
- (h) Physical description or clothing worn that matches a suspect in a recent crime
- (i) Prior criminal record or involvement in criminal activity as known by the deputy

### **420.4 PAT-DOWN SEARCHES**

Once a valid stop has been made, and consistent with the deputy's training and experience, a deputy may pat a suspect's outer clothing for weapons if the deputy has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the deputy to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
- (b) Where more than one suspect must be handled by a single deputy.
- (c) The hour of the day and the location or neighborhood where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The actions and demeanor of the suspect.

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- (f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.

Whenever practicable, a pat-down search should not be conducted by a lone deputy. A cover deputy should be positioned to ensure safety and should not be involved in the search.

### **420.5 FIELD PHOTOGRAPHS**

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the deputy shall carefully consider, among other things, the factors listed below.

#### **420.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT**

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. When taking a consensual photograph, the deputy should have the individual read and sign the appropriate form accompanying the photograph.

#### **420.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT**

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The deputy must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the deputy's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

#### **420.5.3 DISPOSITION OF PHOTOGRAPHS**

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

#### **420.5.4 SUPERVISOR RESPONSIBILITIES**

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

### **420.6 WITNESS IDENTIFICATION AND INTERVIEWS**

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, deputies should, when warranted by the

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seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

- (a) Identifying all persons present at the scene and in the immediate area.
  - 1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
  - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, deputies should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by Sonoma County Sheriff's Office members.
  - 1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

# Criminal Organizations

## 421.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Sonoma County Sheriff's Office appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and individuals.

### 421.1.1 DEFINITIONS

Definitions related to this policy include:

**Criminal intelligence system** - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

## 421.2 POLICY

The Sonoma County Sheriff's Office recognizes that certain criminal activities, including but not limited to organizational crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this Office to collect and share relevant information while respecting the privacy and legal rights of the public.

## 421.3 CRIMINAL INTELLIGENCE SYSTEMS (CIS)

No office member may create, submit to or obtain information from a criminal intelligence system unless the Sheriff has approved the system for office use.

Any criminal intelligence system approved for office use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for office use. The supervisor or the authorized designee should ensure the following:

- (a) Members using any such system are appropriately selected and trained.
- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

### 421.3.1 SYSTEM ENTRIES

If entries are made based upon information that is not on file with this office, such as open or public source documents or documents that are on file at another agency, the submitter should ensure copies of those documents are attached to the entry. Any supporting documentation for an entry shall be retained in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

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### 421.3.2 CRIMINAL INTELLIGENCE SYSTEM

The Sheriff may approve participation in a shared criminal intelligence database. Members must obtain the requisite training before accessing any such database.

It is the intelligence supervisor's responsibility to determine whether any report or FI contains information that would qualify for entry into the database. Prior to designating any person as a suspected organization member, associate or affiliate in a shared organization database; or submitting a document to the Attorney General's office for the purpose of designating a person in a shared organization database; or otherwise identifying the person in a shared organization database, the intelligence supervisor shall provide written notice to the person and, if the person is under the age of 18, to his/her parent or guardian of the designation and the basis for the designation, unless providing that notification would compromise an active criminal investigation or compromise the health or safety of a minor. Notice shall also describe the process to contest the designation (Penal Code § 186.34).

The person, an attorney working on his/her behalf or his/her parent or guardian (if the person is under 18 years of age) may request, in writing, information as to whether the person is designated as a suspected organization member, associate or affiliate in a shared organization database accessible by the office, the basis for that designation and the name of the agency that made the designation. The office shall respond to a valid request in writing within 30 days, and shall provide the information requested unless doing so would compromise an active investigation or compromise the health and safety of the person if he/she is under 18 years of age (Penal Code § 186.34).

The person, or his/her parent or guardian if the person is under 18 years of age, may contest the designation by submitting written documentation which shall be reviewed by the intelligence supervisor. If it is determined that the person is not a suspected organization member, associate or affiliate, the person shall be removed from the database. The person and the parent or guardian shall be provided written verification of the office's decision within 30 days of receipt of the written documentation contesting the designation and shall include the reason for a denial when applicable (Penal Code § 186.34).

Records contained in a shared intelligence database shall not be disclosed for employment or military screening purposes, and shall not be disclosed for the purpose of enforcing federal immigration law unless required by state or federal statute or regulation (Penal Code § 186.36).

### **421.4 TEMPORARY INFORMATION FILE**

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. Members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the office-approved CIS only as provided in this section. Once information qualifies for inclusion, it should be entered into CIS.

#### 421.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

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Information and documents contained in a temporary information file:

- (a) Should not be originals that would ordinarily be retained by the CIB or Property and Evidence Unit, but should be copies of, or references to, retained documents such as copies of reports, field interview (FI) forms, Dispatch records or booking forms.
- (b) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.
- (c) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

### 421.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than five years. At the end of five years, the contents must be purged or entered in an authorized criminal intelligence system, as applicable.

The intelligence supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

### 421.5 INFORMATION RECOGNITION

Office members should document facts that suggest an individual or organization is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

- (a) Organizational indicia associated with a person or residence.
- (b) Information related to a drug-trafficking operation.
- (c) Vandalism indicating an animus for a particular group.
- (d) Information related to an illegal gambling operation.

Office supervisors who utilize an authorized criminal intelligence system should work with the Professional Standards Bureau Lieutenant to train members to identify information that may be particularly relevant for inclusion.

### 421.6 RELEASE OF INFORMATION

Office members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to office members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

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### **421.7 CRIMINAL ORGANIZATIONS AND STREET GANGS**

The Investigative Bureau supervisor should ensure that there are an appropriate number of office members who can:

- (a) Testify as experts on matters related to criminal organizations, and maintain an above average familiarity with:
  - 1. Any organization, associate or group of three or more persons that meets the definition of a criminal street gang under Penal Code § 186.22(f).
  - 2. Identification of a person as a criminal organization member and criminal organization related crimes.
  - 3. The California Street Terrorism Enforcement and Prevention Act (Penal Code § 186.21 et seq.), associated crimes and what defines a criminal street gang (Penal Code § 186.22).
- (b) Coordinate with other agencies in the region regarding criminal organization related crimes and information.
- (c) Train other members to identify organizational indicia and investigate criminal organization related crimes.

### **421.8 TRAINING**

The Professional Standards Bureau Lieutenant should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

- (a) The protection of civil liberties.
- (b) Usage of criminal intelligence system.
- (c) Submission of information into a criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.
- (d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.
- (e) The review and purging of temporary information files.

## Watch Commanders

### **422.1 PURPOSE AND SCOPE**

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with office policies, procedures, practices, functions and objectives. To accomplish this goal, a Lieutenant heads each watch.

### **422.2 DESIGNATION AS ACTING WATCH COMMANDER**

When a Lieutenant is unavailable for duty as Watch Commander, the on duty, main office sergeant shall be designated as acting Watch Commander.

## **\*Hospital Guard Responsibilities\***

### **423.1 PURPOSE AND SCOPE**

The purpose of this policy is to establish a procedure for transporting and guarding inmates at hospitals and to assure inmates are appropriately guarded while receiving medical care. It is the responsibility of the Sheriff's Office to guard prisoners who are injured during an arrest by Sheriff's Office members and to guard inmates who are transported from the jail to a hospital for treatment, unless specifically relieved pursuant to a court order or statute.

### **423.2 PROCEDURES**

- (a) Inmates will be transported and guarded by Deputy Sheriffs only. If questions arise over how the inmate is to be transported, e.g., by patrol car or ambulance, the Deputy shall contact the on-duty patrol supervisor.
- (b) The Patrol Division shall have primary responsibility for transporting and guarding inmates that have been arrested by the Sheriff's Office and are in need of medical attention, but have not been booked into the jail.
- (c) The Patrol Division shall have primary responsibility for guarding inmates that have been booked into the jail, but are in need of hospitalization.
- (d) The Transportation Bureau will have primary responsibility for transporting and guarding inmates who have been booked and housed at the jail and are in need of routine medical treatment.
  - 1. Patrol Deputies may only be used for routine medical appointments in cases of emergency when Transportation is not available and only with the approval of the Patrol Watch commander.
- (e) Both the Patrol Division and the Detention Division shall cooperate to eliminate unnecessary guard details by releasing from custody, when possible, inmates that are eligible for citation, Own Recognizance release or other considerations pursuant to Penal Code § 4011.7 and § 4011.9
- (f) The MADF Booking Sergeant or the Watch Commander of NCDF will notify the Main Office Patrol Sergeant through Dispatch, of an immediate need for a Deputy to transport and guard an inmate at the hospital. The Patrol Sergeant will make an entry on the Patrol Watch Commander's Log and will start the Hospital Guard Schedule. The on-duty Watch Commander may determine that the inmate does not require a guard pursuant to Penal Code § 4011.7 and § 4011.9 and have the guard removed.

### **423.3 GUARD DUTY SCHEDULING/SUPERVISION**

When the hospital guard assignment begins, the on-duty Main Office shift Sergeant shall be responsible for starting and scheduling the first 24 hours of the assignment.

- (a) The day shift Main Office Sergeant shall be responsible for scheduling all shifts after the initial 24-hour period.
- (b) Patrol staff shall be used unless this assignment causes the shift to fall below minimum staffing.

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- (c) Personnel assigned to Court Security, Transportation and the Detective Bureaus are available for guard duties on weekends and evenings.
- (d) The Main Office Sergeant is responsible for the daily supervision of the guard at all hospitals. The Sergeant shall contact the guard once during the Sergeant's shift to determine the status of the inmate's condition and expected return to the jail.

#### **423.4 UNIFORM AND EQUIPMENT**

- (a) All deputies working hospital guard will be in a Class C or D uniform.
- (b) All deputies working a hospital guard detail who have not already been assigned a unit number (i.e., E-31) shall contact Dispatch and have Dispatch log them onto CAD.
- (c) The deputy may use a marked patrol car, when available, for transportation to and from all hospital guard duties.

#### **423.5 RESPONSIBILITIES OF DEPUTY AT HOSPITAL**

- (a) When an inmate from MADF or NCDF is transported to the hospital, CIB Staff will provide a file folder containing a current picture of the prisoner/inmate, if available, along with a current booking sheet listing a physical description, current address, next of kin, criminal charges and whether or not the inmate is considered an escape risk. The deputy will acquaint themselves with the information in the folder at the start of their shift.
- (b) If the arrestee has not been booked into the jail prior to his or her hospital stay, it will be the arresting deputy's responsibility to gather the above listed information and start a folder prior to going off-duty.
  - 1. The first deputy assigned to a hospital guard will begin and maintain a log. The log shall include start and ending times of all guards, names and entry/exit times of any non-medical personnel seeing the inmate and any pertinent information (officer safety, special orders, etc.) needing to be relayed to the next deputy.
- (c) When the inmate is returned to the jail, the folder and any logs will be returned to the jail and placed into the inmate's D-file.
- (d) The deputy will be stationed in or immediately outside the inmates room. When not possible, the deputy will be stationed in a place where he/she can directly observe the inmate.
- (e) The inmate shall at all times be secured to their bed or other object by the use of leg irons and/or handcuffs, unless a medical procedure prevents it. If any conflicts arise between the deputy and medical personnel (nurses, doctors, etc.) regarding the use of handcuffs and/or leg irons, the deputy will immediately advise the Patrol Sergeant to resolve the conflict.
- (f) The inmate shall not be allowed to receive or make any telephone calls without prior authorization from the patrol Watch Commander or pursuant to a court order.
- (g) The inmate shall not be allowed visitors until a Watch Commander has contacted the attending physician to ensure visitors will not interfere with medical treatment or rehabilitation. Prior to allowing any visitors, the Watch Commander shall also take into

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account the safety of the hospital staff, the public, the inmate, the deputy, and the potential for passing contraband or weapons and the potential escape risk. After a complete review, the Watch Commander may approve visitation. This approval and the specific conditions will be delivered to the deputy at the hospital.

- (h) Prior to each visit, the deputy shall confirm the visitor's identity by seeing a picture identification card and noting the visitor's name and identification card number on the log. All visitors authorized by the Watch Commander or court order are subject to a search of their person and property.
- (i) Guard duty is considered a fixed post assignment and a meal tray will be provided by the hospital for the deputy at regularly scheduled meal times.
- (j) The deputy will notify the Patrol Sergeant or Watch Commander if the inmate's condition changes and they are considered an increased escape risk, or if the inmate becomes physically uncontrollable.
- (k) While on guard duty, it is the deputy's responsibility to keep the Patrol Sergeant advised of the inmate's status and projected release date and time from the hospital.

#### **423.6 RELEASE OF INMATES**

- (a) The Patrol Watch Commander shall contact the MADF Administrative Lieutenant or in the absence of the MADF Administrative Lieutenant, the MADF Watch commander and discuss the inmate's criminal status and possibility for release of the inmate.
- (b) If the inmate is eligible for release, the MADF Administrative Lieutenant/MADF Watch commander shall work with the Probation Department and the Court to release as quickly as practical.
- (c) The Patrol Captain and MADF Captain will be consulted if there are questions about the qualifications for release.

## Mobile Data Center Use

### 424.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Center (MDC) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between office members and Dispatch.

### 424.2 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors or Watch Commanders.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Office. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the MDC system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDC system unless directed to do so by a supervisor. Members are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

#### 424.2.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should be limited to times when the vehicle is stopped and is safe to do so. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

### 424.2 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any office technology system (see the Information Technology Use Policy for additional guidance).

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### **424.2 POLICY**

Sonoma County Sheriff's Office members using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

### **424.3 DOCUMENTATION OF ACTIVITY**

Except as otherwise directed by the Watch Commander or other office-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the sheriff's radio and electronically via the MDC unless security or confidentiality prevents such broadcasting.

MDC and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.
- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDC.

#### **424.3.1 STATUS CHANGES**

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the sheriff's radio or through the MDC system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDC when the vehicle is not in motion.

#### **424.3.2 EMERGENCY ACTIVATION**

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available deputy should respond in accordance with the Deputy Response to Calls Policy.

Members should ensure a field supervisor and the Watch Commander are notified of the incident without delay.

Deputies not responding to the emergency shall refrain from transmitting on the sheriff's radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

### **424.4 EQUIPMENT CONSIDERATIONS**

#### **424.4.1 MALFUNCTIONING MDC**

Whenever possible, members will not use vehicles with malfunctioning MDCs. Whenever members must drive a vehicle in which the MDC is not working, they shall notify Dispatch. It shall be the responsibility of the dispatcher to document all information that will then be transmitted

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verbally over the sheriff's radio. No member will be allowed to exchange or swap MDC's without Sheriff's I.T. approval.

- (a) Members should immediately contact the Sheriff's I.T. office so they can diagnose and resolve the issue if possible.
- (b) If it's after hours, members shall send the CSO and I.T. office an email with the vehicle number and a detailed message of the malfunction. Members shall also fill out the proper paperwork (repair work order) and down the vehicle.
- (c) Members shall notify a supervisor of the malfunctioning MDC and make arrangements to change vehicles.

### 424.4.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.

## Body Worn Cameras and Audio Recorders

### 425.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this Office while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment.

The purpose of body worn cameras (BWC) and audio recorders is to provide documentary evidence for criminal investigations, internal or administrative investigations and civil litigation. Members shall utilize the BWC's and audio recorders in accordance with the provisions in this policy to maximize the effectiveness of the audio/video documentation to achieve operational objectives and to ensure evidence integrity.

While BWC recordings can provide an objective record of events, it is understood that video/audio recordings may not necessarily reflect the entire experience or state of mind of the individual employee(s) in a given incident. In some circumstances, the BWC will capture information that may not have been heard and/or observed by the involved employee(s). Similarly, there will be situations where the BWC will not capture information that was heard and/or observed by the involved employee(s).

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Sonoma County Sheriff's Office facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

### 425.2 POLICY

The Sonoma County Sheriff's Office will provide sworn members with BWC's for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Office by accurately capturing contacts between members of the Office, the public, and those incarcerated in the Sonoma County Detention Facilities.

### 425.3 COORDINATOR

The Sheriff or the authorized designee shall appoint a member of the Office to coordinate the use and maintenance of BWC's and the storage of recordings, including (Penal Code § 832.18):

- (a) Establishing a system for downloading, storing and security of recordings.
- (b) Designating persons responsible for downloading recorded data.
- (c) Establishing a maintenance system to ensure availability of operable portable audio/video recording devices.
- (d) Establishing a system for tagging and categorizing data according to the type of incident captured.
- (e) Establishing a system to prevent tampering, deleting and copying recordings and ensure chain of custody integrity.

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- (f) Working with counsel to ensure an appropriate retention schedule is being applied to recordings and associated documentation.
- (g) Maintaining logs of access and deletions of recordings.

### **425.4 MEMBER PRIVACY EXPECTATION**

All recordings made by members on any office-issued device at any time, and any recording made while acting in an official capacity for this office, regardless of ownership of the device it was made on, shall remain the property of the Office. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

### **425.5 MEMBER RESPONSIBILITIES**

The Sonoma County Sheriff's Office Law Enforcement and Detention Divisions will issue sworn deputies and sergeants BWC's.

- (a) Uniformed personnel will be responsible for making sure that he/she is equipped with a BWC prior to going into service and for ensuring the BWC is in good working order. If the BWC is not in good working order or malfunctions at any time, the member shall report the failure to his/her supervisor and obtain a functioning device as soon as practicable.
- (b) Uniformed members shall wear the recorder in a conspicuous manner and in such a way that will not be obstructed by clothing.
- (c) Extra help Deputy Sheriff's will not be issued BWC's unless they are assigned to the Civil bureau or unless approved by the BWC administrator Lieutenant.
- (d) Non-uniformed personnel may carry, and use, an approved BWC any time the member believes such a device may be useful. Non-uniformed field training officers who are in the final phase of training are required to wear BWC's.
- (e) Members are encouraged to advise private persons and incarcerated persons they are recording if the advisement may gain compliance or assist in the investigation, and it will not interfere with the investigation or officer safety (i.e., a hostile contact during a traffic stop).
- (f) All specialty units are required to use BWC's as set forth in this policy, except the following units:
  - 1. Explosive Ordinance Detail Unit
  - 2. Helicopter Unit
  - 3. Honor Guard
- (g) Any BWC that contains recordings shall be docked and uploaded daily. Practically speaking, this can occur within a 24 hour period of time. Case by case exceptions may be made with the prior approval of a supervisor.
- (h) Any uniformed member who desires to carry an audio digital recorder (in addition to the BWC) may do so for the purpose of surreptitiously recording if the member determines it would be beneficial for the investigation. An example of this could be placing an audio

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recorder in the back seat of a patrol car to record a suspect, etc.. Uniformed members are not allowed to carry an audio digital recorder in place of the Office issued BWC.

- (i) If an audio recording of evidentiary value is obtained from an audio digital recorder from either a uniformed, or non-uniformed member, a copy of the recording shall be entered into evidence.
- (j) The wearing or use of any other personal **video** recorder, other than the BWC, is not authorized. However, during an exigent circumstance with a high evidentiary value, where the BWC is either unavailable or becomes non-functional, and the member has access to an alternative means of recording the incident (cell phone, etc.), the member may use his or her discretion to record the incident on the alternate recording device. In this case, a copy of the video recording shall be entered into evidence and the member's supervisor shall be notified of the recording. This section applies to both uniformed and non-uniformed members.
- (k) Members shall document the existence of a recording in any report, citation, or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. The reason for not recording an incident required by this policy shall be documented in the report.
- (l) Only trained personnel shall operate BWC equipment.

#### **425.6 ACTIVATION OF THE BWC**

This policy is not intended to describe every possible situation in which the BWC should be used, although there are many situations where its use is appropriate. Unless, it would be unsafe, impossible, or impractical for the situation, members are required to activate their BWC prior to making contact when responding to all calls for service, and during any law enforcement related encounters and activities that occur while the member is on duty.

Examples include, but are not limited to:

- (a) All enforcement and investigative contacts including arrests, pursuits, suspicious persons, detentions, and field interview (FI) situations.
- (b) Traffic stops including, traffic violations, traffic collisions, and stranded motorist assistance.
- (c) Probation or parole searches.
- (d) Service of search or arrest warrants.
- (e) Self-initiated activity in which a member would normally notify the Dispatch center.
- (f) During suspect interviews, Miranda Rights or 5150 W&I advisements, and obtaining verbal consent to search.
- (g) During building searches, searches for suspects, and building checks at alarms.
- (h) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.
- (i) Any use of force or tactical intervention.
- (j) BWC's shall remain activated during detainee and/or arrestee transports.

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- (k) Entering a cell occupied by an incarcerated person.
  - 1. Exception: Directly supervising a housing unit or conducting general observation and intensive observation checks, unless a situation arises that dictates otherwise.
- (l) Anytime an incarcerated person is forcibly removed from their cell.
- (m) Responding to incarcerated person fights or disturbances, restraint chair placements and movement of an assaultive or uncooperative inmate.
- (n) Incarcerated person experiencing a medical emergency or a Mental Health crisis.
- (o) There may be additional circumstances which dictate the need for BWC activation such as the incarcerated person becoming uncooperative or resistive, or the possibility of an allegation of misconduct that arises from the contact after the initial contact begins.
- (p) Correctional Deputies shall not record incarcerated person while conducting a strip search, conducting classification interviews, during a routine medical treatment that is provided to an incarcerated person, or during incarcerated persons' use of toilet or shower. Members may activate the BWC when the recording serves a legitimate business need. A supervisor may direct members use of the BWC during specific incidents or events. Members shall document the use of a BWC in their written incident report.

The Detention Division is required to activate their BWC's prior to making contact with an incarcerated person during specialized emergency response callouts and crisis negotiations.

At no time is a member expected to jeopardize his/her safety in order to activate a BWC. However, the BWC should be activated in situations described above as soon as reasonably practicable.

Members assigned to the Patrol Division are required to have their BWC in buffering mode whenever they are outside of a secured Sheriff's Office facility.

Members assigned to the Detention Division are required to have their BWC in buffering mode whenever they are on duty, on the secured facility side and are outside of Central Control.

#### 425.6.1 CESSATION OF RECORDING

Once activated, the BWC shall remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

Members can deactivate the recording for purposes of conducting interview with crime victims, confidential informants, or witnesses who do not wish to be recorded. Examples of this can include witness interviews or victim interviews on sensitive cases (e.g., sexual assault, child abuse, etc.). Members shall include the reason for the deactivation in their report.

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears

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to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should typically resume once the identified privacy concern has been addressed and/or resolved.

Members shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation (Penal Code § 636).

#### **425.6.2 SURREPTITIOUS USE OF THE BWC**

Members of the Office may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation (Penal Code § 633).

Members shall not surreptitiously record another office member without a court order unless lawfully authorized by the Sheriff or the authorized designee.

#### **425.6.3 EXPLOSIVE DEVICE**

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

#### **425.7 PROHIBITED USE OF BWC**

Members are prohibited from using office-issued BWC's and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with office-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate office business purposes. All such recordings shall be retained at the Office.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Watch Commander. Any member who uses a personally owned recorder for office-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

#### **425.7.1 PROHIBITED USE OF BIOMETRIC SURVEILLANCE SYSTEM**

The installation, activation, or use of biometric surveillance systems, including facial recognition, in connection with portable recorders is prohibited.

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### **425.8 IDENTIFICATION AND PRESERVATION OF RECORDINGS**

Members using the BWC's shall identify each recording by category as outlined below. Not all BWC recordings will be required to be categorized in Evidence.com. However, if a case number is attached to the event, the event shall be recorded and the metadata associated with that event shall be entered into Evidence.com. In the event a recording does not fall into a listed category and has no apparent evidentiary or administrative value, the member may leave the recording as uncategorized.

The following categories are available to Law Enforcement and Detention Divisions on Evidence.com:

- (a) Arrests and Citations - If an arrest or citation occurs, the user shall choose this category and complete the necessary information in Evidence.com.
- (b)
- (c) Citizen's Complaint - This category will typically be used by supervisors who are investigating a Citizen's Complaint. The user should complete the necessary data within Evidence.com.
- (d) Critical Incidents - In the event of a Critical Incident, a supervisor shall upload the recording to Evidence.com as soon as practical. The supervisor should select the Critical Incident category and complete the necessary data. All Critical Incidents will be "Flagged". This category will be used for OIS's and in Custody deaths.
- (e) Crime Reports - This category shall be selected for all reports taken and the necessary information shall be entered into Evidence.com.
- (f) Training Demo - This category can be selected by the user to document training recordings.
- (g) Use of Force - Anytime there is a Use of Force captured on a recording, the user shall select this category and complete all the data in Evidence.com.
- (h) Uncategorized - Any recording that is uploaded where a category is not selected will automatically default to the uncategorized category.
- (i) Coroner's Case - Any video or photo pertaining to a Coroner's Investigation.
- (j) Informational/Incident Report - Any report taken by LE or Detention Division for documentation purposes only.
- (k) Interview - To be used for interviews pertaining to investigations.
- (l) Litigation Hold - To be used for securing videos, photos, calls for service pertaining to pending litigation.
- (m) Missing Persons - This category shall be selected when taking a missing person report.
- (n) Restricted - This category shall be used by Sergeants and above. This category blocks others from viewing.
- (o) Sealed Juvenile Records - Used in records roll to identify Juvenile Body Worn Camera videos, photos, or other data stored on Evidence.com.

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- (p) CNT - All crisis negotiations inside the detention facilities.
- (q) SERT Activation Detention - All SERT activations inside the detention facilities.
- (r) Pending Review - All recordings waiting to be assigned a category.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

#### 425.8.1 RETENTION REQUIREMENTS

All recordings shall be retained for a minimum of three years and 1 day.

Recordings containing evidence that may be relevant to a criminal prosecution should be retained for any additional period required by law for other evidence relevant to a criminal prosecution (Penal Code § 832.18).

Records or logs of access and deletion of recordings should be retained permanently (Penal Code § 832.18).

#### **425.9 REVIEW OF RECORDED MEDIA FILES**

Access to the recordings is managed on a need to know, right to know basis. All access to the system at Evidence.com is logged and available for audit purposes. Members authorized under this policy may review recordings according to the provisions of this policy.

Once uploaded to Evidence.com, members may only view recorded data at Sheriff's Office authorized computers or MDC's. The member should document the reason for access in the "Notes" section prior to viewing any data. Evidence.com automatically time/date stamps and records each access by employee name.

In order to maintain the ability to conduct thorough and effective investigations and incident reviews involving sexual abuse, sexual harassment, and other misconduct, appropriately trained internal and external investigators, and senior facility and agency administrators are not prohibited by the Prison Rape Elimination Act, Standard 115 from viewing cross-gender recorded camera footage in conjunction with an investigation or incident review.

A member may review recorded files as it relates to:

- (a) Their involvement in an incident for the purposes of completing a criminal investigation and preparing official reports or incident reports. Members should not use the fact that a recording was made as a reason to write a less detailed report.
- (b) Prior to courtroom testimony or for courtroom presentations.
- (c) Providing a statement during an administrative inquiry.
- (d) For potential training purposes.
- (e) Viewing of video and audible recording: Deputies shall be allowed to view any video or audio recordings captured by them prior to being interviewed or the completion of an Incident Report.

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- (f) Generally, non-supervisory personnel will not have access to other employees' BWC recordings unless requested for a legitimate law enforcement investigation or purpose.
- (g) In response to court orders, subpoenas, public records act (PRA) requests, etc., a member's BWC recording(s) may be reviewed by Sheriff's Office members who have a legitimate law enforcement reason to view the BWC recording (Custodian of Records, BWC Administrator, Command Staff, etc.).

Exception: Administrative users of Evidence.com may access Evidence.com from a computer or device outside of the Sheriff's Office for the purpose of completing administrative tasks, such as viewing recordings on sensitive cases when a Sheriff's Office computer is not available, locking or unlocking users, etc.

#### **425.10 SUPERVISOR REVIEW OF RECORDINGS**

Supervisors are required to review video known to have captured incidents related to the Use of Force and Vehicle Pursuits involving members directly supervised by them at the time of the incident, prior to the end of their shift unless approved by the Watch Commander.

- In cases where the Patrol supervisor reviewing the incident is not the regularly assigned supervisor assigned to the area in which the incident occurred, (eg. a Main Office supervisor reviewing a substation deputy's video during night time hours) the regularly assigned supervisor may also conduct a review of the video to brief themselves on the incident and document the incident in the appropriate Office records system.
- Supervisors are further authorized to review relevant recordings of a member they are directly supervising any time there is good cause to believe a member or another deputy captured on video engaged in:
  - Failure to perform their duties in accordance with Office standards of professional conduct
  - Misconduct or a violation of Office Policy
  - Performing with meritorious conduct

Supervisors shall place comments in the tracking area of Evidence.com denoting the purpose for their review of any video.

##### **425.10.1 RELEASE OF BWC RECORDINGS**

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

##### **425.10.2 REQUESTS FOR DELETION OF A RECORDING**

In the event an employee becomes aware of an accidental or inadvertent activation of the BWC, or training recordings that do not contain evidentiary value, the recording employee shall request that the BWC file be deleted by submitting an e-mail request with sufficient information to locate the BWC file to the system administrator who shall review the file and approve or deny the request.

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### **425.11 CRITICAL INCIDENTS**

Supervisors should take custody of a BWC as soon as practical when the device may have captured an incident involving an officer-involved shooting, death, or other serious incident, and ensure the data is downloaded (penal Code § 832.18).

- (a) All BWC recordings shall be uploaded to the server as soon as practical.
- (b) The Sheriff's Office will follow the procedures and guidelines set forth in the Sonoma County Chief's Association Policy 93-1: Employee Involved Critical Incident Protocol.

## Public Recording of Law Enforcement Activity

### 426.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this office. In addition, this policy provides guidelines for situations where the recordings may be evidence.

### 426.2 POLICY

The Sonoma County Sheriff's Office recognizes the right of persons to lawfully record members of this office who are performing their official duties. Members of this office will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Deputies should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

### 426.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present (Penal Code § 69; Penal Code § 148).
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
  1. Tampering with a witness or suspect.
  2. Inciting others to violate the law.
  3. Being so close to the activity as to present a clear safety hazard to the deputies.
  4. Being so close to the activity as to interfere with a deputy's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the deputies, him/herself or others.

### 426.4 SUPERVISOR RESPONSE

Whenever practicable, deputies or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, a deputy could advise the person that he/she may continue observing and recording from the sidewalk across the street.

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If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, deputies shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

### **426.5 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the deputy and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of Office members, such as how and where to file a complaint.

### **426.6 SEIZING RECORDINGS AS EVIDENCE**

Deputies should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
  1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
  1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
  2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to an office-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

## Medical Marijuana

### 427.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this office with guidelines for investigating the acquisition, possession, transportation, delivery, production or use of marijuana under California's medical marijuana laws.

#### 427.1.1 DEFINITIONS

Definitions related to this policy include:

**Cardholder** - A person issued a current identification card.

**Compassionate Use Act (CUA)** (Health and Safety Code § 11362.5) - California law intended to provide protection from prosecution to those who are seriously ill and whose health would benefit from the use of marijuana in the treatment of illness for which marijuana provides relief. The CUA does not grant immunity from arrest but rather provides an affirmative defense from prosecution for possession of medical marijuana.

**Identification card** - A valid document issued by the California Department of Public Health to both persons authorized to engage in the medical use of marijuana and also to designated primary caregivers.

**Medical marijuana** - Marijuana possessed by a patient or primary caregiver for legitimate medical purposes.

**Medical Marijuana Program (MMP)** (Health and Safety Code § 11362.7 et seq.) - California laws passed following the CUA to facilitate the prompt identification of patients and their designated primary caregivers in order to avoid unnecessary arrests and provide needed guidance to law enforcement officers. MMP prohibits arrest for possession of medical marijuana in certain circumstances and provides a defense in others.

**Patient** - A person who is entitled to the protections of the CUA because he/she has received a written or oral recommendation or approval from a physician to use marijuana for medical purposes or any person issued a valid identification card.

**Primary caregiver** - A person designated by the patient, who has consistently assumed responsibility for the patient's housing, health or safety, who may assist the patient with the medical use of marijuana under the CUA or the MMP (Health and Safety Code § 11362.5; Health and Safety Code § 11362.7).

**Statutory amount** - No more than 8 ounces of dried, mature, processed female marijuana flowers ("bud") or the plant conversion (e.g., kief, hash, hash oil), and no more than six mature or 12 immature marijuana plants (roots, stems and stem fibers should not be considered) (Health and Safety Code § 11362.77).

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#### **427.2 POLICY**

It is the policy of the Sonoma County Sheriff's Office to prioritize resources to forgo making arrests related to marijuana that the arresting deputy reasonably believes would not be prosecuted by state or federal authorities.

California's medical marijuana laws are intended to provide protection to those who are seriously ill and whose health would benefit from the use of medical marijuana.

However, California medical marijuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana. The Sonoma County Sheriff's Office will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under California law and public resources.

#### **427.3 INVESTIGATION**

Investigations involving the possession, delivery, production or use of marijuana generally fall into one of several categories:

- (a) Investigations when no person makes a medicinal claim.
- (b) Investigations when a medicinal claim is made by a cardholder.
- (c) Investigations when a medicinal claim is made by a non-cardholder.

##### **427.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM**

In any investigation involving the possession, delivery, production or use of marijuana or drug paraphernalia where no person claims that the marijuana is used for medicinal purposes, the deputy should proceed with a criminal investigation if the amount is greater than permitted for personal use under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1; Health and Safety Code § 11362.2). A medicinal defense may be raised at any time, so deputies should document any statements and observations that may be relevant to whether the marijuana was possessed or produced for medicinal purposes.

##### **427.3.2 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A CARDHOLDER**

A cardholder or designated primary caregiver in possession of an identification card shall not be arrested for possession, transportation, delivery or cultivation of medical marijuana at or below the statutory amount unless there is probable cause to believe that (Health and Safety Code § 11362.71; Health and Safety Code § 11362.78):

- (a) The information contained in the card is false or falsified.
- (b) The card has been obtained or used by means of fraud.
- (c) The person is otherwise in violation of the provisions of the MMP.
- (d) The person possesses marijuana but not for personal medical purposes.

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Deputies who reasonably believe that a person who does not have an identification card in his/her possession has been issued an identification card may treat the investigation as if the person had the card in his/her possession.

Cardholders may possess, transport, deliver or cultivate medical marijuana in amounts above the statutory amount if their doctor has concluded that the statutory amount does not meet the patient's medical needs (Health and Safety Code § 11362.71; Health and Safety Code § 11362.77). Investigations involving cardholders with more than the statutory amount of marijuana should be addressed as provided in this policy for a case involving a medicinal claim made by a non-cardholder.

#### 427.3.3 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A NON-CARDHOLDER

No patient or primary caregiver should be arrested for possession or cultivation of an amount of medical marijuana if the deputy reasonably believes that marijuana is in a form and amount reasonably related to the qualified patient's current medical needs (Health and Safety Code § 11362.5). This arrest guidance also applies to sales, transportation or delivery of medical marijuana, or maintaining/renting a drug house or building that may be a nuisance if otherwise in compliance with MMP (Health and Safety Code § 11362.765).

Deputies are not obligated to accept a person's claim of having a physician's recommendation when the claim cannot be readily verified with the physician but are expected to use their judgment to assess the validity of the person's medical-use claim.

Deputies should review any available written documentation for validity and whether it contains the recommending physician's name, telephone number, address and medical license number for verification.

Deputies should generally accept verified recommendations by a physician that statutory amounts do not meet the patient's needs (Health and Safety Code § 11362.77).

#### 427.3.4 INVESTIGATIONS INVOLVING A STATE LICENSEE

No person issued a state license under the Business and Professions Code shall be arrested or cited for cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution or sale of medical cannabis or a medical cannabis product related to qualifying patients and primary caregivers when conducted lawfully. Whether conduct is lawful may involve questions of license classifications, local ordinances, specific requirements of the Business and Professions Code and adopted regulations. Deputies should consider conferring with a supervisor, the applicable state agency or other member with special knowledge in this area and/or appropriate legal counsel before taking enforcement action against a licensee or an employee or agent (Business and Professions Code § 26032).

#### 427.3.5 ADDITIONAL CONSIDERATIONS

Deputies should consider the following when investigating an incident involving marijuana possession, delivery, production, or use:

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- (a) Because enforcement of medical marijuana laws can be complex, time consuming, and call for resources unavailable at the time of initial investigation, deputies may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:
  - 1. The suspect has been identified and can be easily located at a later time.
  - 2. The case would benefit from review by a person with expertise in medical marijuana investigations.
  - 3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.
  - 4. Other relevant factors, such as available office resources and time constraints prohibit making an immediate arrest.
- (b) Whenever the initial investigation reveals an amount of marijuana greater than the statutory amount, deputies should consider the following when determining whether the form and amount is reasonably related to the patient's needs:
  - 1. The amount of marijuana recommended by a medical professional to be ingested.
  - 2. The quality of the marijuana.
  - 3. The method of ingestion (e.g., smoking, eating, nebulizer).
  - 4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
  - 5. Whether the marijuana is being cultivated indoors or outdoors.
- (c) Before proceeding with enforcement related to collective gardens or dispensaries, deputies should consider conferring with a supervisor, an applicable state regulatory agency or other member with special knowledge in this area, and/or appropriate legal counsel (Business and Professions Code § 26010; Business and Professions Code § 26060). Licensing, zoning, and other related issues can be complex. Patients, primary caregivers, and cardholders who collectively or cooperatively cultivate marijuana for medical purposes may be licensed or may have a defense in certain circumstances (Business and Professions Code § 26032; Business and Professions Code § 26033).
- (d) Investigating members should not order a patient to destroy marijuana plants under threat of arrest.

#### 427.3.6 EXCEPTIONS

This policy does not apply to, and deputies should consider taking enforcement action for the following:

- (a) Persons who engage in illegal conduct that endangers others, such as driving under the influence of marijuana in violation of the Vehicle Code (Health and Safety Code § 11362.5).
- (b) Marijuana possession in jails or other correctional facilities that prohibit such possession (Health and Safety Code § 11362.785).

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- (c) Smoking marijuana (Health and Safety Code § 11362.79):
  - 1. In any place where smoking is prohibited by law.
  - 2. In or within 1,000 feet of the grounds of a school, recreation center or youth center, unless the medical use occurs within a residence.
  - 3. On a school bus.
  - 4. While in a motor vehicle that is being operated.
  - 5. While operating a boat.
- (d) Use of marijuana by a person on probation or parole, or on bail and use is prohibited by the terms of release (Health and Safety Code § 11362.795).

### **427.4 FEDERAL LAW ENFORCEMENT**

Deputies should provide information regarding a marijuana investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the deputy believes those authorities would have a particular interest in the information.

### **427.5 PROPERTY AND EVIDENCE UNIT SUPERVISOR RESPONSIBILITIES**

The Property and Evidence Unit supervisor should ensure that marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed pending any charges and without a court order. The Property and Evidence Unit supervisor is not responsible for caring for live marijuana plants.

Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges or an acquittal, the Property and Evidence Unit supervisor should, as soon as practicable, return to the person from whom it was seized any useable medical marijuana, plants, drug paraphernalia or other related property.

The Property and Evidence Unit supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Investigative Bureau supervisor.

## Loud Parties/Gatherings

### 428.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for responding to disturbances or nuisances resulting from unreasonably loud parties or similar gatherings. The Sheriff's Office may, at the discretion of the deputy, enforce the County Ordinance regulating an unabated disturbance or nuisance. If the deputy chooses to enforce the ordinance, the following procedures shall apply.

### 428.2 PROCEDURES

#### 428.2.1 INITIAL RESPONSE BY DEPUTY

- (a) Advise the responsible individual that the party/gathering is considered to be a disturbance in violation of Penal Code § 415.
- (b) Ensure that any entry into a residence is in strict compliance with current law.
- (c) Inform the responsible individual that a service fee will be charged for all county personnel and equipment costs connected with any second or subsequent meritorious response to the disturbance, as well as other associated costs, and that any second response will result in dispersal of the party/gathering with violators subject to arrest and/or citation.
- (d) Provide a completed Notice-First Response To Disturbance Or Nuisance Form to the responsible individual. If the person refuses to sign, indicate "refused" in the signature space, and leave the copy.
- (e) Upon completion of the call, advise Dispatch of the disposition, and inform the supervisor. Provide the shift supervisor with the office's copy of the Notice upon completion of the shift.
- (f) The Patrol Supervisor will ensure that the Notice has been fully and accurately completed, and advise the on-coming Patrol supervisor of the incident and provide a copy of the Notice.

#### 428.2.2 SUBSEQUENT RESPONSES TO DISTURBANCE CALLS

- (a) Deputies will confirm Notice-First Response Form was issued, and take action to disperse the party/gathering.
- (b) A Violation For Unabated Disturbance Or Nuisance form will be issued to the responsible individual. If the person refuses to sign, indicate "refused" in the signature space, and leave a copy.
- (c) Inform the Patrol supervisor of the incident.
- (d) Provide all documentation (including incident report, First Response Notice, violation form) to the shift supervisor no later than completion of shift.

#### 428.2.3 PATROL SUPERVISOR

Forward copies of all documentation to the Watch Commander, including:

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- (a) All related CAD (Computer Aided Dispatch) printouts
- (b) Incident/crime report as appropriate (with estimate of report preparation time)
- (c) Notice issued on first response
- (d) Violation form for subsequent response
- (e) Pre-booking form(s) if any arrests were made

#### 428.2.4 WATCH COMMANDER

- (a) Review all documentation, and if the incident involved use of any special equipment, damage to county property, and/or injury to county personnel, include the appropriate documentation to support additional charges associated with these items. Summarize the total deputy time to be billed. Ensure that the hours being charged reflect an appropriate level of response to the specific incident.
- (b) Forward completed documentation to the Accounting Unit.

## Foot Pursuits

### 429.1 PURPOSE AND SCOPE

This policy provides guidelines to assist deputies in making the decision to initiate or continue the pursuit of suspects on foot.

### 429.2 POLICY

It is the policy of the Sonoma County Sheriff's Office that deputies, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to the public, office members, or the suspect.

Deputies are expected to act reasonably, based on the totality of the circumstances.

### 429.3 DECISION TO PURSUE

The safety of the public and office members should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Deputies must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and office members.

Deputies may be justified in initiating a foot pursuit of any individual the deputy reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, a deputy should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

- (a) Containment of the area.
- (b) Saturation of the area with law enforcement personnel, including assistance from other agencies.
- (c) A canine search.
- (d) Thermal imaging or other sensing technology.
- (e) Air support.
- (f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

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### **429.4 GENERAL GUIDELINES**

When reasonably practicable, deputies should consider alternatives to engaging in or continuing a foot pursuit when:

- (a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory
- (b) The deputy is acting alone.
- (c) Two or more deputies become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single deputy keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The deputy is unsure of his/her location and direction of travel.
- (e) The deputy is pursuing multiple suspects and it is not reasonable to believe that the deputy would be able to control the suspect should a confrontation occur.
- (f) The physical condition of the deputy renders him/her incapable of controlling the suspect if apprehended.
- (g) The deputy loses radio contact with the dispatcher or with assisting or backup deputies.
- (h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient deputies to provide backup and containment. The primary deputy should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.
- (i) The deputy becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to the public or pursuing deputies.
- (j) The deputy reasonably believes that the danger to the public or pursuing deputies outweighs the objective of immediate apprehension.
- (k) The deputy loses possession of his/her firearm or other essential equipment.
- (l) The deputy or a third party is injured during the pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer definitely known.
- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to the public or office members if the suspect is not immediately apprehended.

### **429.5 RESPONSIBILITIES IN FOOT PURSUITS**

#### **429.5.1 INITIATING DEPUTY RESPONSIBILITIES**

Unless relieved by another deputy or a supervisor, the initiating deputy shall be responsible for coordinating the progress of the pursuit.

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Early communication of available information from the involved deputies is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Deputies initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

- (a) Location and direction of travel
- (b) Call sign identifier
- (c) Reason for the foot pursuit, such as the crime classification
- (d) Number of suspects and description, to include name if known
- (e) Whether the suspect is known or believed to be armed with a dangerous weapon

Deputies should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the deputy will notify the dispatcher of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for deputies, suspects or members of the public.

#### 429.5.2 ASSISTING DEPUTY RESPONSIBILITIES

Whenever any deputy announces that he/she is engaged in a foot pursuit, all other deputies should minimize non-essential radio traffic to permit the involved deputies maximum access to the radio frequency.

#### 429.5.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need not be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established office guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing deputies or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

#### 429.5.4 DISPATCH RESPONSIBILITIES

Upon notification or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

- (a) Clearing the radio channel of non-emergency traffic.

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- (b) Coordinating pursuit communications of the involved deputies.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a field supervisor is notified of the foot pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Notifying the Watch Commander as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

### **429.6 REPORTING REQUIREMENTS**

The initiating deputy shall complete appropriate crime/arrest reports.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating deputy need not complete a formal report.

Exception: Incidents involving the use of force shall be documented per Sheriff's Office policy.

## Automated License Plate Readers (ALPRs)

### 430.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

### 430.2 DEFINITIONS

Definitions related to this policy include:

**Automated License Plate Reader (ALPR):** A device that uses cameras and computer technology to compare digital images to lists of known information of interest.

**ALPR Operator:** Trained Office members who may utilize ALPR system/equipment. ALPR operators may be assigned to any position within the Office, and the ALPR Administrator may order the deployment of the ALPR systems for use in various efforts

**ALPR Administrator:** The Special Services Captain or the Sheriff's designee, serves as the ALPR Administrator for the Office.

**Hot List:** A list of license plates associated with vehicles of interest compiled from one or more databases including, but not limited to, NCIC, CA DMV, Local BOLO's, etc.

**Vehicles of Interest:** Including, but not limited to vehicles which are reported as stolen; display stolen license plates or tags; vehicles linked to missing and/or wanted persons and vehicles flagged by the Department of Motor Vehicle Administration or law enforcement agencies.

**Detection:** Data obtained by an ALPR of an image (such as a license plate) within public view that was read by the device, including potential images (such as the plate and description of vehicle on which it was displayed), and information regarding the location of the ALPR system at the time of the ALPR's read.

**Hit:** Alert from the ALPR system that a scanned license plate number may be in the National Crime Information Center (NCIC) or other law enforcement database for a specific reason including, but not limited to, being related to a stolen car, wanted person, missing person, domestic violation protective order or terrorist-related activity.

### 430.3 POLICY

The policy of the Sonoma County Sheriff's Office is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this office. Because such data may contain confidential information, it is not open to public review.

### 430.4 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Sonoma County Sheriff's Office to convert data associated with vehicle license plates for official law enforcement purposes, including identifying

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stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Special Services Captain. The Special Services Captain will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

#### **430.4.1 ALPR ADMINISTRATOR**

The Special Services Captain shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53)

- (a) A description of the job title or other designation of the members and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information.
- (b) Training requirements for authorized users.
- (c) A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.
- (d) Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.
- (e) The title and name of the current designee in overseeing the ALPR operation.
- (f) Working with the Custodian of Records on the retention and destruction of ALPR data.
- (g) Ensuring this policy and related procedures are conspicuously posted on the department's website.

#### **430.5 DATA COLLECTION AND RETENTION**

The Special Services Captain responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with department procedures.

#### **430.6 ALPR DATA FROM PARKING ENFORCEMENT OPERATIONS**

All ALPR data downloaded to the server should be stored for a minimum of one year (Government Code § 34090.6) and in accordance with the established records retention schedule. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

#### **430.7 ALPR DATA FROM FIXED CAMERA SYSTEM(S)**

ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil 430.4.3action or is subject to a discovery request or other lawful

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action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

ALPR vendor will store the data (data hosting) and ensure proper maintenance and security of data stored in their data towers. ALPR vendor will purge their data at the end of the 30 days of storage. However, this will not preclude Sonoma County Sheriff's Office from maintaining any relevant vehicle data obtained from the system after that period pursuant to the established County of Sonoma retention schedule mentioned above or outlined elsewhere.

### **430.8 RESTRICTIONS ON THE USE OF ALPR DATA**

Information gathered or collected, and records retained by ALPR vendor(s) will not be sold, accessed, or used for any purpose other than legitimate law enforcement or public safety purposes.

### **430.9 OPERATIONS**

Use of an ALPR is restricted to the purposes outlined below. Office members shall not use, or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

1. An ALPR shall only be used for official law enforcement business.
2. An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
3. While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
4. No member of this office shall operate ALPR equipment or access ALPR data without first completing office-approved training.
5. No ALPR operator may access office, state or federal data unless otherwise authorized to do so.
6. If practicable, the deputy should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert. Once an alert is received, the operator should confirm that the observed license plate from the system matches the license plate of the observed vehicle. Before any law enforcement action is taken because of an ALPR alert, the alert will be verified through a CLETS inquiry via MDC or through Dispatch. Members will not take any enforcement action that restricts the freedom of any individual based solely on an ALPR alert unless it has been validated. Because the ALPR alert may relate to a vehicle and may not relate to the person operating the vehicle, deputies are reminded that they need to have reasonable suspicion and/or probable cause to make an enforcement stop of any vehicle. (For example, if a vehicle is entered into the system because of its association with a wanted individual, Deputies

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should attempt to visually match the driver to the description of the wanted subject prior to making the stop or should have another legal basis for making the stop.)

7. Hot Lists. Designation of hot lists to be utilized by the ALPR system shall be made by the ALPR Administrator or his/her designee. Hot lists shall be obtained or compiled from sources as may be consistent with the purposes of the ALPR system set forth in this Policy. Hot lists utilized by the Office's LPR system may be updated by agency sources more frequently than the Office may be uploading them and thus the Office's LPR system will not have access to real time data. Occasionally, there may be errors in the LPR system's read of a license plate. Therefore, an alert alone shall not be a basis for police action (other than following the vehicle of interest). Prior to initiation of a stop of a vehicle or other intervention based on an alert, Office members shall undertake the following:
  - (a) Verification of status on a Hot List. A deputy must receive confirmation, from a Sonoma County Sheriff's Office Communications Dispatcher or other office computer device, that the license plate is still stolen, wanted, or otherwise of interest before proceeding (absent exigent circumstances).
  - (b) Visual verification of license plate number. Deputies shall visually verify that the license plate of interest matches identically with the image of the license plate number captured (read) by the LPR, including both the alphanumeric characters of the license plate, state of issue, and vehicle descriptors before proceeding. Office members alerted to the fact that an observed motor vehicle's license plate is entered as a Hot Plate (hit) in a specific BOLO (be on the lookout) list are required to make a reasonable effort to confirm that a wanted person is actually in the vehicle and/or that a reasonable basis exists before a office member would have a lawful basis to stop the vehicle.
  - (c) Office members will clear all stops from hot list alerts by indicating the positive ALPR Hit, i.e., with an arrest or other enforcement action. If it is not obvious in the text of the call as to the correlation of the ALPR Hit and the arrest, then the Office member shall update with the Communications Dispatcher and original person and/or a crime analyst inputting the vehicle in the hot list (hit).
  - (d) General Hot Lists (SVS, SFR, and SLR) will be automatically downloaded into the ALPR system a minimum of once a day with the most current data overwriting the old data.
  - (e) All entries and updates of specific Hot Lists within the ALPR system will be documented by the requesting Office member within the appropriate general offense report. As such, specific Hot Lists shall be approved by the ALPR Administrator (or his/her designee) before initial entry within the ALPR system. The updating of such a list within the ALPR system shall thereafter be accomplished pursuant to the approval of the Office member's immediate supervisor. The hits from these data sources should be viewed as informational; created solely to bring the deputies attention to specific vehicles that have been associated with criminal activity.
8. All Hot Plates and suspect information entered into the ALPR system will contain the following information as a minimum:

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- (a) Entering Office member's name
  - (b) Short synopsis describing the nature of the originating call
  - (c) Related case number.
9. Login/Log-Out Procedure. To ensure proper operation and facilitate oversight of the ALPR system, all users will be required to have individual credentials for access and use of the systems and/or data, which has the ability to be fully audited.
10. Permitted/Impermissible Uses. The ALPR system, and all data collected, is the property of the Sonoma County Sheriff's Office. Office personnel may only access and use the ALPR system for official and legitimate law enforcement purposes consistent with this Policy. The following uses of the ALPR system are specifically prohibited:
- (a) Invasion of Privacy: Except when done pursuant to a court order such as a search warrant, is a violation of this Policy to utilize the ALPR to record license plates except those of vehicles that are exposed to public view (e.g., vehicles on a public road or street, or that are on private property but whose license plate(s) are visible from a public road, street, or a place to which members of the public have access, such as the parking lot of a shop or other business establishment).
  - (b) Harassment or Intimidation: It is a violation of this Policy to use the ALPR system to harass and/or intimidate any individual or group.
  - (c) Use Based on a Protected Characteristic. It is a violation of this policy to use the LPR system or associated scan files or hot lists solely because of a person's, or group's race, gender, religion, political affiliation, nationality, ethnicity, sexual orientation, disability, or other classification protected by law.
  - (d) Personal Use: It is a violation of this Policy to use the ALPR system or associated scan files or hot lists for any personal purpose.
  - (e) First Amendment Rights. It is a violation of this policy to use the ALPR system or associated scan files or hot lists for the purpose or known effect of infringing upon First Amendment rights.
  - (f) Anyone who engages in an impermissible use of the ALPR system or associated scan files or hot lists may be subject to
    - (a) Criminal prosecution
    - (b) Civil liability, and/or
    - (c) Administrative sanctions, up to and including termination, pursuant to and consistent with the relevant collective bargaining agreements and Office policies

#### **430.10 ACCOUNTABILITY**

All data will be closely safeguarded and protected by both procedural and technological means.

The Sonoma County Sheriff's Office will observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

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- (a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52).
- (b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
- (c) ALPR system audits should be conducted on a regular basis. For security or data breaches, see the Records Release and Maintenance Policy.

### **430.11 RELEASING ALPR DATA**

The ALPR data may be shared only with another public agency for official law enforcement purposes or as otherwise permitted by law, using the following procedures (Importantly, the definition of "public agency" is limited to state or local agencies, including law enforcement agencies, and does not include out-of-state or federal law enforcement agencies. (See Civ. Code, §1798.90.5, subd.(f).) Accordingly, SB 34 does not permit California LEAs to share ALPR information with private entities or out-of-state or federal agencies, including out-of-state and federal law enforcement agencies. This prohibition applies to ALPR database(s) that LEAs access through private or public vendors who maintain ALPR information collected from multiple databases and/or public agencies.):

- (a) The agency makes a written request for the ALPR data that includes:
  - 1. The name of the agency.
  - 2. The name of the person requesting.
  - 3. The intended purpose of obtaining the information.
- (b) The request is reviewed by the Special Services Captain or the authorized designee and approved before the request is fulfilled.
- (c) The Sheriff or the authorized designee will consider the California Values Act (Government Code § 7282.5; Government Code § 7284.2 et seq), before approving the release of ALPR data. The Sonoma County Sheriff's Office does not permit the sharing of ALPR data gathered by the County, or contract Cities or its contractors/subcontractors for purpose of federal immigration enforcement, these federal immigration agencies include Immigrations and Customs Enforcement (ICE) and Customs and Border Patrol (CPB).
- (d) ALPR data will not be shared or released to any federal agency, or other law enforcement agency outside of the State of California, absent a court order from a Magistrate from the State of California.
- (e) The approved request is retained on file. Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55).

## Homeless Persons

### 431.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide deputies during all contacts with the homeless, whether consensual or for enforcement purposes. The Sonoma County Sheriff's Office recognizes that members of the homeless community are often in need of special protection and services. The Sonoma County Sheriff's Office will address these needs in balance with the overall mission of this office. Therefore, deputies will consider the following when serving the homeless community.

#### 431.1.1 POLICY

It is the policy of the Sonoma County Sheriff's Office to provide law enforcement services to all members of the community, while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of the Sheriff's Office will not use homelessness solely as a basis for detention or law enforcement action. However, sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. We must also take into consideration our commitment to protect the best interests of the public, ensuring public areas remain accessible and available to the public at large for their intended uses. In some cases, Deputies may have to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

### 431.2 HOMELESS COMMUNITY LIAISON

The Sheriff will designate members of this office to act as the Homeless Liaison Deputies. The responsibilities of the Homeless Liaison Coordinator include the following:

- (a) Maintain and make available to all office employees a list of assistance programs and other resources that are available to the homeless.
- (b) Meet with Community Development Commission (CDC), Catholic Charities, Health Care for the Homeless Collaborative (HCHC), and Homeless Outreach Support Team (HOST) representatives and/or other organizations that render assistance to the homeless.
- (c) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include:
  1. Proper posting of notices of trespass and clean-up operations.
  2. Proper retention of property after clean-up, to include procedures for owners to reclaim their property.
- (d) Be present during any clean-up operation conducted by this office involving the removal of personal property of the homeless to ensure that the rights of the homeless are not violated.

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- (e) Develop training to assist deputies in understanding current legal and social issues relating to the homeless.

#### **431.3 FIELD CONTACTS**

Deputies are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade a deputy from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, deputies are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

Deputies should provide homeless persons with a Sonoma County Sheriff's Office Homeless Outreach Resource Guide and/or a Sonoma County Homeless Resource Guide whenever it is reasonably apparent that such services may be appropriate. Deputies will be provided a resource card listing various services available to the homeless.

##### 431.3.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Deputies should consider the following when handling investigations involving homeless victims, witnesses or suspects:

- (a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.
- (b) Document places the homeless person may frequent.
- (c) Provide homeless victims with victim/witness resources when appropriate.
- (d) Obtain statements from all available witnesses in the event that a homeless victim is unavailable for a court appearance.
- (e) Consider whether the person may be a dependent adult or elder, and if so, proceed in accordance with the Senior and Disability Victimization Policy.
- (f) Consider whether a crime should be reported and submitted for prosecution, even when a homeless victim indicates that he/she does not desire prosecution.

#### **431.4 PERSONAL PROPERTY**

The personal property of homeless persons must not be treated differently than the property of other members of the public. Deputies should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person without previously posting warning notices to vacate and clean up the encampment area.

When a homeless person is arrested or otherwise removed from a public place, deputies should make reasonable accommodations to permit the person to lawfully secure his/her personal

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property. In some cases, non-contaminated personal property may have to be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the deputy, a supervisor should be consulted and a reasonable effort should be made to coordinate the removal and safekeeping of any non-contaminated property.

Deputies should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor. When practicable, requests by the public for clean-up of a homeless encampment on public property should be referred to a supervisor.

Deputies who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property without first consulting with the Homeless Liaison Deputy. If such property appears to be abandoned, involve a trespass, is a blight to the community, or is the subject of a complaint, contact the Homeless Liaison Deputy for assistance.

Examples of personal property that should be collected, provided it is not contaminated and unsafe to store, are as follows:

- (a) Cell phone
- (b) Wallets, purses
- (c) Medicine
- (d) Dentures
- (e) Medical equipment (e.g., crutches, wheelchairs, walker)
- (f) Personal papers and documents
- (g) Bags and backpacks
- (h) Clothing
- (i) Camping equipment, including camp stoves, pots, dishes, utensils, tents, sleeping bags and blankets
- (j) Working bicycles and trailers
- (k) Tools and toolboxes

#### **431.5 MENTAL ILLNESS AND MENTAL IMPAIRMENT**

Some homeless persons may suffer from a mental illness or a mental impairment. Deputies shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention (see the Crisis Intervention Incidents Policy).

When a mental illness hold is not warranted, the contacting deputy should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, deputies may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

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### **431.6 PUBLIC AREAS**

The unauthorized use of public areas for the storage of personal property interferes with the rights of other members of the public for their intended purposes and can create a public health and safety hazard that adversely affects residential and commercial areas. The purpose of this policy is to maintain public areas in clean, sanitary and accessible condition to prevent the misappropriation of public areas for personal use, and to promote the public health and safety by ensuring that public areas remain readily accessible for their intended uses.

## First Amendment Assemblies

### 432.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

### 432.2 POLICY

The Sonoma County Sheriff's Office respects the rights of people to peaceably assemble. It is the policy of this office not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

### 432.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, deputies shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors deputies may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Deputies should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless a deputy is placing a person under lawful arrest.

Supervisors should continually observe office members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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### 432.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating office performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious, or social views of associations, or the activities of any individual, group, association, organization, corporation, business, or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

### 432.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding deputy should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to Dispatch, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

### 432.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

#### 432.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

#### 432.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

- (a) Command assignments, chain of command structure, roles and responsibilities.
- (b) Staffing and resource allocation.
- (c) Management of criminal investigations.
- (d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).
- (e) Deployment of specialized resources.
- (f) Event communications and interoperability in a multijurisdictional event.
- (g) Liaison with demonstration leaders and external agencies.
- (h) Liaison with County government and legal staff.
- (i) Media relations.
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
- (k) Traffic management plans.
- (l) First aid and emergency medical service provider availability.
- (m) Prisoner transport and detention.
- (n) Review of policies regarding public assemblies and use of force in crowd control.
- (o) Parameters for declaring an unlawful assembly.
- (p) Arrest protocol, including management of mass arrests.
- (q) Protocol for recording information flow and decisions.
- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.
- (s) Protocol for handling complaints during the event.

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- (t) Parameters for the use of body-worn cameras and other portable recording devices.

### 432.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Mutual Aid and Outside Agency Assistance Policy).

### 432.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

### 432.7 USE OF FORCE

Use of force is governed by current office policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and conducted energy devices should be considered only when the participants' conduct reasonably appears to present the potential to harm deputies, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

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Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this office shall be documented promptly, completely, and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

### **432.8 ARRESTS**

The Sonoma County Sheriff's Office should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of deputies and arrestees.
- (b) Dedicated arrest, booking and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Cite and Release Policy).

### **432.9 MEDIA RELATIONS**

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences, and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

#### **432.9.1 MEDIA ACCESS**

If deputies close the immediate area surrounding any emergency field command post or any other command post, or establish a police line, or rolling closure at a demonstration, march, protest, or rally where individuals are engaged in a protected activity pursuant to the First Amendment, deputies shall comply with the requirements of Penal Code § 409.7 relating to media access (i.e., access to closed areas, obtaining information) (Penal Code § 409.7).

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### **432.10 DEMOBILIZATION**

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

### **432.11 POST EVENT**

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

- (a) Operational plan
- (b) Any incident logs
- (c) Any assignment logs
- (d) Vehicle, fuel, equipment and supply records
- (e) Incident, arrest, use of force, injury and property damage reports
- (f) Photographs, audio/video recordings, Dispatch records/tapes
- (g) Media accounts (print and broadcast media)

#### **432.11.1 AFTER-ACTION REPORTING**

The Incident Commander should work with County legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

- (a) Date, time and description of the event
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests)
- (c) Problems identified
- (d) Significant events
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

### **432.12 TRAINING**

Office members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management (Penal Code § 13514.5). The Office should, when practicable, train with its external and mutual aid partners.

Deputies should also receive periodic training on the standards for the use of kinetic energy projectiles and chemical agents for crowd control purposes as identified in Penal Code § 13652.

### **432.13 USE OF KINETIC ENERGY PROJECTILES AND CHEMICAL AGENTS FOR CROWD CONTROL**

Kinetic energy projectiles and chemical agents for crowd control purposes shall only be deployed by deputies who have received POST training for crowd control if the use is objectively reasonable

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to defend against a threat to life or serious bodily injury to any individual, including a deputy, or to bring an objectively dangerous and unlawful situation safely and effectively under control and in accordance with the following requirements of Penal Code § 13652.

- (a) De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed.
- (b) Repeated, audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents and the type to be used, when objectively reasonable to do so. The announcements shall be made from various locations, if necessary, and delivered in multiple languages, if appropriate.
- (c) Individuals are given an objectively reasonable opportunity to disperse and leave the scene.
- (d) An objectively reasonable effort has been made to identify individuals engaged in violent acts and those who are not, and kinetic energy projectiles or chemical agents are targeted toward those individuals engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of individuals.
- (e) Kinetic energy projectiles and chemical agents are used only with the frequency, intensity, and in a manner that is proportional to the threat and objectively reasonable.
- (f) Deputies shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel, journalists, or other unintended targets.
- (g) An objectively reasonable effort has been made to extract individuals in distress.
- (h) Medical assistance is promptly provided, if properly trained personnel are present, or procured, for injured persons, when it is reasonable and safe to do so.
- (i) Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.
- (j) Kinetic energy projectiles or chemical agents shall not be used solely due to any of the following:
  - 1. A violation of an imposed curfew.
  - 2. A verbal threat.
  - 3. Noncompliance with a law enforcement directive.
- (k) If the chemical agent to be deployed is tear gas, only an Incident Commander at the scene of the assembly, protest, or demonstration may authorize its use.

#### 432.13.1 USE SUMMARY

The Patrol Captain or the authorized designee should ensure that a summary of each deployment of kinetic energy projectiles or chemical agents for crowd control purposes is prepared and published on the office website within 60 days of each incident. The time frame may be extended for another 30 days where just cause is demonstrated, but no longer than 90 days from the time of the incident. The summary shall be limited to the information known to the Office at the time of the report and include the information required in Penal Code § 13652.1.

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### **432.14 ANTI-REPRODUCTIVE RIGHTS CALLS**

Deputy response to public assemblies or demonstrations relating to anti-reproductive rights should be consistent with this policy (Penal Code § 13778.1).

## Civil Disputes

### 433.1 PURPOSE AND SCOPE

This policy provides members of the Sonoma County Sheriff's Office with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by California law.

### 433.2 POLICY

The Sonoma County Sheriff's Office recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this office will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

### 433.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
- (d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.
- (e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

### 433.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for a deputy to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent

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court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating deputy should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating deputy should document the following:

- (a) The person's knowledge of the court order or whether proof of service exists.
- (b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

#### **433.4.1 STANDBY REQUESTS**

Deputies or members responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Deputies should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

#### **433.5 VEHICLES AND PERSONAL PROPERTY**

Deputies may be faced with disputes regarding possession or ownership of vehicles or other personal property. Deputies may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, deputies should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

#### **433.6 REAL PROPERTY**

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

# Suspicious Activity Reporting

## 434.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

### 434.1.1 DEFINITIONS

Definitions related to this policy include:

**Involved party** - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

**Suspicious activity** - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

**Suspicious Activity Report (SAR)** - An incident report used to document suspicious activity.

## 434.2 POLICY

The Sonoma County Sheriff's Office recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

## 434.3 RESPONSIBILITIES

The Investigation Lieutenant and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for office participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Investigation Lieutenant include, but are not limited to:

- (a) Remaining familiar with those databases available to the Office that would facilitate the purpose of this policy.

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- (b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.
- (c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.
- (d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Office.
- (e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.
- (f) Coordinating investigative follow-up, if appropriate.
- (g) Coordinating with any appropriate agency or fusion center.
- (h) Ensuring that, as resources are available, the Office conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

#### **434.4 REPORTING AND INVESTIGATION**

Any office member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any Professional Staff member who receives such information should ensure that it is passed on to a deputy in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, a deputy becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

#### **434.5 HANDLING INFORMATION**

The CIB will forward copies of SARs, in a timely manner, to the following:

- Investigative Bureau supervisor
- Crime Analysis Unit
- Other authorized designees

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## Medical Aid and Response

### 435.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

### 435.2 POLICY

It is the policy of the Sonoma County Sheriff's Office that all deputies and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

### 435.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Dispatch and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Dispatch with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
  1. Signs and symptoms as observed by the member.
  2. Changes in apparent condition.
  3. Number of patients, sex, and age, if known.
  4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
  5. Whether the person is showing signs or symptoms of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

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### **435.4 TRANSPORTING ILL AND INJURED PERSONS**

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Deputies should search any person who is in custody before releasing that person to EMS for transport.

A deputy should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

### **435.5 PERSONS REFUSING EMS CARE**

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, a deputy shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the deputy should consider proceeding with a 72-hour treatment and evaluation commitment (5150 commitment) process in accordance with the Mental Illness Commitments Policy.

If a deputy believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The deputy may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the deputy will require the person to be transported to the nearest medical facility. In such cases, the deputy should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

### **435.6 MEDICAL ATTENTION RELATED TO USE OF FORCE**

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

### **435.7 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION**

Trained members may administer opioid overdose medication (Civil Code § 1714.22; Business and Professions Code § 4119.9).

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##### **435.7.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES**

Members who are qualified to administer opioid overdose medication, such as naloxone (NARCAN), should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Professional Standards Bureau Lieutenant.

Any member who administers an opioid overdose medication should contact Dispatch as soon as possible and request response by EMS.

##### **435.7.2 OPIOID OVERDOSE MEDICATION REPORTING**

Any member administering opioid overdose medication should detail its use in an appropriate report and advise a supervisor as soon as practicable.

The Professional Standards Bureau Lieutenant will ensure that the CIB Manager is provided enough information to meet applicable state reporting requirements.

##### **435.7.3 OPIOID OVERDOSE MEDICATION TRAINING**

The Professional Standards Bureau Lieutenant should ensure initial and refresher training is provided to members authorized to administer opioid overdose medication. Training should be coordinated with the local health department and comply with the requirements in 22 CCR 100019 and any applicable POST standards (Civil Code § 1714.22).

##### **435.7.4 DESTRUCTION OF OPIOID OVERDOSE MEDICATION**

The Professional Standards Bureau Lieutenant shall ensure the destruction of any expired opioid overdose medication (Business and Professions Code § 4119.9).

##### **435.7.5 OPIOID OVERDOSE MEDICATION RECORD MANAGEMENT**

Records regarding acquisition and disposition of opioid overdose medications shall be maintained and retained in accordance with the established records retention schedule and at a minimum of three years from the date the record was created (Business and Professions Code § 4119.9).

#### **435.8 SICK OR INJURED ARRESTEE**

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the deputy has reason to believe the arrestee is feigning injury or illness, the deputy should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the deputy should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Deputies shall not transport an arrestee to a hospital without a supervisor's approval.

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Nothing in this section should delay a deputy from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the deputy's training.

### **435.9 FIRST AID TRAINING**

The Professional Standards Bureau Lieutenant should ensure deputies receive initial first aid training within one year of employment and refresher training every two years thereafter (22 CCR 100016; 22 CCR 100022).

## **Chapter 5 - Traffic Operations**

## Traffic Function and Responsibility

### 500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This office provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

### 500.2 TRAFFIC DEPUTY DEPLOYMENT

Several factors are considered in the development of deployment schedules for deputies of the Sonoma County Sheriff's Office. Information provided by the California Statewide Integrated Traffic Reporting System (SWITRS) is a valuable resource for traffic accident occurrences and therefore deputy deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All deputies assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All deputies will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All deputies shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are requests from the public, construction zones or special events.

### 500.3 ENFORCEMENT

The enforcement of traffic laws in the unincorporated areas of Sonoma County is primarily the responsibility of the California Highway Patrol and in the incorporated areas, the responsibility of the city police departments. However, it is also recognized that in certain circumstances, the Sheriff's Office would be remiss in its responsibility to the public if Vehicle Code violations were not enforced, irrespective of jurisdiction. The Sheriff's Office recognizes the quality of life in our communities is often impacted by traffic-related issues. In a spirit of cooperation and collaboration with other agencies and our community, the Sonoma County Sheriff's Office will participate to assist in mitigating these issues.

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##### 500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

##### 500.3.2 CITATIONS

Citations may be issued when a deputy believes it is appropriate. It is essential that deputies fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Deputies should provide the following information at a minimum:

- (a) Explanation of the violation or charge
- (b) Court appearance procedure including the optional or mandatory appearance by the motorist
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court

##### 500.3.3 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses outlined in the Vehicle Code or Penal Code. These physical arrest cases usually deal with, but are not limited to:

- (a) Vehicular manslaughter
- (b) Felony and misdemeanor driving under the influence of alcohol/drugs
- (c) Felony or misdemeanor hit-and-run
- (d) Refusal to sign notice to appear
- (e) Any other misdemeanor at the discretion of the deputy, such as reckless driving with extenuating circumstances

#### **500.4 HIGH-VISIBILITY VESTS**

The Office has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of office members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; 8 CCR 1598).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

##### 500.4.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency

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conditions preclude the immediate donning of the vest, deputies should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes deputy might benefit from being readily identified as a member of law enforcement.

### 500.4.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained in the trunk of each patrol and investigation unit, in the side box of each sheriff's motorcycle and in the saddlebag or gear bag of each sheriff's bicycle. Each vest should be stored inside the re-sealable plastic bag provided to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure a serviceable high-visibility vest is properly stored.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Professional Standards Bureau Lieutenant should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

## Traffic Collision Reporting - Contract Cities

### 501.1 PURPOSE AND SCOPE

The Sonoma County Sheriff's Office prepares traffic collision reports in compliance with the California Highway Patrol Collision Investigation Manual (CIM) and as a public service makes traffic collision reports available to the community with some exceptions.

### 501.2 RESPONSIBILITY

The sergeant in charge of the Traffic Unit will be responsible for distribution of the Collision Investigation Manual. The Traffic Unit Sergeant will receive all changes in the State Manual and ensure conformity with this policy.

### 501.3 TRAFFIC COLLISION REPORTS

All Traffic Collision Reports shall be approved by the Traffic Sergeant and forwarded to the Central Information Bureau for processing.

### 501.4 REPORTING SITUATIONS

#### 501.4.1 TRAFFIC COLLISIONS ON PRIVATE PROPERTY

In compliance with the Collision Investigation Manual, traffic collision reports shall not be taken for traffic collisions occurring on private property unless there is a death or injury to any person involved, a hit-and-run violation, or Vehicle Code violation. A Miscellaneous Report may be taken at the discretion of any supervisor.

#### 501.4.2 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS

Traffic collision reports shall be taken when they occur on a roadway or highway within the County of Sonoma when there is a death or injury to any persons involved in the collision, a violation of the vehicle code, or a request by either driver for a traffic collision report.

#### 501.4.3 TOWING VEHICLE INVOLVED IN TRAFFIC COLLISIONS

A collision report will be required if a vehicle is damaged in a collision and a tow truck is necessary. Towing of a vehicle from a collision scene at the request of the driver when the vehicle would not otherwise be in need of towing, does not require a traffic collision report under this policy unless there is also a death, an injury, a vehicle code violation or request of either driver for a report.

### 501.5 CONTRACT CITY TRAFFIC POLICIES

Members shall comply with the applicable contract city's traffic policies.

## Vehicle Towing and Release

### 502.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Sonoma County Sheriff's Office. Nothing in this policy shall require the Office to tow a vehicle.

### 502.2 STORAGE AND IMPOUNDS

When circumstances permit, for example when towing a vehicle for parking or registration violations, the handling employee should, prior to having the vehicle towed, make a good-faith effort to notify the owner of the vehicle that it is subject to removal. This may be accomplished by personal contact, telephone, or by leaving a notice attached to the vehicle at least 24 hours prior to removal. If a vehicle presents a hazard, such as being abandoned on the roadway, it may be towed immediately.

It is the current policy of this Office not to tow vehicles pursuant to Vehicle Code § 14602.6.

The responsibilities of those employees towing a vehicle are listed below.

Any removal of a vehicle is a seizure under the Fourth Amendment of the United States Constitution and shall be reasonable. A removal based on community caretaking is only reasonable if the removal is necessary to achieve the community caretaking need. (Vehicle Code § 22650). The following are examples of situations where a community caretaking need may exist:

- The vehicle is impeding the safe flow of traffic
- The vehicle is obstructing emergency vehicle access
- The vehicle is posing a safety hazard
- The vehicle is vulnerable to theft or vandalism, or
- The vehicle is otherwise affecting public safety

#### 502.2.1 VEHICLE STORAGE REPORT

Office members requesting towing, storage, or impound of a vehicle shall complete CHP Form 180 and accurately record the mileage and a description of property within the vehicle (Vehicle Code § 22850). A copy of the CHP Form 180 storage report should be given to the tow truck operator, and the original shall be submitted to the CIB as soon as practicable after the vehicle is stored.

#### 502.2.2 REMOVAL FROM TRAFFIC COLLISION SCENES

When a vehicle has been involved in a traffic collision and must be removed from the scene, the deputy shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in Dispatch.

#### 502.2.3 STORAGE AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this office to provide reasonable safekeeping by impounding the arrestee's vehicle subject to the exceptions

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described below. The vehicle, however, shall be impounded whenever it is needed for the furtherance of the investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be impounded (e.g., traffic hazard, high crime area).

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of impounding, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene. In such cases the owner shall be informed that the Office will not be responsible for theft or damages.

#### 502.2.4 VEHICLES IMPOUNDED AS EVIDENCE

A deputy may impound a vehicle as evidence as part of an investigation (e.g., under § 22655 and § 22655.3 CVC) or pursuant to the service of a search warrant. In such cases, the deputy shall have the vehicle towed to the Sheriff's Main Office lot, by the Office's current contract tow firm. If the vehicle is to be towed immediately to the Sheriff's Office Vehicle Processing Bay, a Crime Scene Investigations detective must pre-approve the request.

In the event it is believed the vehicle may require extensive forensic processing, the deputy should confer with the on-duty Crime Scene detective to determine where to store the vehicle. If no Crime Scene detective is available, or if the vehicle does not require extensive forensic processing, the vehicle should be taken to the Main Office lot and sealed. A deputy shall follow the vehicle to the impound location to keep the chain of evidence intact, which shall be verified in the incident report.

#### 502.2.5 DRIVING A NON-COUNTY VEHICLE

Vehicles which have been towed by or at the direction of the Office should not be driven by sheriff's personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

#### 502.2.6 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The deputy shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the following firm is called on the next request.

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Dispatch personnel shall promptly enter pertinent data regarding the towed vehicle into the Stolen Vehicle System (Vehicle Code § 22651.5(b); Vehicle Code § 22851.3(b) Vehicle Code § 22854.5).

### **502.2.7 CIB RESPONSIBILITY**

Within 48 hours, excluding weekends and holidays, of the storage of any such vehicle it shall be the responsibility of the CIB to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice shall be sent to all such individuals by first-class mail (Vehicle Code § 22851.3(d); Vehicle Code § 22852(a). The notice shall include the following (Vehicle Code § 22852(b)):

- (a) The name, address, and telephone number of this Office.
- (b) The location of the place of storage and description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage.
- (c) The authority and purpose for the removal of the vehicle.
- (d) A statement that, in order to receive their post-storage hearing, the owners, or their agents, shall request the hearing in person, writing, or by telephone within 10 days of the date appearing on the notice.

### **502.3 TOWING SERVICES**

The County of Sonoma periodically selects a firm to act as the official tow service and awards a contract to that firm. This firm will be used in the following situations:

- (a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.
- (b) When a vehicle is being held as evidence in connection with an investigation.
- (c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal of vehicles obstructing traffic in violation of state or local regulations.

### **502.4 VEHICLE INVENTORY**

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in sheriff's custody, to provide for the safety of deputies, and to protect the Office against fraudulent claims of lost, stolen, or damaged property.

### **502.5 SECURITY OF VEHICLES AND PROPERTY**

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, deputies should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) which are not considered evidence or contraband.

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If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

### **502.6 RELEASE OF VEHICLE**

Dispatch will maintain a listed, 24-hour telephone number to provide information regarding impoundment of vehicles and the right of the registered owner to request a storage hearing. Releases for towed vehicles will be made available during regular, non-emergency business hours.

- (a) Vehicles removed pursuant to Vehicle Code § 22850 shall be released after proof of current registration is provided by the owner or the person in control of the vehicle and after all applicable fees are paid (Vehicle Code § 22850.3; Vehicle Code § 22850.5).
- (b) Vehicles removed that require payment of parking fines or proof of valid driver's license shall only be released upon presentation of proof of compliance, proof of payment, completion of affidavit and payment of applicable fees related to the removal (Vehicle Code § 22651 et seq., Vehicle Code § 22652 et seq., Vehicle Code § 22850.3; Vehicle Code § 22850.5).
- (c) An autonomous vehicle removed under authority of Vehicle Code § 22651(o)(1)(D) shall be released to the registered owner or person in control of the autonomous vehicle if the requirements of Vehicle Code § 22651(o)(3)(B) are met.

Personnel whose duties include releasing towed vehicles should consult the Vehicle Code under which the vehicle was towed or impounded for any specific requirements prior to release.

Employees who suspect that a vehicle was impounded in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.

### **502.7 TOWING FOR EXPIRED REGISTRATION**

Prior to a member removing a vehicle that is found to have expired registration for more than six months, the member shall verify that no current registration exists with the Department of Motor Vehicles (DMV). If current registration exists with the DMV, the vehicle shall not be removed (Vehicle Code § 22651(o)(1)(A)).

## Vehicle Impound Hearings

### 503.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Vehicle Code § 22852.

### 503.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the Sonoma County Sheriff's Office, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or his/her agent (Vehicle Code § 22650(a); Vehicle Code § 22852(a)).

The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The hearing officer must be a person other than the person who directed the storage or impound of the vehicle (Vehicle Code § 22852(c)).

#### 503.2.1 HEARING PROCEDURES

The vehicle storage hearing is an informal process to evaluate the validity of an order to store or impound a vehicle. The employee who caused the storage or removal of the vehicle does not need to be present for this hearing.

- (a) All requests for a hearing on a stored or impounded vehicle shall be submitted in person, in writing, or by telephone within 10 days of the date appearing on the notice (Vehicle Code § 22852(b)). The Patrol Lieutenant or Chief of Police of a contract city, or authorized designee, will generally serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.
- (b) The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing requirement (Vehicle Code § 22851.3(e)(2); Vehicle Code § 22852(d)).
- (c) Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with this agency.
- (d) After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a decision. The hearing officer shall also consider any mitigating circumstances attendant to the storage that reasonably would warrant the release of the vehicle or a modification or reduction of the period the vehicle is impounded (Vehicle Code § 14602.8(b)).
- (e) If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision and that the inquiring party may pursue further civil remedies if desired.
- (f) If mitigating circumstances are found to be relevant, the hearing officer shall make reasonable adjustments to the impound period, storage, or assessment of fees as warranted.

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- (g) If a decision is made that reasonable grounds for storage or impound have not been established or sufficient mitigating circumstances exist, the vehicle in storage shall be released immediately.

## Impaired Driving

### 504.1 PURPOSE AND SCOPE

This policy provides guidance to those office members who play a role in the detection and investigation of driving under the influence (DUI).

### 504.2 POLICY

The Sonoma County Sheriff's Office is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of California's impaired driving laws.

### 504.3 INVESTIGATIONS

Deputies should enforce DUI laws in addition to their other duties, however, DUI enforcement should not be the primary focus unless assigned to a specific DUI enforcement detail. All deputies are expected to enforce these laws with due diligence.

The Supervisor will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating deputies in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

- (a) The field sobriety tests (FSTs) administered and the results.
- (b) The deputy's observations that indicate impairment on the part of the individual, and the deputy's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
- (c) Sources of additional information (e.g., reporting party, witnesses) and their observations.
- (d) Information about any audio and/or video recording of the individual's driving or subsequent actions.
- (e) The location and time frame of the individual's vehicle operation and how this was determined.
- (f) Any prior related convictions in California or another jurisdiction.

### 504.4 FIELD TESTS

Deputies should utilize standardized FSTs that have been validated through the National Highway Traffic Safety Administration (NHTSA), and also any approved alternate tests for investigating violations of DUI laws.

### 504.5 CHEMICAL TESTS

A person implies consent to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Vehicle Code § 23612):

- (a) The person is arrested for driving a vehicle while under the influence, pursuant to Vehicle Code § 23152.

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- (b) The person is under 21 years of age and is arrested by a deputy having reasonable cause to believe that the person's blood alcohol content is 0.05 or more (Vehicle Code § 23140).
- (c) The person is under 21 years of age and detained by a deputy having reasonable cause to believe that the person was driving a vehicle while having a blood alcohol content of 0.01 or more (Vehicle Code § 23136).
- (d) The person was operating a vehicle while under the influence and proximately caused bodily injury to another person (Vehicle Code § 23153).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the deputy should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

#### 504.5.1 STATUTORY NOTIFICATIONS

Deputies requesting that a person submit to chemical testing shall provide the person with the mandatory warning pursuant to Vehicle Code § 23612(a)(1)(D) and Vehicle Code § 23612(a)(4).

#### 504.5.2 PRELIMINARY ALCOHOL SCREENING

Deputies may use a preliminary alcohol screening (PAS) test to assist in establishing reasonable cause to believe a person is DUI. The deputy shall advise the person that the PAS test is being requested to assist in determining whether the person is under the influence of alcohol or drugs, or a combination of the two. Unless the person is under the age of 21, the person shall be advised that the PAS test is voluntary. The deputy shall also advise the person that submitting to a PAS test does not satisfy the person's obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).

#### 504.5.2 PRELIMINARY ALCOHOL SCREENING FOR A PERSON UNDER AGE 21

If a deputy lawfully detains a person under 21 years of age who is driving a motor vehicle and the deputy has reasonable cause to believe that the person has a blood alcohol content of 0.01 or more, the deputy shall request that the person take a PAS test to determine the presence of alcohol in the person, if a PAS test device is immediately available. If a PAS test device is not immediately available, the deputy may request the person to submit to chemical testing of the person's blood, breath, or urine, conducted pursuant to Vehicle Code § 23612 (Vehicle Code § 13388).

If the person refuses to take or fails to complete the PAS test or other chemical test, or if the result of either test reveals a blood alcohol content of 0.01 or more, the deputy shall proceed to serve the person with a notice of order of suspension pursuant to this policy (Vehicle Code § 13388).

#### 504.5.7 CHOICE OF TESTS

Deputies shall respect a viable choice of chemical test made by an arrestee, as provided for by law (e.g., breath will not be acceptable for suspected narcotics influence).

A person arrested for DUI has the choice of whether the test is of the person's blood or breath, and the deputy shall advise the person that the person has that choice. If the person arrested either is

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incapable, or states that the person is incapable, of completing the chosen test, the person shall submit to the remaining test.

If the person chooses to submit to a breath test and there is reasonable cause to believe that the person is under the influence of a drug or the combined influence of alcohol and any drug, the deputy may also request that the person submit to a blood test. If the person is incapable of completing a blood test, the person shall submit to and complete a urine test (Vehicle Code § 23612(a)(2)(C)).

#### 504.5.8 BREATH SAMPLES

The Patrol Lieutenant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Deputies obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Patrol Lieutenant.

When the arrested person chooses a breath test, the handling deputy shall advise the person that the breath-testing equipment does not retain a sample, and the person may, if desired, provide a blood test, which will be retained to facilitate subsequent verification testing (Vehicle Code § 23614). A urine test may be offered if the breath and blood tests are not available, and/or the person is afflicted with hemophilia or is using an anticoagulant medication.

The deputy should also require the person to submit to a blood test if the deputy has a clear indication that a blood test will reveal evidence of any drug or the combined influence of an alcoholic beverage and any drug. Evidence of the deputy's belief shall be included in the deputy's report (Vehicle Code § 23612(a)(2)(C)).

#### 504.5.9 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Vehicle Code § 23158). The blood draw should be witnessed by the assigned deputy. No deputy, even if properly certified, should perform this task.

Deputies should inform an arrestee that if the arrestee chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because the arrestee has a bleeding disorder or has taken medication that inhibits coagulation, the arrestee shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

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### 504.5.10 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The deputy shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by a deputy or jail staff member of the same sex as the individual giving the sample. The arrestee should be allowed sufficient privacy to maintain the arrestee's dignity, to the extent possible, while still ensuring the accuracy of the sample (Vehicle Code § 23158(i)).

The sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

### 504.6 REFUSALS

When an arrestee refuses to provide a viable chemical sample, deputies should:

- (a) Advise the arrestee of the requirement to provide a sample by reading verbatim the admonishment listed on the back page of the Officer's Statement (Admin Per Se, DMV for DS 367) (Vehicle Code § 23612).
- (b) Audio- and/or video-record the admonishment when it is practicable.
- (c) Document the refusal in the appropriate report.

Upon refusal to submit to a chemical test as required by law, deputies shall personally serve the notice of order of suspension upon the person and take possession of any state-issued license to operate a motor vehicle that is held by that person (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

#### 504.6.1 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, deputies shall personally serve the notice of order of suspension upon the arrestee and take possession of any state-issued license to operate a motor vehicle that is held by that individual (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

#### 504.6.3 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

- (a) A search warrant has been obtained (Penal Code § 1524).
- (b) The deputy can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

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### 504.6.4 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the deputy should request a supervisor to respond. Forced blood draws shall be accompanied by a search warrant, unless the person has a current 4th Amendment waiver (probation/parole).

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.
- (c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another deputy) and attempt to persuade the individual to submit to such a sample without physical resistance.
  1. This dialogue should be recorded on audio and/or video if practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Ensure the forced blood draw is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:
  1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
  2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
  3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, deputies are expected to use sound judgment and perform as a responding supervisor, as set forth above.

### **504.7 ARREST AND INVESTIGATION**

#### 504.7.1 WARRANTLESS ARREST

In addition to the arrest authority granted to deputies pursuant to Penal Code § 836, a deputy may make a warrantless arrest of a person that the deputy has reasonable cause to believe has been driving under the influence of an alcoholic beverage or any drug, or under the combined influence of the same when (Vehicle Code § 40300.5):

- (a) The person is involved in a traffic accident.
- (b) The person is observed in or about a vehicle that is obstructing the roadway.
- (c) The person will not be apprehended unless immediately arrested.

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- (d) The person may cause injury to themselves or damage property unless immediately arrested.
- (e) The person may destroy or conceal evidence of a crime unless immediately arrested.

### **504.7.2 DEPUTY RESPONSIBILITIES**

The deputy serving the arrested person with a notice of an order of suspension shall immediately (Vehicle Code § 23612):

- (a) Forward a copy of the completed notice of suspension or revocation form and any confiscated driver's license to the Department of Motor Vehicles (DMV).
- (b) Forward a sworn report to DMV that contains the required information in Vehicle Code § 13380.
- (c) Forward the results to the appropriate forensic laboratory if the person submitted to a blood or urine test.

### **504.8 CIB RESPONSIBILITIES**

The CIB Manager will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

### **504.9 ADMINISTRATIVE HEARINGS**

The CIB Manager will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to DMV.

Any deputy who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

A deputy called to testify at an administrative hearing should document the hearing date and DMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

### **504.10 TRAINING**

The Professional Standards Bureau Lieutenant should ensure that deputies participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Professional Standards Bureau Lieutenant should confer with the prosecuting attorney's office and update training topics as needed.

## Traffic Citations

### **505.1 PURPOSE AND SCOPE**

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

### **505.2 RESPONSIBILITIES**

The Traffic Lieutenant shall be responsible for the development and design of all Office traffic citations in compliance with state law and the Judicial Council.

### **505.3 DISMISSAL OF TRAFFIC CITATIONS**

Members of this office do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued (Vehicle Code § 40500(d)).

### **505.4 VOIDING TRAFFIC CITATIONS**

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued.

### **505.5 CORRECTION OF TRAFFIC CITATIONS**

When a traffic citation is issued and in need of correction, the Deputy issuing the citation shall prepare a letter of correction to the court having jurisdiction and to the recipient of the citation on the prepared correction form.

### **505.6 DISPOSITION OF TRAFFIC CITATIONS**

The court and file copies of all traffic citations issued by members of this office shall be forwarded to the member's immediate supervisor for review. The citation copies shall then be filed with the CIB.

Upon separation from employment with the this office, all members issued traffic citations books shall return any unused citations to the Personnel Bureau.

## Disabled Vehicles

### 506.1 PURPOSE AND SCOPE

Vehicle Code § 20018 provides that all law enforcement agencies having responsibility for traffic enforcement may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

### 506.2 DEPUTY RESPONSIBILITY

When an on-duty deputy observes a disabled vehicle on the roadway, the deputy should make a reasonable effort to provide assistance. If that deputy is assigned to a call of higher priority, the deputy should advise Sheriff's Dispatch of the location of the disabled vehicle and the need for assistance. Sheriff's Dispatch will notify CHP of the location and description of the disabled vehicle and request that a CHP officer respond for assistance.

### 506.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by office personnel will be contingent on the time of day, the location, the availability of office resources, and the vulnerability of the disabled motorist.

#### 506.3.1 MECHANICAL REPAIRS

Office personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

#### 506.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this office by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

#### 506.3.3 RELOCATION OF DISABLED MOTORIST

The relocation of a disabled motorist should only occur with the person's consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The office member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

## 72-Hour Parking Violations

### 507.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of vehicles parked in violation of the Sonoma County Ordinance regulating 72-hour parking violations and abandoned vehicles under the authority of Vehicle Code § 22669.

Any removal of a vehicle is a seizure under the Fourth Amendment of the United States Constitution and shall be reasonable. A removal based on community caretaking is only reasonable if the removal is necessary to achieve the community caretaking need. (Vehicle Code § 22650). The following are examples of situations where a community caretaking need may exist:

- The vehicle is impeding the safe flow of traffic
- The vehicle is obstructing emergency vehicle access
- The vehicle is posing a safety hazard
- The vehicle is vulnerable to theft or vandalism, or
- The vehicle is otherwise affecting public safety

### 507.2 MARKING VEHICLES

Vehicles suspected of being in violation of the County of Sonoma 72-Hour Parking Ordinance shall be marked and noted on the Sonoma County Sheriff's Office Marked Vehicle Card. No case number is required at this time.

A visible chalk mark should be placed on the left rear tire tread at the fender level unless missing tires or other vehicle conditions prevent marking. Any deviation in markings shall be noted on the Marked Vehicle Card. The investigating employee should make a good faith effort to notify the owner of any vehicle subject to towing prior to having the vehicle removed. This may be accomplished by personal contact, telephone or by leaving notice attached to the vehicle at least 24 hours prior to removal.

If a marked vehicle has been moved or the markings have been removed during a 72-hour investigation period, the vehicle shall be marked again for the 72-hour parking violation and a Marked Vehicle Card completed.

Parking citations for the 72-hour parking ordinance shall not be issued when the vehicle is stored for the 72-hour parking violation.

#### 507.2.1 VEHICLE STORAGE

Any vehicle in violation shall be stored by the authorized towing service and a CHP 180 Form shall be completed by the deputy authorizing the storage of the vehicle.

The CHP 180 Form shall be submitted to the CIB immediately following the storage of the vehicle. It shall be the responsibility of the CIB to immediately notify the Stolen Vehicle System (SVS) of the Department of Justice in Sacramento ( Vehicle Code § 22851.3(b)). Notification may also

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be made to the National Law Enforcement Telecommunications System (NLETS)(Vehicle Code § 22854.5).

Within 48 hours of the storage of any such vehicle, excluding weekends and holidays, it shall be the responsibility of the CIB to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice to all such individuals shall be sent first-class or certified mail pursuant to Vehicle Code § 22851.3(d).

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# Taxicab Regulations

## 508.1 PURPOSE AND SCOPE

The purpose of this Policy is to establish procedures for processing, issuing and renewing taxicab permits that operate within the unincorporated areas of Sonoma County as the point of origin, regardless of the destination pursuant to Government Code § 53075.5 and other applicable laws, to protect public health, safety and welfare.

The Sheriff has adopted this ordinance as set forth by the Sonoma County Board of Supervisors in Ord. 6029 adding Article IX to Chapter 18 (Motor Vehicles and Traffic) of the Sonoma County Code to establish taxicab regulations.

### 508.1.1 DEFINITIONS

The following words and phrases shall have the meanings respectively ascribed to them in this Section:

**Mandatory Controlled Substance and Alcohol Testing Certification Program:** The program, testing, and related requirements specified in Government Code § 53075.5.

**Person:** Any person or entity (including but not limited to a firm, association, organization, partnership, joint venture, business trust, corporation or company).

**Taxicab:** A motor vehicle, as that term is defined in Vehicle Code § 415, designed for carrying not more than eight persons, excluding the driver, and used to carry passengers for hire. The types of motor vehicles listed below shall not be considered a taxicab:

- (a) Employer-sponsored carpool vehicle: A vehicle operated to transport employees to and from an employer's business location or locations.
- (b) Ridesharing: People sharing the use of a vehicle for transportation, generally to a common destination.
- (c) Charter-party carrier: A charter-party carrier of passengers as defined in Public Utilities Code § 5351 through § 5360 that operates on a pre-arranged basis.
- (d) Private ambulance: Every vehicle equipped with a siren and specially constructed, modified, equipped, or arranged for the purpose of transporting emergency medical patients.
- (e) Public transportation vehicle: Every vehicle used in the service of transporting passengers in the unincorporated areas of the County and operated by or under contract with a governmental agency.

**Taxicab Business Owner:** A person or entity that owns or leases taxicabs driven or operated by other individuals pursuant to an employment relationship, independent contract, lease, license, or otherwise. A taxicab business owner who drives a taxicab is also a taxicab driver under this Article.

**Taxicab Driver:** Any individual who drives or operates a taxicab in which passengers are solicited or accepted for hire.

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**Taximeter:** An instrument or device attached to a taxicab that mechanically or electronically calculates a fare on the basis of distance traveled or waiting time, or a combination thereof, and displays the fare in figures of dollars and cents.

### **508.2 COUNTY ORDINANCE REQUIREMENTS**

Government Code § 53075.5 provides that every city and county must adopt regulations regarding taxicab transportation services to protect the public welfare. The Sheriff's Office provides that certain individuals and organizations that are considered extraordinary levels of service, or are services for which charges or other compensation are authorized pursuant to applicable laws. This ordinance applies to the operation of taxicabs to solicit, accept or transport passengers starting at a point inside the unincorporated area of Sonoma County, regardless of destination. This ordinance requires two types of permits, or related certificates of exemption, which must be renewed annually:

- Taxicab Vehicle Permit
- Taxicab Driver's Permit

### **508.3 PERMITS AND EXEMPTIONS**

- (a) No person shall drive or operate a taxicab unless under the authority of a valid Taxicab Vehicle Permit and a valid Taxicab Driver's Permit, or applicable Certificates of Exemption for such permits, issued by the Sheriff's Office.
1. Taxicab Vehicle Permit. A taxicab business owner shall not allow any person to operate a taxicab controlled by the taxicab business owner unless under the authority of a valid Taxicab Vehicle Permit. Such permit shall authorize a particular motor vehicle to be used for the purpose of operating as a taxicab in accordance with this Article.
  2. Taxicab Driver's Permit. A taxicab driver shall not drive or operate a taxicab unless under the authority of a valid Taxicab Driver's Permit. Such permit shall authorize a particular individual to drive or operate a taxicab in accordance with this Article. If a taxicab driver operates taxicabs through employment with a taxicab business owner, then the Taxicab Driver's Permit issued under this Article shall be valid only during the term of such employment, and shall become void upon termination of such employment. In this event, the taxicab driver or employer shall notify the County of the termination of employment, and the taxicab driver shall return the Taxicab Driver's Permit to the County.
- (b) The County acknowledges that several incorporated cities located within its geographic boundaries have enacted taxicab vehicle and driver regulations for their respective jurisdictions that address public health, safety, and welfare issues. The Sheriff's Office has the authority to waive the permit requirements of this Section by issuing Certificates of Exemption with respect to particular taxicabs and/or taxicab drivers who are operating under valid permits or licenses issued by such cities if they are similar in nature to the permits required under this Section. Any Certificate of Exemption issued under this Article does not operate to suspend the operation or enforcement of any other provision of this Article; all other provisions remain valid

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and enforceable against all persons who have received Certificates of Exemption. The conditions under which the Sheriff's Office may issue Certificates of Exemption to taxicabs and taxicab drivers include the following:

1. The applicable city's taxicab vehicle and/or taxicab driver permit or licensing regulations satisfy all requirements of state and federal law
  2. The applicable city's taxicab vehicle and/or taxicab driver permit or licensing regulations meet or exceed the minimum requirements set forth in this Article
  3. The permits or licenses issued under the applicable city's taxicab vehicle and/or taxicab driver regulations have a maximum term of 1 year, and are required to be renewed annually
- (c) Permits and Certificates of Exemption issued under this Article are not transferable or assignable.

#### **508.4 APPLICATIONS FOR TAXICAB**

##### **508.4.1 APPLICATIONS FOR VEHICLE PERMITS**

Applications for Taxicab Vehicle Permits shall be submitted by taxicab business owners to the Sheriff's Office on approved forms and with such additional documentation, information, and procedures as mandated by the Sheriff's Office, including but not limited to the following:

- (a) A copy of the taxicab's current California vehicle registration, evidence of ownership or right of possession, and information regarding the identification of the taxicab including make and model, year, vehicle identification number (VIN), license plate number, interior and exterior colors, and mileage.
- (b) Delineation of the proposed taxicab rates and any additional fees to be charged to passengers during the time period of the permit, which may not be excessive as determined by the Board of Supervisors via resolution or, in the event there is no current resolution, by the Sheriff in his/her discretion.
- (c) A vehicle inspection certification of the taxicab in a format approved by the Sheriff's Office, completed within sixty (60) days of the permit application. The certification shall utilize a vehicle inspection checklist approved by the Sheriff's Office, and shall verify that all aspects of the taxicab are in a safe operating condition. Any repairs made as a result of the inspection must also be identified on the checklist. The taxicab inspection shall be conducted by, and the certificate shall be issued by, a vehicle inspection station or automobile repair garage located in the County of Sonoma and properly licensed by the State of California (ASE Certification).
- (d) Written certification by the applicant that he/she is maintaining a Mandatory Controlled Substance and Alcohol Testing Certification Program for all persons who may operate the taxicab.
- (e) Proofs of insurance and/or a surety bonds demonstrating a minimum level of coverage as set by the County's Risk Management Department, which shall cover all drivers of the taxicab as insured parties.

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- (f) An indemnification agreement signed by the applicant in a form approved by County Counsel. The indemnification agreement shall provide that the applicant agrees to defend, indemnify, and hold harmless the County and its officials, employees, and agents from all damages, liabilities, claims, actions, and other expenses (including attorneys' fees) resulting from or arising out of the operation of the taxicab.

Taxicab Vehicle Permits issued under this Article shall be valid for a term of one year from the date of issuance. Applications for renewal of such permits must be submitted to the Sheriff's Office at least 30 days prior to the termination of the existing permit. Applications for renewal shall be submitted on forms, and with such additional documentation, information, and procedures as mandated by the Sheriff's Office.

### 508.4.2 APPLICATIONS FOR DRIVER PERMITS

Applications for Taxicab Driver Permits shall be submitted by taxicab drivers to the Sheriff's Office on approved forms and with such additional documentation, information, and procedures as mandated by the Sheriff's Office, including but not limited to the following:

- (a) A color copy of the applicant's valid California driver's license, verified by the Sheriff's Office, and which demonstrates that the applicant is at least 18 years old.
- (b) Provision of fingerprints, pursuant to procedures established by the Sheriff's Office, for the purpose of permitting the Sheriff's Office to conduct a criminal background check.
- (c) If employed by a taxicab business owner, the name of the employer and identification of the specific taxicabs the applicant may operate for the employer under the Permit.
- (d) Copies of test results conducted within 30 days of the application submittal date taken pursuant to a Mandatory Controlled Substance and Alcohol Testing Certification Program. The most recent test results and any prior results for tests taken within 6 months must be reported. All test results provided to the County shall be retained as confidential and shall not be released without the consent of the applicant, except as otherwise authorized or required by law.
- (e) An indemnification agreement signed by the applicant in a form approved by County Counsel. The indemnification agreement shall provide that the applicant agrees to defend, indemnify, and hold harmless the County and its officials, employees, and agents from all damages, liabilities, claims, actions, and other expenses (including attorneys' fees) resulting from or arising out of the operation of the taxicab.
- (f) A declaration under penalty of perjury that the taxicab driver is operating in compliance with all applicable laws and regulations.

Taxicab Driver Permits issued under this Article shall be valid for a term of one year from the date of issuance. Applications for renewal of such permits must be submitted to the Sheriff's Office at least 30 days prior to the termination of the existing permit. Applications for renewal shall be submitted on forms, and with such additional documentation, information, and procedures as mandated by the Sheriff's Office.

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### 508.4.3 APPLICATION FOR CERTIFICATES OF EXEMPTION (COE)

Applications for Certificates of Exemption shall be submitted to the Sheriff's Office on approved forms and with such additional documentation, information, and procedures as mandated by the Sheriff's Office, including but not limited to the following:

- (a) Copies of the taxicab vehicle and/or taxicab driver's permits or licenses issued by a city located within the geographic boundaries of the County which satisfy the requirements of § 18-62(c) of this Code, and complete copies of all forms, documents, and other materials provided as part of the application process to that city.
- (b) Copies of the taxicab driver's test results conducted within 30 days of the application submittal date taken pursuant to the Mandatory Controlled Substance and Alcohol Testing Certification Program. The most recent test results and any prior results for tests taken within 6 months must be reported. All test results provided to the County shall be retained as confidential and shall not be released without the consent of the applicant, except as otherwise authorized or required by law.
- (c) An indemnification agreement signed by the applicant in a form approved by County Counsel. The indemnification agreement shall provide that the applicant agrees to defend, indemnify, and hold harmless the County and its officials, employees, and agents from all damages, liabilities, claims, actions, and other expenses (including attorneys' fees) resulting from or arising out of the operation of the taxicab.

The term of each Certificate of Exemption shall be coexistent with the term of the permits issued by the respective city. Applications for renewal of Certificates of Exemption must be submitted to the Sheriff's Office at least 30 days prior to the termination of the existing certificate. Applications for renewal shall be submitted on forms, and with such additional documentation, information, and procedures as mandated by the Sheriff's Office.

### 508.4.4 APPLICATION FEES

The Board of Supervisors shall set fees by ordinance which shall be required to apply for and renew Taxicab Vehicle Permits, Taxicab Driver's Permits, and Certificates of Exemption, which fees are subject to revision on a yearly basis. These fees shall be intended to reimburse the County for its reasonable costs, time, and expenses associated with enforcing the terms and provisions of this Article. All fees paid pursuant to the provisions of this Article are non-refundable.

### 508.5 DENIALS, REVOCATION OR SUSPENSION

Upon a determination of good cause, the Sheriff's Office may deny the issuance of Permits or Certificates of Exemption under this Article, or may revoke, condition, or temporarily suspend the validity of any Permit or Certificate of Exemption previously issued. All denials, revocations, conditions, or suspensions must be made in writing and sent by mail to the affected person. To determine whether good cause exists for denying, revoking, conditioning, or suspending a Permit or Certificate of Exemption, the Sheriff's Office may consider the following nonexclusive factors:

- (a) The applicant has knowingly made a false or misleading material statement in an application, report, or other document furnished by the applicant to the County.

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- (b) The applicant does not meet, or no longer meets, the requirements specified in this Article, fails to lawfully operate a taxicab under this Article, or violates other applicable laws or regulations.
- (c) The applicant fails to maintain the minimum level of insurance required under this Article to operate a taxicab during the term of the Permit or Certificate of Exemption.
- (d) The applicant for a Taxicab Driver's Permit:
  - 1. Has been convicted of a felony or any offense involving moral turpitude
  - 2. Is required to register as a sex offender under Penal Code § 290, as a gang member under Penal Code § 186.30, or as a drug user under Health & Safety Code § 11590
  - 3. Habitually or excessively uses, or is addicted to the use of narcotics or dangerous drugs, or has been convicted of any offense relating to the use, sale, possession or transportation of narcotics or habit-forming drugs
  - 4. Is a habitual user of intoxicating beverages or substances to excess
  - 5. Has failed to submit a passing test under the Mandatory Controlled Substance and Alcohol Testing Certification Program with the application or renewal. A taxicab driver shall be ineligible for a Taxicab Driver's Permit during the three-year period following a positive test result
  - 6. Within three years immediately preceding the application, has been under suspension, revocation or probation by a state department of motor vehicles for a cause involving the safe operation of a motor vehicle, or has been convicted of driving while intoxicated or reckless driving involving bodily injury
  - 7. Within the two years immediately preceding the application, has been involved in any motor vehicle accident causing death or serious bodily injury
  - 8. Within one year immediately preceding submittal of the application, has been involved in three or more motor vehicle accidents in which the applicant was at least partially at fault
  - 9. Has failed to maintain a valid California driver's license during the term of the Permit or Certificate of Exemption

#### 508.5.1 APPEALS AND HEARING PROCESS

- (a) Notice of Right to Appeal. If the Sheriff's Office denies an application or renewal submitted pursuant to this Article, or revokes, conditions, or suspends a Permit or Certification of Exemption previously issued, it shall so notify the applicant in writing by mail. The writing shall include the reasons for the action taken and advise the applicant of his/her right to appeal the action within 10 calendar days of the date the notice was mailed. During the time an appeal is pending, the determination of the Sheriff's Office shall remain in effect.
- (b) Procedures to Appeal. Appeals under this Section must be made in writing and identify the nature of the challenged action as well as the grounds for the appeal, and shall include copies of all relevant documentation. Appeals shall be submitted to the

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Sheriff's Office within 10 calendar days from the date of the mailing of the notice of the action taken. Failure of any person to timely submit an appeal shall constitute a waiver of the right to an adjudication of the issues. Appeals may be withdrawn at any time.

- (c) Administrative Hearing on Appeal. The Sheriff shall designate a member(s) of the Sheriff's Office to serve as the Appeal Officer(s) to conduct an administrative hearing and make a determination on the appeal. Administrative hearings conducted under this Section may occur in person or via telephone. At the administrative hearing, the applicant shall be provided with an opportunity to present evidence and arguments relating to the appeal. The applicant shall bear the burden of demonstrating that the action taken by the Sheriff's Office constitutes an abuse of its discretion pursuant to this Article.
- (d) Response to Appeal. The Appeal Officer shall issue a written decision on the appeal within 15 calendar days after concluding the administrative hearing, and shall provide copies of such decision to the applicant by mail. If the Appeal Officer grants the appeal, the Sheriff's Office shall take all reasonable and necessary actions to effectuate the decision relating to the Permit or Certificate of Exemption, but no money damages or other remuneration shall be due to the applicant. The Appeal Officer's decision on the appeal is a final agency action.

### **508.6 TAXICAB OPERATION REQUIREMENTS**

All taxicabs and taxicab drivers must comply with California Vehicle Code requirements and the requirements of this Article while in operation, including the following non-exclusive mandates.

- (a) Display Permits or Certificates: Taxicabs shall display the Taxicab Vehicle and Taxicab Driver's Permits or Certificates of Exemption issued under this Article so that they are visible both from the inside and outside the vehicle. The Sheriff's Office may require Permits and Certificates of Exemption to be displayed in particular locations on vehicles.
- (b) Taxicab Identification: All taxicabs shall have painted or otherwise permanently affixed to the exterior of the vehicle the following information:
  - 1. Language designating the vehicle as a taxicab
  - 2. The name of the taxicab business owner, or the name of the company or business
  - 3. If the taxicab business operates more than one taxicab, a visible number that separately identifies each of the business' taxicabs.
  - 4. Such information shall be displayed in numbering and lettering not less than three inches in height, and in a color that contrasts with the paint color of the vehicle. Additional display requirements may be established by the Sheriff's Office to allow for proper identification of taxicabs.
- (c) Rates of Fare: Taxicabs shall prominently display, both inside and outside the vehicle, the rates of fare charged for carrying passengers. Any additional fees which may be applicable, such as bridge toll fees, shall also be posted inside the vehicle. Rates of fare and additional fees charged to passengers must not exceed the posted rates or

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the rates provided to the County as part of the application for a Taxicab Vehicle Permit or Certificate of Exemption.

- (d) **Taximeters:** All taxicabs must have an operating taximeter which has been properly calibrated and is in compliance with all regulations and requirements of the County Agricultural Commissioner, Weights and Measures Division, pursuant to Chapter 30 of the County Code, including but not limited to its testing requirements. The Taximeter must be operating properly at all times of service and may not be tampered with in any fashion. The taximeter must clearly display the fare as it is being calculated. The taximeter must be calibrated so as not to exceed the maximum allowable rates of fare.
- (e) **Receipts:** All taxicab drivers shall have passenger receipts in all of their taxicabs that are imprinted with the name, address, telephone number of the taxicab owner or business. The receipt shall provide space for the taxicab driver's name, date and time of service, and the fare charged. Each customer shall be offered a receipt following payment.
- (f) **Taxicab Safety, Comfort and Cleanliness:** All taxicabs must be maintained in a safe operating condition. All taxicabs must have an operable seat belt for each passenger and the driver. Taxicab seats must not be torn or soiled, and must not have broken or missing springs or cushions. The doors, windows, hoods and trunks of all taxicabs must open and close securely. Gasoline, diesel or smoke odors must not be noticeable from the interior of any taxicab. The interiors of all taxicabs must be clean and clear of debris before a driver may accept passengers for transport.
- (g) **No Smoking in Taxicabs:** No smoking shall be permitted in taxicabs at any time, either by the taxicab drivers or their passengers.

### **508.7 CHARLES M. SCHULZ - SONOMA COUNTY AIRPORT**

The Charles M. Schulz – Sonoma County Airport has adopted separate Commercial Vehicle Regulations (Sonoma County Code, Chapter 3, Article IV.) that apply to all commercial vehicles and the owners, operators and drivers of all commercial vehicles transporting or offering to transport passengers or goods at the Airport. The Airport's Commercial Vehicle Regulations apply to all vehicles for hire including taxicabs, limousines, shuttles, courtesy vans, and other vehicles. All taxicab vehicles and taxicab drivers seeking to operate at the Airport are required to obtain and maintain a valid permit with the County and to remain in compliance with the County Taxicab Regulations. The Airport conducts visual inspections of taxicabs and other commercial vehicles. The Airport does not conduct safety and mechanical inspections.

### **508.8 ENFORCEMENT**

- (a) Sheriff Deputies are authorized to arrest or cite any person for operating a taxicab not in compliance with this Article. If the violation occurred at or within 100 feet of a public airport, Sheriff Deputies may serve as traffic inspectors pursuant to Government Code § 53075.61, may impound and retain possession of any taxicab as allowed by that statute, and comply with other terms and conditions of that statute.
- (b) Any violation of the provisions of this Article is a misdemeanor subject to a fine and/or imprisonment pursuant to Section 1-7 of this Code. In addition, if convicted of a

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misdemeanor, the offender shall also be assessed an amount sufficient to cover the reasonable expense of investigation incurred by the Sheriff's Office, plus interest at the rate of 10% per annum.

- (c) A continuing violation of any provision of this Article is a public nuisance which may be abated pursuant to the provisions of Section 1-7, subdivision (b), of this Code. In addition, the County may also pursue a civil action to obtain an injunction against persons operating taxicabs in violation of this Article.
- (d) Upon receipt of a citizen's complaint containing sufficient information to warrant conducting an investigation for alleged violations of this Article, the Sheriff's Office shall investigate any business that advertises or operates a taxicab, and may take reasonable and appropriate actions to address any issues discovered during the investigation. When conducting an investigation under this Article, the Sheriff's Office shall also comply with the requirements of Government Code § 53075.7. Conducting an investigation is warranted if the citizen's complaint contains the following information:
  - 1. The complainant's name, address, and telephone number
  - 2. Identification of the taxicab business and/or driver, and the date and time of transportation at issue
  - 3. Specific information demonstrating a possible violation of this Article or other applicable law that prospectively implicates the health, safety, or welfare of taxicab passengers
- (e) The remedies and enforcement mechanisms set forth in this Article are cumulative, and are in addition to other rights and remedies provided by applicable law.

# Investigation of Vehicle, Vessel, or Other Equipment Collisions or Damage

## 509.1 PURPOSE AND SCOPE

This policy establishes procedures for the investigation and review of collisions and/or damage to public and private property or damage to County vehicles, vessels or equipment, or damage to privately owned vehicles used for County business while being driven by members of the Sonoma County Sheriff's Office.

## 509.2 DEFINITIONS

**Vehicle:** A vehicle is a device by which any person or property may be propelled, moved or drawn upon a highway, except a device move exclusively by human power or used exclusively upon stationary rails or track as defined by the Vehicle Code.

**Vessel:** Any boat or watercraft as defined in the Harbors and Navigation Code.

**Equipment:** Forklifts, tractors, etc., not covered above.

**Collision:** An unintended impact between a vehicle, vessel or equipment and any mass resulting in visible damage to either, visible injury to a person or a complaint of injury/pain, or impact causing immediate and obvious mechanical damage.

**Significant Damage or Injury:** The damage to all involved property is valued at more than \$750 to repair, or a person shows signs of an injury or complains of having been injured.

**Non-Injury and/or Minor Damage:** The damage to all property is valued at less than \$750. All parties involved are free of signs of injury and orally confirm they are not injured and the involved party does not want a collision report taken. Damage resulting in normal operation of a vehicle, e.g., "bottoming out" while performing a pursuit intervention technique (PIT) unless a third vehicle is involved, etc.

**Member:** All members of the Sheriff's Office including full time, part time, extra help, agency extra help, volunteers, etc.

## 509.3 GENERAL GUIDELINES

- (a) The Sonoma County Sheriff's Office will conduct investigations into all collisions or damage resulting from the operation of County vehicles, vessels, equipment, or private vehicles used for County business by members of the Sonoma County Sheriff's Office.
- (b) Investigations of law enforcement intervention resulting in damage, e.g., PIT maneuver, shall be incorporated into the crime report and into the sergeant's pursuit investigation. A County of Sonoma Vehicle Accident Form may be required if the County vehicle is damaged or there is damage to any vehicle or property other than the suspect's vehicle.
- (c) Track Cars: If a track training vehicle is damaged beyond repair while being used for training, an investigation is not needed

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#### **509.4 PROCEDURES**

##### **509.4.1 NOTIFICATION AND INVESTIGATION**

- (a) **Member Responsibility:** When a member of the Sheriff's Office is involved in a collision, or damages a County-owned vehicle, vessel, equipment, or a privately-owned vehicle used for County business, members shall, as soon as possible, notify their immediate supervisor. If the member's immediate supervisor is off duty or cannot be readily located, the member shall notify the on-duty Main Office Patrol Sergeant.
- (b) **Supervisor Responsibility:** Supervisors or managers, other than those assigned to the Law Enforcement Division, shall contact the Patrol Watch Commander or Main Office Patrol Sergeant and request they respond to the scene of the collision or damage.
- (c) **Law Enforcement and Administration Division Sergeants** in charge of non-regular patrol Bureaus/Units; e.g., Detectives, Court Security, Transportation, Helicopter and Marine, are responsible for responding and conducting investigations involving their members.
  - 1. The responding sergeant shall request an investigation by the law enforcement agency having the responsibility of traffic collision investigation in the jurisdiction of occurrence for all collisions resulting in significant property damage, visible injury or the complaint of injury. If all criteria for a "non-injury and/or minor damage" have been met, the responding sergeant may opt not to request an investigation from an outside agency.
  - 2. Investigations into "significant damage or injury collisions" in contract cities shall be conducted by an outside agency, not members of the Sonoma County Sheriff's Office assigned to the contract city.
  - 3. The responsible sergeant shall respond to the scene of the collision unless circumstances prevent his attendance.
    - (a) The sergeant should request any assistance needed to ensure a thorough investigation, such as, but not limited to, photographic services from the Crime Scene Investigations Unit, Contract City Accident Investigators, etc.
    - (b) The member's immediate supervisor shall ensure any County vehicle is immediately taken out of service and delivered to Fleet Operations for a safety check. Vehicles, vessels and other equipment not serviced by Fleet Operations shall be inspected as appropriate before they are returned to service
    - (c) When appropriate, the supervisor shall interview all witnesses (audio recorded when appropriate), photograph any damage and/or injuries, diagram the location of significant objects at the scene and record any other relevant information

##### **509.4.2 WRITTEN REPORTS**

- (a) **Outside Agencies:** Collision investigation reports by other agencies shall be written pursuant to their policies and procedures.

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- (b) Members: Any member involved in a collision or creating damage while driving/operating a County vehicle, vessel or equipment, or while driving a private vehicle on County business, shall submit an investigation to the investigating sergeant detailing the circumstances surrounding the collision or damage, within the guidelines of Government Code § 3300 et al. At a minimum the following shall be included in the investigation:
1. The circumstances that led to the collision or damage
  2. A description of damage and/or injuries
  3. Any other relevant information
- (c) Sergeant: The investigating sergeant shall complete a vehicle accident/damage investigation detailing the circumstances surrounding the collision. The investigation shall include, but not be limited to:
1. The identification of all involved parties
  2. A description of all injuries
  3. The circumstances that led to the collision and/or damage
  4. Identification of the investigating agency
  5. The name of the investigation officer (s)
  6. The agency's case number
  7. Estimated time of completion
  8. Any other information, diagrams, photographs, etc., needed to clearly depict what occurred:
    - (a) The sergeant need not totally restate what is in the member's investigation but should affirm significant points, seek to clarify any ambiguities, and cover significant points not addressed
    - (b) The sergeant shall fill out the County of Sonoma Vehicle Accident Form
    - (c) The sergeant shall give an opinion to any violation of policy or law as well as who was "at fault."
- (d) Routing of Reports
1. The member shall forward a copy of his/her investigation to the investigating sergeant before the end of the members shift.
  2. The sergeant, prior to the end of shift, shall send a copy of the County of Sonoma Vehicle Accident Form to Fleet Operations and forward a copy to the Fleet Operations liaison Patrol Lieutenant.
    - (a) If there is an injury to any non-Sheriff's Office member, the sergeant shall send a copy of the County of Sonoma Vehicle Accident Form to Risk Management
    - (b) The sergeant, prior to the end of shift, shall forward to the on-duty (or on-call) Patrol Lieutenant the original County of Sonoma Vehicle

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Accident Form and the Vehicle Accident /Damage Investigation, unless late submittal approval is granted by the Patrol Lieutenant

- (c) The sergeant's vehicle accident/damage investigation shall not be sent to anyone other than the Patrol Lieutenant who will be conducting the follow up investigation
- 3. Any photographs taken shall be attached to the report.
- 4. In cases where law enforcement intervention is used, e.g., "PIT", or damage was caused by a suspect, duplication of investigations is not necessary, although damage must be documented for all vehicles involved. In these cases, a County of Sonoma Vehicle Accident Form shall be completed and sent to Fleet Operations. Attach the original County of Sonoma Vehicle Accident Form to the crime report, and forward to the Fleet Operations liaison Patrol Lieutenant. all other documentation of the investigations shall be conducted pursuant to Law Enforcement Policy and Procedures, Pursuit of Vehicles, or in the crime report.

#### 509.4.3 MANAGEMENT REVIEW

- (a) The responsible Patrol Bureau Lieutenant shall gather all reports pertaining to the collision or damage, including other agency reports, photographs and any other pertinent materials.
  - 1. If the involved employee is not assigned to the Patrol Bureau, the lieutenant shall deliver the packet to involved member's Bureau manager (e.g., Civil, CIB, Dispatch, ISB, the Director of the Fiscal Unit, MADF, NCDF, etc.) to complete the investigation.
  - 2. If the member is assigned to the Patrol Bureau the Patrol Lieutenant shall complete the vehicle accident/damage investigation.
  - 3. The Investigation need not totally repeat what is in the member's and sergeant's investigation, but should affirm significant points and seek to clarify. It shall include, but not necessarily be limited to:
    - (a) A brief summary of the circumstances of the collision or damage
    - (b) A review of the member's driving history
    - (c) A finding of the cause of the collision or damage and who was most responsible, noting any laws or policy violations
    - (d) If a deputy is determined to be at fault, and discipline greater than a letter of reprimand is going to be recommended, a Policy and Procedure Investigation will be conducted and forwarded to the Division Captain for review
- (b) The Section or Division Captain shall review the Policy & Procedure Investigation and make a recommendation to the appropriate Division Assistant Sheriff or Sheriff on what, if any, disciplinary action or training is to be taken.
- (c) The Sheriff or Assistant Sheriff shall:
  - 1. Determine what, if any disciplinary action or training is to be taken.

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2. Notify the Section or Division Captain of the disciplinary action to be taken and return the original report to the manager for completion of any disciplinary action.
  3. Assign disciplinary action follow up to appropriate supervisor or manager.
- (d) The Section or Division Captain shall:
1. Insure any disciplinary action is completed.
  2. After all disciplinary action has been completed ensure that the original investigation and any disciplinary paperwork (if appropriate) are sent to the Professional Standards Lieutenant.
- (e) The Professional Standards Bureau Administrative Aide is responsible for keeping and auditing of investigations.
- (f) Destruction of investigation records shall be pursuant to the Records Retention Schedule.

## **Chapter 6 - Investigation Operations**

## Investigation and Prosecution

### 600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

### 600.2 POLICY

It is the policy of the Sonoma County Sheriff's Office to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

### 600.3 INITIAL INVESTIGATION

#### 600.3.1 DEPUTY RESPONSIBILITIES

A deputy responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
  - 1. An initial statement from any witnesses or complainants.
  - 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the deputy shall:
  - 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
  - 2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
  - 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Watch Commander.
  - 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
  - 5. Collect any evidence.
  - 6. Take any appropriate law enforcement action.
  - 7. Complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

#### 600.3.2 COMMUNITY SERVICE OFFICER RESPONSIBILITIES

A Community Service Officer assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of a deputy shall be requested.

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### **600.4 CUSTODIAL INTERROGATION REQUIREMENTS**

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

#### **600.4.1 AUDIO/VIDEO RECORDINGS**

Any custodial interrogation of an individual who is suspected of having committed any violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigative Bureau supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

#### **600.4.2 MANDATORY RECORDING OF ADULTS**

Any custodial interrogation of an adult who is suspected of having committed any murder shall be recorded in its entirety. The recording should be video with audio if reasonably feasible (Penal Code § 859.5).

This recording is not mandatory when (Penal Code § 859.5):

- (a) Recording is not feasible because of exigent circumstances that are later documented in a report.
- (b) The suspect refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.
- (c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.
- (d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.

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- (e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of a deputy, the individual being interrogated or another individual. Such circumstances shall be documented in a report.
- (f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.
- (g) The questions are part of a routine processing or booking, and are not an interrogation.
- (h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

The Office shall maintain an original or an exact copy of the recording until a conviction relating to the interrogation is final and all appeals are exhausted or prosecution is barred by law (Penal Code § 859.5).

#### **600.5 DISCONTINUATION OF INVESTIGATIONS**

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
  - 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
  - 2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted, or requested, and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted, or requested.
- (f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations, and Senior and Disability Victimization policies may also require an arrest or submittal of a case to a prosecutor.

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### **600.6 COMPUTERS AND DIGITAL EVIDENCE**

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, deputies should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, deputies should take reasonable steps to prepare for such seizure and use the resources that are available.

### **600.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES**

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights, and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this office. If a member encounters information relevant to a criminal investigation while off-duty or while using the member's own equipment, the member should note the dates, times, and locations of the information and report the discovery to the member's supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using office equipment.

Information obtained via the internet should not be archived or stored in any manner other than office-established record keeping systems (see the Records Maintenance and Release and the Criminal Organizations policies).

#### **600.7.1 ACCESS RESTRICTIONS**

Information that can be accessed from any office computer, without the need of an account, password, email address, alias, or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any internet source should be evaluated for its validity, authenticity, accuracy, and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

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##### **600.7.2 INTERCEPTING ELECTRONIC COMMUNICATION**

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Deputies should seek legal counsel before any such interception.

##### **600.8 CELLULAR COMMUNICATIONS INTERCEPTION TECHNOLOGY**

The Investigation Lieutenant is responsible for ensuring the following for cellular communications interception technology operations (Government Code § 53166):

- (a) Security procedures are developed to protect information gathered through the use of the technology.
- (b) A usage and privacy policy is developed that includes:
  1. The purposes for which using cellular communications interception technology and collecting information is authorized.
  2. Identification by job title or other designation of employees who are authorized to use or access information collected through the use of cellular communications interception technology.
  3. Training requirements necessary for those authorized employees.
  4. A description of how the Office will monitor the use of its cellular communications interception technology to ensure the accuracy of the information collected and compliance with all applicable laws.
  5. Process and time period system audits.
  6. Identification of the existence of any memorandum of understanding or other agreement with any other local agency or other party for the shared use of cellular communications interception technology or the sharing of information collected through its use, including the identity of signatory parties.
  7. The purpose of, process for and restrictions on the sharing of information gathered through the use of cellular communications interception technology with other local agencies and persons.
  8. The length of time information gathered through the use of cellular communications interception technology will be retained, and the process the local agency will utilize to determine if and when to destroy retained information.

Members shall only use approved devices and usage shall be in compliance with office security procedures, the office's usage and privacy procedures and all applicable laws.

##### **600.9 MODIFICATION OF CHARGES FILED**

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of the Investigations Lieutenant or the Sheriff's designee. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

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### **600.10 USE OF CERTAIN DNA SAMPLES**

Known samples of DNA collected from a victim of a crime or alleged crime, and known reference samples of DNA from any individual that were voluntarily provided for the purpose of exclusion are to be used only for the purpose directly related to the incident being investigated and in compliance with the procedures identified in Penal Code § 679.12.

### **600.11 ANTI-REPRODUCTIVE RIGHTS CRIMES**

A member should take a report any time a person living within the jurisdiction of the Sonoma County Sheriff's Office reports that the person has been a victim of an anti-reproductive rights crime as defined by Penal Code § 13776 and Penal Code § 423.3. This includes:

- (a) Taking a report, even if the location of the crime is outside the jurisdiction of this office or has not been determined (e.g., online harassment).
- (b) Providing the victim with the appropriate information, as set forth in the Victim and Witness Assistance Policy. Members should encourage the person to review the material and should assist with any questions.

A report should also be taken if a person living outside office jurisdiction reports an anti-reproductive rights crime that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box in the [city/county] to facilitate the crime).

A member investigating an anti-reproductive rights crime should ensure that the case is referred to the appropriate agency if it is determined that this office should not be the investigating agency. The victim should be advised that the case is being transferred to the agency of jurisdiction. The appropriate entries should be made into any databases that have been authorized for office use and are specific to this type of investigation.

The Investigative Bureau supervisor should provide the CIB Manager with enough information regarding the number of calls for assistance and number of arrests to meet the reporting requirements to the California Department of Justice as required by Penal Code § 13777. See the CIB Policy for additional guidance.

### **600.12 STATE REQUIREMENTS FOR FIREARM INVESTIGATIONS**

#### **600.12.1 CALIFORNIA DOJ NOTICE OF LOCATION OF REPORTED LOST OR STOLEN FIREARM**

When notification is received from the California Department of Justice (DOJ) that a firearm purchase matches an entry made into the Automated Firearms System by the Office as lost or stolen, the Investigative Bureau supervisor shall assign a deputy to retrieve the firearm and book the firearm into evidence in accordance with the Property and Evidence Policy. Recovery of the firearm shall be reported pursuant to Penal Code § 11108.2, Penal Code §11108.3, and Penal Code § 11108.5. If appropriate, arrangements may be made to have another state or local law enforcement agency retrieve the firearm on behalf of the Office (Penal Code § 28220).

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### 600.12.2 RELINQUISHMENT OF FIREARMS VERIFICATION

The Investigative Bureau supervisor shall designate a member to have access to the Armed Prohibited Persons System (APPS) to receive information regarding individuals in the jurisdiction of the Office who have become a prohibited possessor of a firearm registered in their name and have not provided proof of relinquishment. The member shall document steps taken to verify that the individual is no longer in possession of firearms and provide the information to the CIB for preparation of a quarterly report to the California DOJ (Penal Code § 29813) (see the CIB Policy for additional guidance).

# Sexual Assault Investigations

## 601.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Senior and Disability Victimization policies.

### 601.1.1 DEFINITIONS

Definitions related to this policy include:

**Sexual assault** - Any criminal case involving a victim 18 years or older, which involves the following categories:

- Penal Code § 261 - Rape
- Penal Code § 262 - Spousal Rape
- Penal Code § 286 - Sodomy
- Penal Code § 288(a) - Oral Copulation
- Penal Code § 289 - Anal/Genital Penetration with Foreign Object
- Penal Code § 220 - Assault with Intent to Commit Any of the Above

**Sexual Assault Response Team (SART)** - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

## 601.2 POLICY

It is the policy of the Sonoma County Sheriff's Office that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

## 601.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.

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- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates and support for the victim.
- (f) Participate in or coordinate with SART.

#### **601.4 INVESTIGATIVE RESPONSIBILITIES**

Cases of sexual assault that are reported to the Sheriff's Office will normally be referred to the Patrol Division for the initial investigation and crime report.

The exceptions to the above procedure shall be in cases where the sexual assault report is made directly to the Domestic Violence/Sexual Assault Unit of the Investigations Division. In those situations, the Domestic Violence/Sexual Assault Unit supervisor shall have the option of assigning the case directly to a Detective or refer the case to the Patrol Division, if deemed appropriate.

##### **601.4.1 PATROL DIVISION INVESTIGATIVE PROCEDURES**

- (a) Assaults Occurred Within 5 Days: In cases where the sexual assault occurred within the past 5 days, the following preliminary investigative steps shall be taken by the Patrol Deputy:
  1. Obtain any necessary emergency medical care.
  2. Locate and secure any existing crime scene or evidence.
  3. Establish what crime has occurred.
  4. Establish when the crime occurred.
  5. Establish the jurisdiction of the crime.
  6. Provide the victim a Directory of Resource Information Pamphlet.
  7. Offer the victim the services of a victim advocate/counselor. If the victim requests an advocate, contact Dispatch and request the victim advocate respond to the SART facility or victim location. The victim has the right to their choice of advocate, including family members, relatives or friends.
  8. Attempt to obtain the identity of the suspect(s).
    - (a) Deputies shall not contact or interrogate the alleged suspect unless circumstances make it unavoidable. Such contact or interrogations may be counterproductive if undertaken prior to an in-depth interview of the victim by the Domestic Violence/Sexual Assault Unit Detective.
  9. Attempt to locate and interview any possible witnesses.
  10. After documenting the above listed information, do not interview the victim further. Request through Dispatch that the on-call Domestic Violence/Sexual Assault Unit Detective respond to the SART facility or victim location.
  11. Request a CSI Detective through Dispatch to respond to the crime scene for evidence collection.

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12. If appropriate, arrange for transportation for the victim to the designated SART facility. Do not transport the victim in the back seat of patrol vehicles, unless authorized by Patrol supervisor.
  13. All Deputies involved will provide a complete and accurate report by the end of shift. Exceptions must be approved by the shift supervisor and the Domestic Violence/Sexual Assault Unit Detective. When there is an exception, a Case Status Form shall be completed.
- (b) Assault Occurred In Excess of 5 Days: In cases where the sexual assault occurred more than 5 days have elapsed, the following preliminary investigative steps shall be taken by the Patrol Deputy:
1. Obtain any necessary emergency medical care.
  2. Locate and secure any existing crime scene or evidence.
  3. Establish what crime has occurred.
  4. Establish when the crime occurred.
  5. Establish the jurisdiction of the crime.
  6. Provide the victim with the Directory of Resource Information Pamphlet.
  7. Attempt to obtain the identity of the suspect(s).
    - (a) Deputies shall not contact or interrogate the alleged suspect unless circumstances make it unavoidable. Such contacts or interrogations may be counterproductive if undertaken prior to an in-depth interview of the victim by the Domestic Violence/Sexual Assault Unit Detective.
  8. Attempt to locate and interview any possible witnesses.
  9. The Deputies shall offer the victim assistance in contacting a sexual assault advocate/counselor.
  10. After documenting the above listed information, do not interview the victim further. Request through Dispatch, telephone contact with the on-call Domestic Violence/Sexual Assault Unit Detective. Base on the circumstances, the Detective will either advise the Deputy to conduct the interview or arrange for the victim to be interviewed by the Detective at a later, designated time.
  11. Provide, if necessary, transportation for the victim to a safe location.

#### **601.5 REPORTING**

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

#### **601.6 RELEASING INFORMATION TO THE PUBLIC**

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in

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developing helpful investigative leads. The Investigative Bureau supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

### **601.7 TRAINING**

Subject to available resources, periodic training will be provided to:

- (a) Members who are first responders. Training should include:
  - 1. Initial response to sexual assaults.
  - 2. Legal issues.
  - 3. Victim advocacy.
  - 4. Victim's response to trauma.
  - 5. Proper use and handling of the California standardized SAFE kit (Penal Code § 13823.14).
- (b) Qualified investigators who should receive advanced training on additional topics. Advanced training should include:
  - (a) Interviewing sexual assault victims.
  - (b) SART.
  - (c) Medical and legal aspects of sexual assault investigations.
  - (d) Serial crimes investigations.
  - (e) Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
  - (f) Techniques for communicating with victims to minimize trauma.

### **601.8 VICTIM INTERVIEWS**

The primary considerations in sexual assault investigations, which begin with the initial call to Dispatch, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of SART should be included in the initial victim interviews. An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded shall be included in the report.

Victims shall not be asked or required to take a polygraph examination (34 USC § 10451; Penal Code § 637.4).

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Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

##### **601.8.1 VICTIM RIGHTS**

Whenever there is an alleged sexual assault, the assigned employee shall accomplish the following:

- (a) Prior to the commencement of the initial interview, advise the victim in writing of the right to have a victim advocate and a support person of the victim's choosing present at any interview or contact by law enforcement, about any other rights of a sexual assault victim pursuant to the sexual assault victim card described in Penal Code § 680.2, and the right to have a person of the same or opposite gender present in the room during any interview with a law enforcement official unless no such person is reasonably available (Penal Code § 679.04).
- (b) If the victim is transported to a hospital for any medical evidentiary or physical examination, the employee shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2).
  - (a) The employee shall not discourage a victim from receiving a medical evidentiary or physical examination (Penal Code § 679.04).
  - (b) A support person may be excluded from the examination by the employee or the medical provider if the support person's presence would be detrimental to the purpose of the examination (Penal Code § 264.2).

##### **601.8.2 VICTIM CONFIDENTIALITY**

Deputies investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that his/her name not be made public. The reporting deputy shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code § 293).

Except as authorized by law, members of this office shall not publicly disclose the name of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293).

##### **601.9 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE**

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

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Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately (Penal Code § 680).

### 601.9.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating a sexual assault offense should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g). SAFE kits should be submitted to the crime lab within 20 days after being booked into evidence (Penal Code § 680).

In order to maximize the effectiveness of such testing and identify the perpetrator of any sexual assault, the assigned employee shall ensure that an information profile for the SAFE kit evidence has been created in the California Department of Justice (DOJ) SAFE-T database within 120 days of collection and should further ensure that the results of any such test have been timely entered into and checked against both the DOJ Cal-DNA database and the Combined DNA Index System (CODIS) (Penal Code § 680.3).

If the assigned employee determines that a SAFE kit submitted to a private vendor laboratory for analysis has not been tested within 120 days after submission, the employee shall update the SAFE-T database to reflect the reason for the delay in testing. The assigned employee shall continue to update the status every 120 days thereafter until the testing is complete, the statute of limitations has run, or the SAFE kit is exempt from the update requirement (Penal Code § 680.3).

If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue and is not going to be analyzed within 18 months of the crime, the assigned employee shall notify the victim of such fact in writing no less than 60 days prior to the expiration of the 18-month period (Penal Code § 680).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

### 601.9.2 DNA TEST RESULTS

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

1. Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, members investigating sexual assault cases shall inform the victim of the status of the DNA testing of any evidence from the victim's case (Penal Code § 680)

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- (a) Although such information may be communicated orally, the assigned employee should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
- (b) Absent a written request, no member of this office is required to, but may, communicate with the victim or the victim's authorized designee regarding the status of any DNA testing.

#### 2. Sexual assault victims shall further have the following rights (Penal Code § 680):

- (a) To be informed if a DNA profile of the assailant was obtained from the testing of the SAFE kit or other crime scene evidence from their case.
- (b) To be informed if there is a confirmed match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the DOJ Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.
- (c) To be informed if the DNA profile of the assailant developed from the evidence has been entered into the DOJ Databank or the federal Department of Justice or Federal Bureau of Investigation CODIS database of case evidence.
- (d) To access the DOJ SAFE-T database portal consistent with Penal Code § 680.3(e) for information involving their own forensic kit and the status of the kit.

#### 3. Provided that the sexual assault victim or the victim's authorized designee has kept the assigned employee informed with regard to current address, telephone number, and email address (if available), any victim or the victim's authorized designee shall, upon request, be advised of any known significant changes regarding the victim's case (Penal Code § 680).

- (a) Although such information may be communicated orally, the assigned employee should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
- (b) No employee shall be required or expected to release any information which might impede or compromise any ongoing investigation.

#### 601.9.3 STANDARDIZED SEXUAL ASSAULT FORENSIC MEDICAL EVIDENCE KIT

The Property and Evidence Unit supervisor should make California standardized sexual assault forensic medical evidence (SAFE) kits available to members who may investigate sexual assault cases. Members investigating a sexual assault should use these SAFE kits when appropriate and follow related usage guidelines issued by the California Clinical Forensic Medical Training Center (Penal Code § 13823.14).

#### 601.9.4 COLLECTION OF DNA REFERENCE SAMPLES

Reference samples of DNA collected directly from a victim of sexual assault, and reference samples of DNA collected from any individual that were voluntarily provided for the purpose of exclusion, shall be protected as provided in Penal Code § 679.12 (Penal Code § 680).

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### **601.10 DISPOSITION OF CASES**

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Investigative Bureau supervisor.

Classification of a sexual assault case as unfounded requires the Investigative Bureau supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

### **601.11 CASE REVIEW**

The Investigative Bureau supervisor should ensure case dispositions are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Sheriff.

## Asset Forfeiture

### 602.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

#### 602.1.1 DEFINITIONS

Definitions related to this policy include:

**Fiscal agent** - The person designated by the Sheriff to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Sonoma County Sheriff's Office seizes property for forfeiture or when the Sonoma County Sheriff's Office is acting as the fiscal agent pursuant to a multi-agency agreement.

**Forfeiture** - The process by which legal ownership of an asset is transferred to a government or other authority.

**Forfeiture reviewer** - The office member assigned by the Sheriff who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Sheriff's Office and the assigned deputy district attorney.

**Property subject to forfeiture** - The following may be subject to forfeiture:

- (a) Property related to a narcotics offense, which includes (Heath and Safety Code § 11470; Health and Safety Code § 11470.1):
  1. Property (not including real property or vehicles) used, or intended for use, as a container for controlled substances, materials to manufacture controlled substances, etc.
  2. Interest in a vehicle (car, boat, airplane, other vehicle) used to facilitate the manufacture, possession for sale or sale of specified quantities of controlled substances.
  3. Money, negotiable instruments, securities or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance, proceeds traceable to an exchange, etc.
  4. Real property when the owner is convicted of violating Health and Safety Code § 11366, Health and Safety Code § 11366.5 or Health and Safety Code § 11366.6 (drug houses) when the property was not used as a family residence or for other lawful purposes, or property owned by two or more persons, one of whom had no knowledge of its unlawful use.
  5. The expenses of seizing, eradicating, destroying or taking remedial action with respect to any controlled substance or its precursors upon conviction for the unlawful manufacture or cultivation of any controlled substance or its precursors.
- (b) Property related to criminal profiteering (may include gang crimes), to include (Penal Code § 186.2; Penal Code § 186.3):

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1. Any property interest, whether tangible or intangible, acquired through a pattern of criminal profiteering activity.
2. All proceeds acquired through a pattern of criminal profiteering activity, including all things of value that may have been received in exchange for the proceeds immediately derived from the pattern of criminal profiteering activity.

**Seizure** - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

#### **602.2 POLICY**

The Sonoma County Sheriff's Office recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

It is the policy of the Sonoma County Sheriff's Office that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

#### **602.3 ASSET SEIZURE**

Property may be seized for intended forfeiture as provided in this policy. The ultimate decision to pursue forfeiture proceedings will be decided by the District Attorney's Office.

##### **602.3.1 PROPERTY SUBJECT TO SEIZURE**

The following may be seized upon review and approval of a supervisor and/or after consulting with a narcotics detective:

- (a) Property subject to forfeiture authorized for seizure under the authority of a search warrant or court order.
- (b) Property subject to forfeiture not authorized for seizure under the authority of a search warrant or court order when any of the following apply (Health and Safety Code § 11471; Health and Safety Code § 11488):
  1. The property subject to forfeiture is legally seized incident to an arrest.
  2. There is probable cause to believe that the property was used or is intended to be used in a violation of the Uniform Controlled Substances Act and the seizing deputy can articulate a nexus between the property and the controlled substance offense that would lead to the item being property subject for forfeiture.

Deputies aware of assets that may be forfeitable as a result of criminal profiteering or human trafficking should consider contacting the district attorney regarding a court order to protect the assets (Penal Code § 186.6; Penal Code § 236.6).

Whenever practicable, a search warrant or court order for seizure prior to making a seizure is the preferred method.

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A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

#### 602.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds should not be seized.
- (b) Real property is not subject to seizure, absent exigent circumstances, without a court order (Health and Safety Code § 11471).
- (c) A vehicle which may be lawfully driven on the highway if there is a community property interest in the vehicle by a person other than the suspect and the vehicle is the sole vehicle available to the suspect's immediate family (Health and Safety Code § 11470).
- (d) Vehicles, boats or airplanes owned by an "innocent owner," such as a common carrier with no knowledge of the suspected offense (Health and Safety Code § 11490).
- (e) Any property when the associated activity involves the possession of marijuana or related paraphernalia that is permissible under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1).

#### 602.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the deputy making the seizure should ensure compliance with the following:

- (a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the deputy must leave the copy in the place where the property was found, if it is reasonable to do so.
- (b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.
- (c) Forward the completed "Receipt for property taken as evidence for possible asset forfeiture" form and related reports to the District Attorney's Office to initiate forfeiture proceedings within two days of seizure or as soon as possible.

The deputy will book seized property as evidence with the notation in the comment section of the Property/Evidence barcoding system, "Pending Forfeiture". Property seized subject to forfeiture should be booked on a separate property form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Deputies who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the appropriate Detective Sergeant.

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#### **602.5 MAINTAINING SEIZED PROPERTY**

The Property and Evidence Unit Supervisor and/or the appropriate Detective Sergeant is responsible for ensuring compliance with the following:

- (a) All property received for intended forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
- (b) All property received for intended forfeiture is checked to determine if the property has been stolen.
- (c) All property received for intended forfeiture is retained in the same manner as evidence (except cash) until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- (d) Property received for intended forfeiture is not used unless the forfeiture action has been completed.

##### **602.5.1 SEIZED CURRENCY**

Currency seized for intended forfeiture will be photographed at the scene and should be counted by the seizing deputy and a supervisor. The currency denominations will be tallied and documented on a tally sheet to include totals of each denomination and the total. The deputy counting and supervisor verifying will initial and sign the bag the currency is placed in when sealed. Currency seized will be given to the Narcotics supervisor or, the currency will be booked into the Sonoma County Sheriff's Office Property Room "for deposit". The Property/Evidence barcoding system will be noted in the comment section "pending forfeiture".

When notified and applicable, the appropriate Detective Sergeant will seek approval for the initiation of forfeiture from the District Attorney's Office and obtain a FOO number. Once a FOO number is obtained the currency will be deposited into the Sonoma County Treasurer's Office in an interest bearing account and shall be linked to the FOO number, the interested party (if known), and the associated case number.

##### **602.5.2 SEIZED VEHICLES**

Vehicles seized subject to forfeiture will be taken to a designated secure storage facility. A seized vehicle should not be impounded. The deputy seizing the vehicle shall notify the appropriate Detective Sergeant of the seizure of the vehicle and circumstances of the seizure, as soon as possible.

If the vehicle cannot be driven, a tow truck will be used to tow the vehicle to the storage facility.

All personal property located in an intended seizure vehicle shall be removed and returned to the owner or either booked as evidence or safekeeping.

Prior to seizing any vehicle for forfeiture, the condition, amount owed, and overall value of the vehicle should be taken into account.

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### **602.6 FORFEITURE REVIEWER**

The Sheriff will appoint a deputy, detective or supervisor as the forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend an office-approved course on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

- (a) Remaining familiar with forfeiture laws, particularly Health and Safety Code § 11469 et seq. and Penal Code § 186.2 et seq. and the forfeiture policies of the forfeiture counsel.
- (b) Serving as the liaison between the Sheriff's Office and the District Attorney's Office or Federal agencies to ensure prompt legal review of all seizures.
- (c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.
- (d) Ensuring that property seized under state law is not referred or otherwise transferred to a federal agency seeking the property for federal forfeiture as prohibited by Health and Safety Code § 11471.2.
- (e) Ensuring a receipt for property taken as evidence for possible asset forfeiture forms are available.
- (f) Reviewing each asset forfeiture case to ensure that:
  1. Written documentation of the seizure and the items seized is in the case file.
  2. Property is promptly released to those entitled to its return (Health and Safety Code § 11488.2).
  3. Any cash received is deposited into an interest bearing account.
  4. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
  5. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.
  6. Ensuring that the process of selling or adding forfeited property to the Office's regular inventory is in accordance with all applicable laws and consistent with the Office's use and disposition of similar property.
  7. Keeping a manual that details the statutory grounds for forfeitures and office procedures related to asset forfeiture, including procedures for prompt notice to interest holders, the expeditious release of seized property, where appropriate, and the prompt resolution of claims of innocent ownership (Health and Safety Code § 11469).
  8. Providing copies of seized business records to the person or business from whom such records were seized, when requested (Health and Safety Code § 11471).

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9. Notifying the California Franchise Tax Board when there is reasonable cause to believe that the value of seized property exceeds \$5,000.00 (Health and Safety Code § 11471.5).

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and County financial directives (Health and Safety Code § 11495).

### **602.7 DISPOSITION OF FORFEITED PROPERTY**

Forfeited funds distributed under Health and Safety Code § 11489 et seq. shall only be used for purposes allowed by law, but in no case shall a peace officer's employment or salary depend upon the level of seizures or forfeitures he/she achieves (Health and Safety Code § 11469).

The Office may request a court order so that certain uncontaminated science equipment is relinquished to a school or school district for science classroom education in lieu of destruction (Health and Safety Code § 11473; Health and Safety Code § 11473.5).

#### **602.7.1 RECEIVING EQUITABLE SHARES**

When participating in a joint investigation with a federal agency, the Sonoma County Sheriff's Office shall not receive an equitable share from the federal agency of all or a portion of the forfeiture proceeds absent either a required conviction under Health and Safety Code § 11471.2 or the flight, death or willful failure to appear of the defendant. This does not apply to forfeited cash or negotiable instruments of \$40,000 or more.

The Forfeiture reviewer will decide all percentages of distribution, when applicable, related to contract cities within Sonoma County. These decisions will be based fairly on the contract city's involvement.

### **602.8 CLAIM INVESTIGATIONS**

An investigation shall be made as to any claimant of a vehicle, boat or airplane whose right, title, interest or lien is on the record in the Department of Motor Vehicles or in an appropriate federal agency. If the investigation reveals that any person, other than the registered owner, is the legal owner, and that ownership did not arise subsequent to the date and time of arrest or notification of the forfeiture proceedings or seizure of the vehicle, boat or airplane, notice shall be made to the legal owner at his/her address appearing on the records of the Department of Motor Vehicles or the appropriate federal agency (Health and Safety Code § 11488.4).

## Informants

### 603.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

#### 603.1.1 DEFINITIONS

Definitions related to this policy include:

**Informant** - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the Sonoma County Sheriff's Office for law enforcement purposes. This also includes a person agreeing to supply information to the Sonoma County Sheriff's Office for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

### 603.2 POLICY

The Sonoma County Sheriff's Office recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this office that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

### 603.3 USE OF INFORMANTS

#### 603.3.1 INITIAL APPROVAL

Before using an individual as an informant, a deputy must receive approval from his/her supervisor. The deputy shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this office should not guarantee absolute safety or confidentiality to an informant.

#### 603.3.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

Except for the enforcement of laws related to the commercial sale of alcohol, marijuana or tobacco products, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

- (a) The juvenile's parents or legal guardians
- (b) The juvenile's attorney, if any
- (c) The court in which the juvenile's case is being handled, if applicable (Penal Code § 701.5)
- (d) The Sheriff or the authorized designee

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##### **603.3.3 INFORMANT AGREEMENTS**

All informants are required to sign and abide by the provisions of the designated office informant agreement. The deputy using the informant shall discuss each of the provisions of the agreement with the informant.

##### **603.4 INFORMANT INTEGRITY**

To maintain the integrity of the informant process, the following must be adhered to:

- (a) The identity of an informant acting in a confidential capacity shall not be withheld from the Sheriff, Captain, Investigations Lieutenant or their authorized designees.
  - 1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.
- (b) Criminal activity by informants shall not be condoned.
- (c) Informants shall be told they are not acting as sheriff's deputies, employees or agents of the Sonoma County Sheriff's Office, and that they shall not represent themselves as such.
- (d) The relationship between office members and informants shall always be ethical and professional.
  - (a) Members shall not become intimately involved with an informant.
  - (b) Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the supervisor.
  - (c) Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.
- (e) Deputies shall not meet with informants in a private place unless accompanied by at least one additional deputy or with prior approval of the supervisor.
  - 1. Deputies may meet informants alone in an occupied public place, such as a restaurant.
- (f) When contacting informants for the purpose of making payments, deputies shall arrange for the presence of another deputy.
- (g) In all instances when office funds are paid to informants, an expense voucher shall be completed.
- (h) Since the decision rests with the appropriate prosecutor, deputies shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

##### **603.4.1 UNSUITABLE INFORMANTS**

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Office and, if so, what

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conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file “unsuitable” when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

- (a) The informant has provided untruthful or unreliable information in the past.
- (b) The informant behaves in a way that may endanger the safety of a deputy.
- (c) The informant reveals to suspects the identity of a deputy or the existence of an investigation.
- (d) The informant appears to be using his/her affiliation with this office to further criminal objectives.
- (e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
- (f) The informant engages in any other behavior that could jeopardize the safety of deputies or the integrity of a criminal investigation.
- (g) The informant commits criminal acts subsequent to entering into an informant agreement.

### **603.5 INFORMANT FILES**

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of office members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Investigation Unit. The Investigations Lieutenant or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Sheriff, Captain, Investigations Lieutenant or their authorized designees.

The Administrative Captain should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

#### **603.5.1 FILE SYSTEM PROCEDURE**

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

- (a) Name and aliases

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- (b) Date of birth
- (c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features
- (d) Photograph
- (e) Current home address and telephone numbers
- (f) Current employers, positions, addresses and telephone numbers
- (g) Vehicles owned and registration information
- (h) Places frequented
- (i) Briefs of information provided by the informant and his/her subsequent reliability
  - 1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.
- (j) Name of the deputy initiating use of the informant
- (k) Signed informant agreement
- (l) Update on active or inactive status of informant

#### **603.6 INFORMANT PAYMENTS**

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant's previous criminal activity
- The level of risk taken by the informant

The Informant handler will discuss the above factors with their supervisor and determine the amount of payment.

##### **603.6.1 PAYMENT PROCESS**

Approved payments to an informant should be in cash using the following process:

- (a) Payments will be paid in cash from an Investigations buy/expense fund.
  - 1. The supervisor shall sign the expense voucher for cash payouts from the buy/expense fund.
- (b) To complete the payment process, the deputy delivering the payment shall complete an expense voucher form.
- (c) The expense voucher form shall be signed by the informant.

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- (d) The expense voucher form will be kept in the informant's file.
- (e) The expense voucher form shall include the following:
  1. Date
  2. Payment amount
  3. Sonoma County Sheriff's Office case number
  4. A purpose and summary explaining why the informant is receiving funds

### 603.6.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income.

### 603.6.3 AUDIT OF PAYMENTS

The Investigations Lieutenant or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Sheriff or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

## Eyewitness Identification

### 604.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this office employ eyewitness identification techniques (Penal Code § 859.7).

#### 604.1.1 DEFINITIONS

Definitions related to the policy include:

**Eyewitness identification process** - Any field identification, live lineup or photographic identification.

**Field identification** - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

**Live lineup** - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

**Photographic lineup** - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

**Blind administration** - A lineup where the administrator does not know the identity of the suspect.

**Blinded administration** - A lineup where the administrator of an eyewitness identification procedure may know who the suspect is, but does not know where the suspect, or his/her photo, as applicable, had been placed or positioned in the identification procedure.

### 604.2 POLICY

The Sonoma County Sheriff's Office will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

### 604.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

### 604.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Investigative Bureau supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

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The process should include appropriate forms or reports that provide (Penal Code § 859.7):

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.
- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all of the individuals present during the identification procedure.
- (e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
- (g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
- (h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.
- (j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.
- (k) Any other direction to meet the requirements of Penal Code § 859.7, including direction regarding blind or blinded administrations and filler selection.

The process and related forms should be reviewed at least annually and modified when necessary.

#### **604.5 EYEWITNESS IDENTIFICATION**

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case.

Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

The eyewitness identification procedure should be audio and video recorded and the recording should be retained according to current evidence procedures. When it is not feasible to make a recording with both audio and visual representations, an audio recording should be made (Penal Code § 859.7).

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### **604.6 FIELD IDENTIFICATION CONSIDERATIONS**

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
  - 1. The length of time the witness observed the suspect.
  - 2. The distance between the witness and the suspect.
  - 3. Whether the witness could view the suspect's face.
  - 4. The quality of the lighting when the suspect was observed by the witness.
  - 5. Whether there were distracting noises or activity during the observation.
  - 6. Any other circumstances affecting the witness's opportunity to observe the suspect.
  - 7. The length of time that has elapsed since the witness observed the suspect.
- (c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
- (d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
- (e) The person who is the subject of the show-up should not be shown to the same witness more than once.
- (f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.
- (g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
- (h) If a witness positively identifies a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

### **604.7 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS**

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness (Penal

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Code § 859.7). Techniques to achieve this include randomly numbering photographs, shuffling folders, or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup (Penal Code § 859.7).

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

### **604.7.1 OTHER SAFEGUARDS**

Witnesses should be asked for suspect descriptions as close in time to the incident as possible and before conducting an eyewitness identification. No information concerning a suspect should be given prior to obtaining a statement from the witness describing how certain he/she is of the identification or non-identification. Members should not say anything to a witness that may validate or invalidate an eyewitness' identification. In photographic lineups, writings or information concerning any previous arrest of a suspect shall not be visible to the witness (Penal Code § 859.7).

### **604.8 DOCUMENTATION**

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

#### **604.8.1 DOCUMENTATION RELATED TO RECORDINGS**

The handling member shall document the reason that a video recording or any other recording of an identification was not obtained (Penal Code § 859.7).

#### **604.8.2 DOCUMENTATION RELATED TO BLIND ADMINISTRATION**

If a presentation of a lineup is not conducted using blind administration, the handling member shall document the reason (Penal Code § 859.7).

## Brady Material Disclosure

### 605.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

#### 605.1.1 DEFINITIONS

Definitions related to this policy include:

**Brady information** -Information known or possessed by the Sonoma County Sheriff's Office that is both favorable and material to the current prosecution or defense of a criminal defendant.

### 605.2 POLICY

The Sonoma County Sheriff's Office will conduct fair and impartial criminal investigations and will provide the prosecution with the name of potential witnesses who may have information in their file that may adversely affect their credibility as a witness. In addition to reporting all evidence of guilt, the Sonoma County Sheriff's Office will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Office will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

### 605.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Deputies must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If a deputy learns of potentially incriminating or exculpatory information any time after submission of a case, the deputy or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., confidential informant or protected personnel files), the deputy should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If a deputy is unsure whether evidence or facts are material, the deputy should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Office case file.

### 605.4 DISCLOSURE OF PERSONNEL INFORMATION

The Professional Standards Bureau will monitor all administrative investigations for potential Brady material. In the event an investigation reveals potential Brady material, the Professional

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Standards Lieutenant will notify the District Attorney's Office of its existence. Only the name of the potential witness will be disclosed. The nature of the investigation will not be disclosed to the District Attorney absent an order from the court.

Whenever it is determined that *Brady* information is located in the personnel file of a member of this office who is a material witness in a criminal case, the following procedure shall apply:

- (a) The prosecuting attorney will be required to file a *Pitchess* motion in order to initiate an in camera review by the court.
- (b) Any member who is the subject of such a motion shall be notified in writing that a motion has been filed.
- (c) In the event the motion is granted, the Custodian of Records shall accompany all relevant files during any in camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.
- (d) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.
  1. Prior to the release of any information pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.

### **605.5 DISCLOSURE OF PUBLIC INFORMATION**

If the Office receives information that a member has a pending criminal prosecution for any misdemeanor or felony, in any jurisdiction, the Professional Standards Lieutenant will notify the District Attorney's Office of the alleged offense and jurisdiction.

### **605.6 INVESTIGATING BRADY ISSUES**

If the Office receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

### **605.7 TRAINING**

Office members should receive periodic training on the requirements of this policy.

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# Unmanned Aerial System

## 606.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of the small unmanned aerial system (sUAS) and for the storage, retrieval and dissemination of images and data captured by the sUAS. The following procedures are intended to promote the safe, efficient and lawful operation of the Sonoma County Sheriff's Office small Unmanned Aircraft System.

### 606.1.1 DEFINITIONS

Definitions related to this policy include:

**Unmanned aerial system (UAS)** - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

## 606.2 POLICY

Unmanned aircraft systems may be utilized to enhance the office's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a sUAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations. The Sheriff's Office sUAS will be operated in accordance with 14 CFR Part 107. Any deviation from 14 CFR Part 107 will be in strict accordance with an FAA granted COA or Expedited Special Governmental Interest (SGI) Waiver or Authorization for sUAS operation.

Requests for deployment of the sUAS will be made through Dispatch. The sUAS Commander, sUAS Supervisor or on-duty Watch Commander can authorize the use of the sUAS. The authorizing authority will contact or direct another to contact the sUAS pilot and notify him/her of the mission. The pilot will determine if the sUAS can be deployed safely and practically. If the request comes from an outside public safety agency, the request will be directed to Dispatch.

- (a) When the sUAS is being flown, operators will take steps to ensure the camera is focused on the areas necessary to the mission and to minimize the inadvertent collection of data about uninvolved persons or places.
- (b) A sUAS will only be operated by personnel, Unmanned Aircraft Operator and Visual Observer, who have been trained in the operation of the sUAS system. A Visual Observer will only be required if necessary under FAA regulations: ie, COA but may be considered for any flight. All agency personnel with the sUAS responsibilities, including command officers, will be provided training in policies and procedures governing sUAS use.
- (c) All missions will be documented on the sUAS System Mission Report form designed for that purpose and all flight time shall be accounted for on the form. The reason for the flight and type of mission as specified above and name of the supervisor approving the operation will also be documented.

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- (d) The use of the sUAS will be limited to authorized missions described herein.
- (e) The authorized missions for the Office sUAS are:
  - 1. Post-incident crime scene preservation and documentation.
  - 2. Explosive ordinance disposal (EOD) missions.
  - 3. Response to hazardous materials spills.
  - 4. Search and Rescue (SAR) missions as defined in California Government Code § 26614.
  - 5. Public safety and life preservation missions including but not limited to barricaded suspects, hostage situations, active shooters, apprehension of violent or armed and dangerous suspects and/or fleeing suspects and service of search or arrest warrants.
  - 6. Disaster response and recovery to include natural or human caused disasters including a full overview of a disaster area for post incident analysis and documentation.
  - 7. Training missions as authorized under 14 CFR Part 107 or FAA granted COA.
  - 8. In response to specific requests from local, state or federal fire authorities for fire response and prevention.
  - 9. When there is probable cause to believe that:
    - The sUAS will record images of a place, thing, condition, or event.
    - That those images would be relevant in proving that a certain felony had occurred or is occurring, or that a particular person committed or is committing a certain felony and use of the sUAS does not infringe upon the reasonable expectation of privacy.
  - 10. Pursuant to a search warrant.
  - 11. Non LE/public safety, i.e. PRMD.
- (f) All sUAS deployments will be reviewed by the sUAS Supervisor to ensure that they are conducted in accordance with Office policy, FAA regulations, state and federal law, and with due regard for public privacy.
- (g) The administration, safety policy, training requirements, general operation procedures and pre/post flight actions are contained in the Sheriff's Office sUAS Operations Manual.

#### **606.3 PRIVACY**

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy.

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Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

#### 606.3.1 OBLIGATIONS IMPOSED BY LAW-CIVIL CODE 1708.8 (A)(B)

- (a) A person is liable for physical invasion of privacy when the person knowingly enters onto the land or into the airspace above the land of another person without permission or otherwise commits a trespass in order to capture any type of visual image, sound recording, or other physical impression of the plaintiff engaging in a private, personal, or familial activity and the invasion occurs in a manner that is offensive to a reasonable person.
- (b) A person is liable for constructive invasion of privacy when the person attempts to capture, in a manner that is offensive to a reasonable person, any type of visual image, sound recording, or other physical impression of the plaintiff engaging in a private, personal, or familial activity, through the use of any device, regardless of whether there is a physical trespass, if this image, sound recording, or other physical impression could not have been achieved without a trespass unless the device was used.

#### **606.4 USE OF UAS**

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted consistent with FAA regulations.

#### **606.5 PROHIBITED USE**

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics, such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

#### **606.6 DATA RETENTION AND PROCESSING**

Upon completion of each sUAS mission, the recorded data shall be reviewed and evaluated for evidentiary value by the sUAS Commander or authorized designee. Data of identifiable individuals captured during a sUAS mission shall not be retained unless there is reasonable suspicion that evidence of criminal activity is present. All retained data shall be maintained or destroyed pursuant

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to the Sheriff's Records retention and evidence policies and in compliance with applicable laws and regulations.

### **606.7 RELEASE OF UAS DATA/RECORDINGS**

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

### **606.8 PROTECTION OF RIGHTS AND PRIVACY CONCERNS**

SUAS Commander, Supervisor, operators, and observers will consider the protection of individual civil rights and the reasonable expectation of privacy as a key component of any decision made to deploy the sUAS. Each sUAS operator and observer will insure that operations of the sUAS are consistent with local, state, and federal law.

## Warrant Service

### 607.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this office. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol deputies.

### 607.2 POLICY

It is the policy of the Sonoma County Sheriff's Office to balance the safety needs of the public, the safety of office members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

### 607.3 SPECIAL OPERATIONS UNIT (SOU) LIEUTENANT

The SOU Lieutenant (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The SOU Lieutenant will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

### 607.4 SEARCH WARRANTS

Deputies should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the deputy will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

### 607.5 ARREST WARRANTS

If a deputy reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the deputy should complete the risk assessment form and submit it to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the SOU Lieutenant. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

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### **607.6 WARRANT PREPARATION**

A deputy who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

a. Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime or no-knock warrant execution.

1. Deputies shall not seek a no-knock warrant without the approval of a Watch Commander or Investigations Lieutenant.

2. Deputies shall include in a "no knock" warrant all justification of imminent threat to physical safety

b. A clear explanation of the affiant's training, experience, and relevant education.

c. Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.

d. A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.

e. Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.

f. A specific description of the location to be searched, including photographs of the location, if reasonably available.

g. A sufficient description of the items to be seized.

h. Full disclosure of any known exculpatory information relevant to the warrant application (refer to the Brady Material Disclosure Policy).

### **607.7 HIGH-RISK WARRANT SERVICE**

The SOU Lieutenant or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of deputies deployed.

The member responsible for directing the service should ensure the following as applicable:

- (a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.

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- (b) The warrant service is audio- and video-recorded when practicable and reasonable to do so.
- (c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.
- (d) Reasonable efforts are made during the search to maintain or restore the condition of the location.
- (e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
- (f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).
- (g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
- (h) A copy of the search warrant is left at the location.
- (i) The condition of the property is documented with video recording or photographs after the search.

#### **607.8 NO-KNOCK ENTRIES**

No-knock entries are only authorized if a no-knock warrant has been obtained or if exigent circumstances arise at the scene such that knocking and announcing the deputy's presence would create an imminent threat of physical violence to the deputy or another person.

#### **607.9 DETENTIONS DURING WARRANT SERVICE**

Deputies must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, deputies must be mindful that only reasonable force may be used and weapons should be displayed no longer than the deputy reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Deputies should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

#### **607.10 ACTIONS AFTER WARRANT SERVICE**

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

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### **607.11 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS**

The Field Services Captain or authorized designee, will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the SOU Lieutenant. The SOU Lieutenant should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The SOU Lieutenant should ensure that members of the Sonoma County Sheriff's Office are utilized appropriately. Any concerns regarding the requested use of Sonoma County Sheriff's Office members should be brought to the attention of the Sheriff or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the SOU Lieutenant is unavailable, the Watch Commander should assume this role.

If deputies intend to serve a warrant outside Sonoma County Sheriff's Office jurisdiction, the SOU Lieutenant should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Deputies will remain subject to the policies of the Sonoma County Sheriff's Office when assisting outside agencies or serving a warrant outside Sonoma County Sheriff's Office jurisdiction.

Deputies shall not assist ICE in warrant service.

### **607.12 MEDIA ACCESS**

No advance information regarding warrant service operations shall be released without the approval of the Sheriff. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

### **607.13 DOCUMENTATION**

Documentation related to the service of a warrant shall be maintained in accordance with the established records retention schedule.

# Operations Planning and Deconfliction

## 608.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

### 608.1.1 DEFINITIONS

Definitions related to this policy include:

**High-risk operations** - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by deputies on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

## 608.2 POLICY

It is the policy of the Sonoma County Sheriff's Office to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

## 608.3 SPECIAL OPERATIONS UNIT (SOU) LIEUTENANT

The Field Services Captain will designate a member of this office to be the SOU Lieutenant.

The SOU Lieutenant will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The SOU Lieutenant will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The SOU Lieutenant will also have the responsibility of the coordination of operations that are categorized as high risk.

## 608.4 RISK ASSESSMENT

### 608.4.1 RISK ASSESSMENT FORM PREPARATION

Deputies assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the deputy should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the deputy should also submit information to these resources.

The deputy should gather available information that includes, but is not limited to:

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- (a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.
- (b) Maps of the location.
- (c) Diagrams of any property and the interior of any buildings that are involved.
- (d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).
- (e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).
- (f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).
- (g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
- (h) Other available options that may minimize the risk to deputies and others (e.g., making an off-site arrest or detention of the subject of investigation).

#### 608.4.2 RISK ASSESSMENT REVIEW

Deputies will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the SOU Lieutenant.

The supervisor and SOU Lieutenant will confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

#### 608.4.3 HIGH-RISK OPERATIONS

If the SOU Lieutenant, after consultation with the involved supervisor, determines that the operation is high risk, the SOU Lieutenant should:

- (a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:
  - (a) SWAT
  - (b) Additional personnel
  - (c) Outside agency assistance
  - (d) Special equipment
  - (e) Medical personnel
  - (f) Persons trained in negotiation
  - (g) Additional surveillance

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- (h) Canines
- (i) Property and Evidence Unit or analytical personnel to assist with cataloguing seizures
- (j) Forensic specialists
- (k) Specialized mapping for larger or complex locations
- (b) Contact the appropriate department members or other agencies as warranted to begin preparation.
- (c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.
- (d) Coordinate the actual operation.

### **608.5 DECONFLICTION**

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The deputy who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The deputy should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

### **608.6 OPERATIONS PLAN**

The SOU Lieutenant should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

- (a) Operation goals, objectives and strategies.
- (b) Operation location and people:
  1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
  2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces,

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- availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids
3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)
  4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children
- (c) Information from the risk assessment form by attaching a completed copy in the operational plan.
1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.
- (d) Participants and their roles.
1. An adequate number of uniformed deputies should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.
  2. How all participants will be identified as law enforcement.
- (e) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.
- (f) Identification of all communications channels and call-signs.
- (g) Use of force issues.
- (h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).
- (i) Plans for detaining people who are not under arrest.
- (j) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Senior and Disability Victimization, Child and Dependent Adult Safety and Animal Control policies.
- (k) Communications plan
- (l) Responsibilities for writing, collecting, reviewing and approving reports.

#### **608.6.1 OPERATIONS PLAN RETENTION**

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

#### **608.7 OPERATIONS BRIEFING**

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific approval.

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- (a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.
- (b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.
- (c) The SOU Lieutenant or authorized designee shall ensure that all participants are visually identifiable as law enforcement officers.
  - 1. Exceptions may be made by the SOU Lieutenant for deputies who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.
- (d) The briefing should include details of the communications plan.
  - 1. It is the responsibility of the SOU Lieutenant to ensure that Dispatch is notified of the time and location of the operation, and to provide a copy of the operation plan prior to deputies arriving at the location.
  - 2. If the radio channel needs to be monitored by Dispatch, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.
  - 3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

#### **608.8 SWAT PARTICIPATION**

If the SOU Lieutenant determines that SWAT participation is appropriate, the Lieutenant and a SWAT supervisor will work to develop a written plan. The SOU Lieutenant or authorized designee shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the SOU Lieutenant or authorized designee shall transfer control of the scene to the person handling the case. This transfer should be communicated to the deputies present.

#### **608.9 MEDIA ACCESS**

No advance information regarding planned operations shall be released without the approval of the Sheriff. Any media inquiries or press release after the fact shall be handled in accordance with the News Media Relations Policy.

#### **608.10 OPERATIONS DEBRIEFING**

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any SWAT debriefing.

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### **608.11 TRAINING**

The SOU Lieutenant should ensure deputies and SWAT team members who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

## **Chapter 7 - Equipment**

## **\*Office Owned and Personal Property\***

### **700.1 PURPOSE AND SCOPE**

Sonoma County Sheriff's Office employees are expected to properly care for office property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or office property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

### **700.2 CARE OF OFFICE/COUNTY PROPERTY**

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of Office property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of Office property may lead to discipline including, but not limited to the cost of repair or replacement.

- (a) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any Office issued property or equipment assigned for their use.
- (b) The use of damaged or unserviceable Office property should be discontinued as soon as practical and replaced with comparable Office property as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or required by exigent circumstances, Office property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Office/County property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
- (e) In the event that any Office property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

### **700.3 FILING CLAIMS FOR PERSONAL PROPERTY**

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate Captain, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

- (a) Reimbursement per County Policy: The Sonoma County Board of Supervisors (by Resolution 56420, dated January 18, 1977), and applicable member's Memorandums of Understanding, provide reimbursement for replacement or repair of personal property that is lost or damaged during the course of work without negligence by the member. Such property includes: clothing, prosthesis, trade or craft tools, special

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equipment, and personal effects. Jewelry items are specifically excluded with the exception of watches.

- (b) Further, pursuant to Board Resolution 90-0721, dated April 24, 1990, which amended Board Resolution 56420, members in the Law Enforcement Supervisory and Non-supervisory bargaining units that experience damage to their personal vehicles parked at a County-authorized location during the course of their official duties, while working at 24-hour County facilities, may request reimbursement. The amount of reimbursement for vehicle damage will not exceed \$250.00 per claim, or the amount of the employee's insurance deductible, whichever is less.
- (c) Additional items that are "pre-approved" for reimbursement for Deputy Sheriff's Association members only:
  - 1. Any clothing worn during a plainclothes assignment
  - 2. Prescription glasses
  - 3. Sunglasses
  - 4. Medical appliance/brace/prosthesis
  - 5. Hearing aids
  - 6. Handcuffs
  - 7. Portable radio ear piece
  - 8. Sheriff's Office approved bullet proof vest
  - 9. Binoculars
  - 10. Knife/multi-tool
  - 11. Night vision scope (up to \$200.00)
  - 12. Cell phone (up to \$150.00)
  - 13. Firearms (must be approved pursuant to Policy 306 Firearms)
  - 14. Impact weapon (must be approved by the Use of Force Lieutenant pursuant to Policy 300).
- (d) Additional items that are "pre-approved" for reimbursement for Sonoma County Law Enforcement Association members only:
  - 1. Prescription glasses
  - 2. Sunglasses
  - 3. Medical appliance/brace/prosthesis
  - 4. Hearing Aids
  - 5. Handcuffs
  - 6. Portable radio ear piece

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- (e) Reimbursement for SEIU and unrepresented members is pursuant to Board of Supervisor's Resolution and or applicable Memorandums of Understandings. Members must follow their MOU instruction.
- (f) No other item will be approved.

### 700.3.1 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

### **700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER**

Deputies and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

- (a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.
- (b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

### 700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to real or personal property belonging to the County, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Captain.

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## Personal Communication Devices

### 701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Office or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

### 701.2 POLICY

The Sonoma County Sheriff's Office will follow the procedures and guidelines set forth in Administrative Policy 9-2 Information Technology Use and Security Policy (Attached below).

The Sonoma County Sheriff's Office allows members to utilize office-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on- or off-duty for business-related purposes, or reasonably associated with work-related misconduct, will be subject to monitoring and inspection consistent with applicable law and this policy.

Additionally, the use of a PCD either on-duty or after duty hours for business-related purposes, or reasonably associated with work-related misconduct, may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

See attachment: 9-2 IT-Use-Security-Policy-Manual \_-(004).PDF

### 701.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received, or reviewed on any PCD issued or funded by the Office and shall have no expectation of privacy in their location should the device be equipped with location-detection capabilities. This includes records of all keystrokes or web-browsing history made on the PCD. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through office PCDs or networks (see the Information Technology Use Policy for additional guidance).

Members have no expectation of privacy regarding any communications while using a personally owned PCD for office-related business or when the use reasonably implicates work-related misconduct.

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##### 701.3.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT (CALECPA)

No member is authorized to be the sole possessor of a office-issued PCD. Office-issued PCDs can be retrieved, reassigned, accessed or used by any member as directed by a supervisor without notice. Member use of a office-issued PCD and use of a personal PCD at work or for work-related business constitutes specific consent for access for office purposes. Prior to conducting an administrative search of a PCD, supervisors should consult legal counsel to ensure access is consistent with CalECPA (Penal Code § 1546; Penal Code § 1546.1).

##### **701.4 OFFICE-ISSUED PCD**

Depending on a member's assignment and the needs of the position, the Office may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. Office-issued or funded PCDs should not be used for personal business either on- or off-duty unless authorized by the Sheriff or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Office and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless a member is expressly authorized by the Sheriff or the authorized designee for off-duty use of the PCD, the PCD will be either secured in the workplace at the completion of the tour of duty or turned off when leaving the workplace.

##### **701.5 PERSONALLY OWNED PCD**

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The Office accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used, and maintained solely at the member's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications) or as otherwise authorized by office procedures.
- (e) The device shall not be utilized to record or disclose any office business-related information, including photographs, video, or the recording or transmittal of any information or material obtained or made accessible as a result of employment or appointment with the Office, without the express authorization of the Sheriff or the authorized designee.
- (f) All work-related documents, emails, photographs, recordings, and other public records created or received on a member's personally owned PCD should be transferred to the Sonoma County Sheriff's Office and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor, or respond to electronic communications using a personally

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owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing memorandum of understanding or collective bargaining agreements, or if the member has prior express authorization from their supervisor, the member may engage in office business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty office-related business activities in any manner shall promptly provide the Office with a copy of such records to ensure accurate recordkeeping.

#### **701.6 USE OF PCD**

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct office business:

- (a) A PCD may not be used to conduct personal business while on-duty except for brief personal communications (e.g., informing family of extended hours). Members should endeavor to limit their use of PCDs to authorized break times unless an emergency exists.
- (b) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.
- (c) Members are prohibited from taking pictures, audio or video recordings, or making copies of any such picture or recording media unless it is directly related to official office business. Disclosure of any such information to any third party through any means requires the express authorization of the Sheriff or the authorized designee.
- (d) Members will not access social networking sites for any purpose that is not official office business. This restriction does not apply to a personally owned PCD used during authorized break times.
- (e) Using PCDs to harass, threaten, coerce, or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

#### **701.7 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.
  - 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
  - 2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Sheriff or the authorized designee.

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### **701.8 OFFICIAL USE**

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other office communications network.

### **701.9 USE WHILE DRIVING**

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Deputies operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Members who are operating office vehicles that are not authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. In an emergency, a wireless phone may be used to place an emergency call to the Office or other emergency services agency (Vehicle Code § 23123; Vehicle Code § 23123.5). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

## Vehicle Maintenance

### 702.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Office vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

### 702.2 DEFECTIVE VEHICLES

When an office vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork should be promptly forwarded to Fleet Operations.

#### 702.2.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged, or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

#### 702.2.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

#### 702.2.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured prior to the vehicle being released for maintenance, service or repair.

### 702.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all office vehicles for emergency purposes and to perform routine duties.

#### 702.3.1 PATROL VEHICLES

Deputies shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- Emergency road flares
- Stick yellow crayon or chalk
- Roll Crime Scene Barricade Tape
- First aid kit, CPR mask
- Blanket
- Blood-borne pathogen kit, Incl. protective gloves
- 1 Traffic Safety Vest

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- 1 Hazardous Materials Emergency Response Handbook
- Spike Strip

### **702.3.2 UNMARKED VEHICLES**

An employee driving unmarked office vehicles shall ensure that the minimum following equipment is present in the vehicle:

- 1 Traffic Safety Vest
- Spike Strip

### **702.4 VEHICLE REFUELING**

Absent emergency conditions or supervisor approval, deputies driving patrol vehicles should not place a vehicle in service that has less than one-quarter tank of fuel.

### **702.5 WASHING OF VEHICLES**

All units should be kept clean at all times and weather conditions permitting, should be washed as necessary to enhance their appearance.

Employees using a vehicle should remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

### **702.6 PROFESSIONAL STAFF EMPLOYEE USE**

Professional Staff employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Professional Staff employees shall also prominently display the "out of service" placards or lightbar covers at all times. Professional Staff employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

## \*Vehicle Use\*

### 703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure office vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of office vehicles and shall not be construed to create or imply any contractual obligation by the County of Sonoma to provide assigned take-home vehicles.

### 703.2 POLICY

The Sonoma County Sheriff's Office provides vehicles for office-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Office, requirements for tactical deployments, and other considerations.

### 703.3 USE OF VEHICLES

This policy applies to County officers, members, and other authorized individuals as specified in this policy.

1. **Authorization:** A County vehicle, vessel or equipment shall be driven only by appropriately licensed and authorized County officers or members or other authorized persons. Authorization shall be by the Sheriff or authorized designee.
2. **County Business Use Only:** A County vehicle, vessel or equipment should be used for official County business only, which includes use while being subject to emergency call out, except as authorized in section below.
3. **Safe Driving:** It is the responsibility of the driver of a County vehicle, vessel or equipment, or private vehicle while being used for County business, to exercise reasonable care to avoid impediments or obstructions in the path of the vehicle, vessel or equipment which might cause damage to the vehicle, vessel or equipment, other vehicles or property, or injury to anyone.
4. **Attentive Driving:** Drivers shall remain attentive to driving at all times. Use of hand-held cellular phones, eating or drinking, dealing with passengers, use of the MDC or other distractions while the vehicle, vessel or equipment is moving should be avoided. Whenever possible, drivers should pull off the road and stop to address such types of distractions.
5. **Contract City Vehicles:** This policy and the procedures set forth herein also apply to the use of vehicle, vessels or equipment owned by law enforcement contract cities (e.g., Town of Windsor/City of Sonoma). In addition, members are required to comply with any rules or regulations of the contracting city with respect to vehicles.
6. **Extra Help Members:** Extra help and agency extra help members may be authorized by the Sheriff or authorized designee to drive County vehicles, vessels or equipment. The member's immediate supervisor is responsible to ensure that extra help members have the appropriate driver's license for the vehicle, for the vehicle, vessel or equipment being driven.

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7. **Volunteers:** Volunteers listed with the County's Human Resources Volunteer Coordinator and assigned to a specific program can be authorized by the Sheriff to drive a County vehicle, vessel or equipment. The volunteer's immediate supervisors are responsible for ensuring the volunteer has the appropriated driver's license for the vehicle, vessel or equipment being driven. Volunteers are required to follow all driving rules as outlined in this policy.
8. **Independent Contractors:** Independent contractors are not authorized to drive County vehicles, vessels or equipment without authorization from the Sheriff.
9. **Other Local Agencies:** Members of other local public agencies or local community-based organizations may be authorized to use County vehicles, vessels or equipment if there is a written agreement between the County and the agency or organization stating the use of the County vehicle, vessel or equipment is authorized by the Sheriff's Office for a program related to County business, provided the agency or organization has met the County's insurance requirements
10. **Non Peace Officer Use of Marked Vehicles, Vessels or Equipment:** Professional staff using marked patrol vehicles, vessels or equipment shall remove (if they are trained to render safe) or have removed all weapons before using any vehicle, vessel or equipment. A placard stating "Out of Service" shall be displayed on patrol vehicles, vessels, or equipment and the light bar shall be covered. The use of emergency equipment in patrol vehicles, vessels or equipment is prohibited unless expressly authorized by a supervisor.
11. **Vehicle, Vessel or Equipment Operation:** Drivers shall be familiar with the manner of operation of vehicle, vessel or equipment that they operate on County business. If any driver is unsure of the operation of the vehicle, vessel or equipment, the driver should check the owner's manual in the glove box of the car or contact Fleet Operations or an appropriate Sheriff's Office member for assistance.
12. **Visual Inspections:** Members shall conduct a visual inspection of any County vehicle, vessel or equipment for damage prior to use. Any damage or safety problems observed shall be reported to a supervisor or Fleet Operations immediately upon discovery. Visual inspections should include the following:
  - A check for body damage
  - A check that all lights are working
  - A check that all tires are inflated properly and not excessively worn
  - A check of the fuel level
  - A check that there is a spare tire and jack in the vehicle
  - A check of all seat belts
13. **Dangerous or Defective Vehicle, Vessel or Equipment:** Any County vehicle, vessel or equipment, or private vehicle while being used for County business, shall not be operated when in a known dangerous or defective condition.
14. **Reporting an Unsafe Vehicle, Vessel or Equipment:** When a County vehicle, vessel or equipment is found to be in a dangerous or defective condition, it shall be taken out

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of service and reported to Fleet Operations as soon as practical via a Fleet Operations Service/Repair Work Order. The member shall notify his immediate supervisor and remove all weapons if appropriate.

- **Patrol Vehicles:** The Patrol CSO shall be responsible for ensuring the vehicle, vessel or equipment and required paperwork is delivered to Fleet Operations.
  - **Assigned Vehicles:** The operator shall be responsible for ensuring the vehicle is delivered to Fleet Operations for repair or service.
  - **Non-Assigned and Non-Patrol Vehicles:** The supervisor is responsible for ensuring the vehicle, vessel or equipment is delivered to Fleet Operations for repair or service.
15. **Routine Vehicle Maintenance to Assigned Vehicles:** Members are responsible for maintaining assigned Sheriff's Office vehicles, vessels or equipment by ensuring routine maintenance is completed, and that the vehicle is clean (inside and out) and is in good working order.
16. **Routine Vehicle Maintenance to Non-Assigned Vehicles, Vessels or Equipment:** The CSO assigned to the Patrol Bureau shall ensure that routine maintenance is completed on non-assigned patrol vehicles. Supervisors of other bureaus and units are responsible to ensure maintenance on vehicles, vessels and/or equipment assigned to their area.
17. **Child Safety Seats:** All children riding in a County vehicle shall be properly belted and/or restrained. Child safety seats shall be used as required by the California Vehicle Code § 27360 through 27364. Devices shall be positioned to meet the vehicle and child restraint system or booster seat manufacturer's design and recommendations.
- In case of a life-threatening emergency, or when a child is being transported in an authorized emergency vehicle, if there is no child passenger restraint system available, a child may be transported without the use of that system, but the child shall be secured by a seatbelt (CVS § 27363).
  - Members should deactivate, if available, the passenger side airbag when appropriate, such as when transporting a rear-facing infant or child in the front seat.
18. **Alcohol, Drugs and Other Intoxicants:** Consumption of alcohol, drugs or other intoxicants that may interfere with the safe operation of a County vehicle, vessel or equipment or while operating a private vehicle on County business is strictly prohibited.
19. **Parking County Vehicles:** All vehicles shall be safely parked and locked when unattended. All Sheriff's Office vehicles shall be parked in accordance with all parking regulations unless emergency circumstances dictate otherwise.
20. **Traffic Citations:** Any member, who receives a traffic citation other than for illegal parking while operating a County vehicle, or while operating a private vehicle on County business, shall report such citation to the members' supervisor. The supervisor shall notify their manager. All traffic or parking citations are the sole responsibility of the driver.

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21. **Use of Pool Vehicles:** Members should use "pool vehicles" from Fleet Operations with the approval of their manager and/or supervisor for all travel on County business in accordance with the Sheriff's Office policies. The member shall follow the policy of Fleet Operations when checking out a pool car. Fleet Operations will supply a gas credit card for out-of-county use. Fleet Operations will supply emergency procedures to be followed in case of mechanical problems. Members shall return pool vehicles to Fleet Operations promptly after completion of use and shall complete the Fleet Operations Dispatch Form.
22. **Use of Private Vehicles on County Business:** Members shall normally use County vehicles when conducting County business. Use of private vehicles is permitted when the members' manager has determined it is most advantageous to the County for a member to use a private vehicle. Factors to be considered include:
  - Travel is less than 25 miles
  - Availability of County vehicles
  - Cost of a County vehicle vs. mileage reimbursement and any budget implications
  - The appropriateness of the vehicle for the required use
  - Best use of member' time
  - Operational efficiency
  - (a) **Insurance Requirements:** Members who drive a private vehicle on County business must maintain automobile insurance that complies with the State of California minimum requirements for bodily injury and property damage. The member shall ensure that the level of insurance maintained is appropriate for use of the vehicle for business.
  - (b) **Primary Insurance Coverage:** If a member is involved in an accident in a private vehicle while on authorized County business, the member's automobile insurance is primary to any other coverage.
  - (c) **Deductible Expense:** When a member is involved in a vehicle collision in his private vehicle while on County business and it is determined, by the appropriate law enforcement agency, that the member is not at fault, the County will reimburse any insurance deductible expense up to a maximum of \$500.
  - (d) **Reimbursement Claims:** When County members use a private vehicle on County business, they shall be reimbursed at the current published IRS reimbursement rate. Claims for mileage reimbursement shall be submitted on a County Mileage Claim Form and submitted to their supervisor.
23. **Motorcycles:** No member shall operate a motorcycle, with the exception of enforcement motorcycle, on County business without specific authorization of the Sheriff or authorized designee.
24. **Vehicle, Vessel or Equipment Accident or Damage Reporting and Investigation:** Refer to Office-Wide Policy on Investigation of Vehicle, Vessel or Other Equipment Collision or Damage.

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25. **Vehicle Markings:** All county vehicles, except for those used in special law enforcement or undercover operations, shall have exempt license plates and shall be marked with the vehicle number and County marking visible to the public. On other markings, decals or bumper stickers shall be displayed on county vehicles and equipment.
26. **Loss of Driver's License:** If members lose their driving privileges for any reason, they could be subject to personnel action as outlined in the County's guidelines to Assist Supervisors in the Management of Members Losing their Driver's License.
27. **Vehicle Handbook:** Every County vehicle shall have a "Vehicle Operator's Handbook" in the glove compartment. This handbook is published by Fleet Operations and addresses a number of procedures to be followed by drivers of County vehicles. These procedures include:
  - Vehicle Safety and Driver Accountability
  - Accident Reporting
  - Mechanical Failure and Breakdown
  - Vehicle Care and Preventive Maintenance
  - Fueling County Vehicles
  - Obtaining and Using a County Pool Vehicle
28. **Handbook Updating and Review:** Fleet Operations reviews and updates the handbook regularly to ensure that the information is correct and contact numbers are still current. Fleet Operations recommends that each County member be familiar with the handbook and its contents. If you cannot locate this handbook, please contact Fleet Operations for a current copy.
29. **Driving a County Vehicle While on Temporary Transitional Duty:**
  - (a) Members on temporary transitional duty may drive a county vehicle within their medical restrictions.
  - (b) Members in temporary transitional duty assignments shall make every reasonable effort not to get involved in any enforcement activity while on temporary transitional duty.
  - (c) To prevent creating an expectation of action by the public, Deputy Sheriff's shall not drive a marked patrol vehicle unless there is an "out of service" placard on the vehicle.
  - (d) If any member is on temporary transitional duty and not available for on call response due to their restrictions, then they are restricted from the use of a take home vehicle.

#### **703.4 MEMBER RESPONSIBILITIES**

- (a) **Responsible Driving:** Each County driver shall drive responsibly, anticipate emergency situations and make every effort to avoid accidents. All members operating a vehicle, vessel or equipment on County business represent the County of Sonoma and shall always project a professional and responsible image to the public.

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- (b) Following Traffic Laws: Members are expected to be knowledgeable of, and follow, all applicable Federal, State and local traffic laws.
  - 1. Exemption: Pursuant to Vehicle Code § 21055, drivers of emergency vehicles while responding to emergencies may be exempt from certain Vehicle Code provisions. Vehicle Code § 21055 does not relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway, nor protect the driver from the consequences of an arbitrary exercise of the privileges granted in that section.
- (c) Driver's License: Deputy Sheriff's must have a valid California driver's license. Other Sheriff's Office members and volunteers operating vehicles or equipment on County business shall have a valid California driver's license for the type of vehicle or equipment they are operating. If such driver's license is suspended, revoked, or restricted, the driver shall immediately inform his/her supervisor.

#### **703.5 SHERIFF'S OFFICE RESPONSIBILITIES**

- (a) Driver's License Checks: The Sheriff's Office shall require DMV driver's license checks for new members that are required to drive as part of their duties.
- (b) Driver's License Verification: The Sheriff's Office, through each member's supervisor, is responsible for verifying that members who drive on County business have a valid California driver's license and that the license is the appropriate license for the vehicle they are operating. This departmental obligation does not diminish the member's obligations pursuant to this policy's sections above.
- (c) Defensive Driver Training Requirement: The Sheriff's Office shall ensure all members, including volunteers, who are required to drive County vehicles or personal vehicles on County business participate in the Defensive Driver's Training within the specified intervals as detailed in the County's Defensive Driver Training Program. It shall be the responsibility of the member's immediate supervisor to ensure this training occurs and should be part of the new member's orientation program. Supervisors (or EVOC staff) shall complete the Training Documentation Form and send to the Sheriff's Training Unit. Deputy Sheriffs are exempt from participating in the County's program as long as the Sheriff's Office continues to conduct on-going emergency vehicle operations training.
- (d) DOT Driver Records: The Sheriff's Office shall maintain accurate records of all members who are required by Department of Transportation (DOT) regulations to have a commercial driver's license. At a minimum, the record shall include a copy of the member's license, a copy of the member's current medical card, and a copy of the most recent DMV Driver Record Information. These members shall be enrolled in the mandatory DOT/DMV Pull Notice Program through Risk Management.
- (e) Pull Notice Program: The Sheriff's Office shall enroll and track all members who drive on a regular basis, three or more days a week or more than 500 miles per month, and all Deputy Sheriffs in the DMV "Pull Notice Program". The Sheriff's Personnel Bureau shall administer this program.
  - 1. DMV requires Driver Record Information reports be maintained in a separate file. These records may be reviewed by the member.

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2. The Personnel Bureau Sergeants are responsible for having all new or transferred (in or out) employees assigned to their Divisions, who qualify for this program, sign the DMV "Authorization for Release of Driver Record Information" form. The form shall be forwarded to the Personnel Bureau for signature and delivery to the DMV.
  3. Old DMV report shall be destroyed as new ones are received.
- (f) Take Home Vehicle Authorized Assignment: Take home vehicle assignments are limited to those staff engaged in immediate, first-line, emergency response for critical services, or when a take home vehicle assignment results in an economy and/or efficiency that is in the best interest of the County. Members are cautioned that under federal and local tax rules, personal use of a County-owned vehicle may create an income tax liability to the member. Members should address questions regarding tax consequences to their tax adviser.
1. Department Head Authorization: Take home vehicle assignments that are determined to be in the best interest of the County shall be made at the discretion of the Sheriff. The term "In the best interest of the County" is defined as those vehicle assignments that are cost-effective to the County, enhance service to the public, better provide for public safety, and can stand the test of public scrutiny.
    - If you have an assigned vehicle, and for any reason, you are unavailable for two or more weeks (14) days, your assigned vehicle must be parked at the Sonoma County Sheriff Main Office parking lot, unless authorized by the Sheriff or authorized designee.
  2. On Call Detective Use Out of County: Detectives who live outside the County and are the "primary" deputies on call are authorized to take the vehicle home during this primary on call duty. All other detectives shall not routinely commute to their out-of-county residences in assigned County vehicles.
  3. Intermittent Take Home Vehicle: The Sheriff or authorized designee may, on a case-by-case basis, approve intermittent take home vehicle assignments.
- (g) Reporting: The Sheriff is required by County Policy to submit a list annually, during budget meetings, the County Administrator identifying and justifying those assigned take home vehicles that meet the criteria established above. The county Administrator's Office shall review each list for consistency with the Board's Policy.

#### **703.6 NON-COUNTY DRIVER AUTHORIZATION**

Pursuant to County policy, the Sheriff must authorize the driving of a County vehicle, vessel or equipment by a non-County employee. The supervisor or manager requesting this authorization must prepare a memorandum, via the chain of command, to the Sheriff, detailing the need. Upon approval of the Sheriff, the original memorandum will be filed with the master policy.

Prior to any authorized non-County person operating any County vehicle, vessel or other equipment, the driver (operator) must complete a training course, approved by the EVOC manager (or other applicable training staff), for the type of vehicle, vessel or piece of equipment to be

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operated. A copy of the training curriculum and the original sign off sheet must be sent to the Training Unit for filing in the person's personnel file.

### **703.7 POST EXEMPTION FOR DEPUTY SHERIFFS**

- (a) Pursuant to POST's perishable skills mandates, Deputy's are required to attend driver training updates every two years. Upon written approval from POST, Deputy Sheriffs (Extra Help Court Security) can be exempted from this requirement.
- (b) The manager of the Deputy requesting the exemption shall request the Personnel Bureau Lieutenant to author a letter to POST detailing the reasons for the exemption.
- (c) Upon the return approval letter from POST of the exemption, the Personnel Bureau Lieutenant will notify the Deputy and his/her manager that POST has approved the request with the notation that the Deputy cannot drive a marked patrol car, and will place the original letter from POST into the Deputy's personnel training file.

Deputy Sheriffs who are exempt from the POST perishable skills requirements shall still complete the Level I training required by all Sheriff's Office members.

## **\*Personal Protective Equipment\***

### **704.1 PURPOSE AND SCOPE**

This policy identifies the different types of personal protective equipment (PPE) provided by the Office as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

#### **704.1.1 DEFINITIONS**

Definitions related to this policy include:

**Personal protective equipment (PPE)** - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

**Respiratory PPE** - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

### **704.2 POLICY**

The Sonoma County Sheriff's Office endeavors to protect members by supplying certain PPE to members as provided in this policy.

### **704.3 DEPUTY RESPONSIBILITIES**

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

### **704.4 HEARING PROTECTION**

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in 8 CCR 5098.

### **704.5 EYE PROTECTION**

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

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The Firearms Instructor shall ensure eye protection meets or exceeds the requirements provided in 8 CCR 3382.

### **704.6 HEAD AND BODY PROTECTION**

Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg and groin protection should be provided as required by any collective bargaining agreement.

### **704.7 RESPIRATORY PROTECTION**

The Administration Captain is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (8 CCR 5144):

- (a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
- (b) Fit testing, including identification of members or contractors qualified to conduct fit testing.
- (c) Medical evaluations.
- (d) PPE inventory control.
- (e) PPE issuance and replacement.
- (f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.
- (g) Regularly reviewing the PPE plan.
- (h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

#### **704.7.1 RESPIRATORY PROTECTION USE**

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene supervisor who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene supervisors are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene supervisor shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene supervisor reasonably believes (8 CCR 5144):

- (a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.

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- (b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.
- (c) The member needs to replace the respirator, filter, cartridge or canister.

### 704.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members should not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (8 CCR 5144):

- (a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.
- (b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.
- (c) Perform a user seal check per office-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.
- (d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

### 704.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances (8 CCR 5144).

A scene supervisor may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

- (a) They smell, taste or are irritated by a contaminant.
- (b) They experience difficulty breathing due to filter loading.
- (c) The cartridges or filters become wet.
- (d) The expiration date on the cartridges or canisters has been reached.

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### 704.7.4 SELF-CONTAINED BREATHING APPARATUS

Scene supervisor may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include, but are not limited to:

- (a) Entering the hot zone of a hazardous materials incident.
- (b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.
- (c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene supervisor.

### 704.7.5 RESPIRATOR FIT TESTING

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (8 CCR 5144).

After initial testing, fit testing for respiratory PPE shall be repeated (8 CCR 5144):

- (a) At least once every 12 months.
- (b) Whenever there are changes in the type of SCBA or facepiece used.
- (c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

### 704.7.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member shall be issued respiratory protection that forms a complete seal around the face until (8 CCR 5144):

- (a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.
- (b) A physician or other licensed health care professional has reviewed the questionnaire.
- (c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

## **704.8 RECORDS**

The Professional Standards Bureau Lieutenant is responsible for maintaining records of all:

- (a) PPE training.
- (b) Initial fit testing for respiratory protection equipment.
- (c) Annual fit testing.
- (d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

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1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the office records retention schedule and 8 CCR 5144.

### **704.9 TRAINING**

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (8 CCR 3380).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (8 CCR 5144).

## Armored Rescue Vehicle (ARV)

### 705.1 PURPOSE AND SCOPE

The purpose and scope of this policy is to set guidelines for the proper use, training, care and storage of the Armored Rescue Vehicle (ARV).

Safety is a critical concern in responding to high risk tactical incidents. The proper use of ARV's can greatly enhance officer/citizen safety and improve the ability to resolve a high risk/dangerous incident peacefully.

### 705.2 POLICY

The ARV is primarily used for SWAT incidents, safe transport of SWAT personnel to and from critical incidents, warrant services, emergency situations, training, high risk rescue operations and any other application approved by the SWAT Commander, Division Captain or Sheriff.

### 705.3 USE OF THE ARV

The use of an ARV will generally enhance deputy/citizen safety in most circumstances. The Armored Rescue Vehicle should be deployed in situations where its use would enhance the tactical advantage of deputies, aid in the rescue of injured victims or improve the likelihood that an incident could be resolved without the use of deadly force.

### 705.4 DEPLOYMENT

The ARV will only be deployed in a manner consistent with the guidelines in this policy. Approval to deploy an ARV will be the responsibility of the SWAT Commander or his/her designee. A Watch Commander or his/her designee may authorize the deployment of an ARV if there is an immediate need to prevent loss of life or great bodily injury.

Upon deployment, the Watch Commander or his/her designee shall notify the SWAT Commander as soon as practical. In most cases, the SWAT Commander will call-out a minimum of two (2) SWAT operators to deploy the ARV to the scene of a deployment.

### 705.5 SWAT OPERATIONS

The SWAT Team may deploy the ARV at their discretion as approved by the SWAT Commander or his/her designee. Nothing in this policy is meant to preclude the immediate deployment of an ARV to perform an officer or citizen rescue, to save lives that could be placed in immediate danger of great bodily injury or death or to deliver the ARV to the scene of a call-out.

### 705.6 NON-SWAT PLANNED OPERATIONS

Any sworn member of the Sonoma County Sheriff's Office may request to deploy the ARV in a planned operation by making the request to the SWAT Commander or his/her designee. The request should include, but is not limited to: the day, date and time frame of the operation; the location(s) of the operation; the reason why the ARV is necessary for the success of the operation. The SWAT Commander or his/her designee will be responsible for approving/denying the request.

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### **705.7 NON-ENFORCEMENT USE**

The ARV may be deployed for public relations purposes, such as demonstrations, displays and special events, with the approval of the SWAT Commander or his/her designee. If approval is granted, a trained ARV driver will be assigned to deliver and provide security for the vehicle.

### **705.8 ALLIED AGENCY REQUEST**

Non-Emergency request for deployment of the ARV by an allied agency will be made through the on-duty Watch Commander who will then contact the SWAT Commander for authorization. If there is an emergency that requires immediate deployment of the ARV to assist in life saving operations, the Watch Commander may authorize the deployment of the vehicle. Upon deployment, the Watch Commander shall notify the SWAT Commander as soon as practical.

Upon approving the request, a minimum of two SWAT deputies will be assigned to deliver the ARV to the requesting agency. The deputies will respond to the incident and deploy the ARV per the orders of the Incident Commander of the allied agency. Sonoma County Sheriff's deputies will not deploy an ARV if the deployment conflicts with Sonoma County Sheriff's policies, procedures or practices. Deputies arriving on scene with the ARV will act as operators of the vehicle and security for the vehicle.

Deputies should not be directly involved in the tactical operations of the allied agency unless specifically requested to so by the requesting agency. If the deputies are asked to participate in any part of the operation other than the operation of the ARV, the deputies shall contact the SWAT Commander as soon as practical and brief the SWAT Commander on their intended actions. This policy is not intended to restrict deputies from taking action they believe will prevent loss of life or great bodily injury.

If the allied agency request for the ARV develops into an extended operation, the deputies deploying the ARV will contact the SWAT Commander and advise him/her of the situation. The SWAT Commander will be responsible for ensuring relief deputies are deployed if necessary. If multiple simultaneous requests are made for the ARV, the SWAT Commander will evaluate the situations and determine which situation takes priority based on the nature of the incidents.

### **705.9 ARV TRAINING**

Employees are to be trained in the operation of the ARV prior to actual use. Patrol deputies will only be trained on operating procedures for the ARV and will not be authorized to operate the ARV (absent exigent circumstances). Members of the SWAT Team will be trained on operating procedures for the ARV. Training Requirements will be set by the SWAT Commander or designee. The training will include knowledge of the rules of the road and knowledge of electronic/mechanical mechanisms on the vehicles. Personnel who have been trained in the use of the ARV and possess a valid California Driver's License are authorized to drive the vehicle. The vehicle shall only be driven in the performance of their duties.

The SWAT Commander or his/her designee is responsible for training proper use and driving techniques and ensuring the vehicle is properly serviced and maintained.

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### **705.10 OPERATING/STORAGE/MAINTENANCE GUIDELINES**

- (a) **Backing:** When reversing an ARV, a ground guide or spotter should be used while the armored vehicle is moving. This is to assist the driver of the armored vehicle to avoid colliding with any unseen objects. This recommendation does not apply if the use of a guide jeopardizes officer safety.
- (b) **Inventory:** The operator of the ARV shall ensure that all of the vehicle's equipment has been returned after use. Quarterly inventories/inspections should be done and a list of equipment should be stored inside of the ARV.
- (c) **Fueling:** Prior to securing the ARV after deployment, the operator shall ensure that the vehicle possesses sufficient fuel (diesel) and is ready for re-deployment.
- (d) **Storage:** The ARV will be stored in a designated parking location at the main Sonoma County Sheriff's Office, unless authorization for an alternative storage location is granted by the SWAT Commander or his/her designee.
- (e) **Damage:** If the ARV is damaged, the operator shall report the damage to the SWAT Commander as soon as possible.

## Mobile Command Center (MCC)

### 706.1 PURPOSE AND SCOPE

The purpose of this policy is to set forth control, use, deployment and operational considerations for the Sonoma County Operational Area Command Center vehicle (MCC).

The MCC is owned by the Sonoma County Operational Area member agencies and is operated/maintained by the Sonoma County Sheriff's Office.

### 706.2 POLICY

The MCC is an area asset and will be made available to agencies needing assistance. The MCC is a technical piece of equipment and will be deployed and utilized as described in this policy.

### 706.3 AUTHORIZATION OF MCC EMERGENCY USE

A Sonoma County Sheriff's Office Lieutenant, or a higher-ranking officer, may authorize use of the MCC.

### 706.4 AUTHORIZATION OF MCC FOR PLANNED EVENTS

Planned events shall be coordinated through the Lieutenant who is assigned the MCC as his collateral assignment.

### 706.5 PRIORITIZED CATEGORIES OF USE

Different situations will dictate the category of response/use of the MCC. There are three categories of response/use the Sonoma County Sheriff's Office will recognize for use of the MCC. A Category 1 response/use has priority over a Category 2 or 3 response/use.

- (a) Category 1: Any emergency or disaster, at either the local or regional level, that requires the activation of the jurisdiction's EOC and where the jurisdiction's EOC is not functional, or where multiple EOC's or a field EOC are needed to coordinate the response of emergency personnel, such as:
  - 1. Special Operations Unit call-out
  - 2. Hazardous materials spill
  - 3. Plane crash
  - 4. Major crime scene investigation
  - 5. Traffic collision requiring extensive investigation
  - 6. Missing person search
  - 7. Other events as authorized by Command Staff
- (b) Category 2: Planned special events where requesting agencies would use the MCC as an Operational Command Center to coordinate the mission during the event, such as:
  - 1. Parades
  - 2. Infineon Raceway events

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3. Cinco de Mayo festivities
  4. Fairs/Carnivals
  5. Other events as permitted by Command Staff
- (c) Category 3: Public relations exhibitions for display of the MCC as one of the assets of the Sonoma County Operational Area, such as:
1. Recruitment fairs
  2. Sober graduation
  3. COPS West
  4. California State Sheriff's Association Conference
  5. Crime prevention fair

### **706.6 DEPLOYMENT**

The MCC will be made available to Sonoma County Operational Area allied agencies, or through mutual aid out of County with authorization from the Sheriff or his/her designee. The criteria established above will be used as guidelines to authorize or deny a request.

Upon an allied agency request and upon request approval, the Sonoma County Sheriff's Office personnel shall deploy and set up the MCC. If necessary, Sheriff's personnel will stay with the MCC to assist in its proper operation.

Sonoma County Sheriff's Office deployments shall have priority over all allied agency requests. If the MCC is deployed by the Sheriff's Office to a category 2 or category 3 event, the on duty Watch Commander can authorize the MCC response to a category 1 incident, no matter the jurisdiction.

The MCC vehicle shall be stored and ready for deployment at a moment's notice. The MCC shall be deployed with a minimum of a two-person crew.

#### **706.6.1 DEPLOYMENT CHECKLIST**

The following guidelines shall be used as a checklist at the time of deployment and upon the return of the MCC.

- (a) MCC full of fuel
- (b) Exterior inspection of the MCC for damage
- (c) Leveling system operational
- (d) Interior inventory check of supplies to determine readiness
- (e) Interior items secured
- (f) MCC clean up
- (g) Refrigerator clean and functional
- (h) Land power charging system plugged in
- (i) Battery system charged/charging and operational

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### **706.6.2 REIMBURSEMENT FROM ALLIED AGENCIES**

Requesting allied agencies shall be required to reimburse the Sonoma County Sheriff's Office for all consumed fuel and perishable supplies used during their requested deployment.

Requesting allied agencies shall be held responsible for any damages incurred to the MCC during deployment.

The Sonoma County Sheriff's Office shall be responsible to ensure the damage has been repaired to the manufacturer's specifications. Upon completion of all repairs, the Sonoma County Sheriff's Office shall deliver a bill to the responsible allied agency.

In the event of a contested claim of damage to the MCC, an oversight committee consisting of the Sheriff and two members appointed by the Sonoma County Law Enforcement Chiefs' Association (SCLECA) shall review all available information and render a decision on who should be financially responsible for said damage.

### **706.7 LEVELS OF TRAINING**

Members authorized to deploy the MCC shall meet one of the two required levels of training, driver or operator. Members authorized to deploy the MCC shall have completed all Sheriff's Office approved training. Drivers shall possess a Class B driver's license.

## Military Equipment

### 707.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

#### 707.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

**Governing body** – The elected or appointed body that oversees the Office.

**Military equipment** – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

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### **707.2 POLICY**

It is the policy of the Sonoma County Sheriff's Office that members of this office comply with the provisions of Government Code § 7071 with respect to military equipment.

### **707.3 MILITARY EQUIPMENT COORDINATOR**

The Sheriff should designate a member of this office to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying office equipment that qualifies as military equipment in the current possession of the Office, or the equipment the Office intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Sonoma County Sheriff's Office (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
  1. Publicizing the details of the meeting.
  2. Preparing for public questions regarding the office's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Sheriff and ensuring that the report is made available on the office website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Office will respond in a timely manner.

### **707.4 MILITARY EQUIPMENT INVENTORY**

The following constitutes a list of qualifying equipment for the Office

[See attachment: Military Equipment Inventory List.pdf](#)

### **707.5 APPROVAL**

The Sheriff or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Sheriff or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the office website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.

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- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this office.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

#### **707.6 COORDINATION WITH OTHER JURISDICTIONS**

Military equipment should not be used by any other law enforcement agency or member in this jurisdiction unless the military equipment is approved for use in accordance with this policy or the law enforcement agencies governing body has approved the equipment use in their territorial jurisdiction following the procedures of Government Code § 7070.

#### **707.7 ANNUAL REPORT**

Upon approval of a military equipment policy, the Sheriff or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Sheriff or the authorized designee should also make each annual military equipment report publicly available on the office website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in office inventory.

#### **707.8 COMMUNITY ENGAGEMENT**

Within 30 days of submitting and publicly releasing the annual report, the Office shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Office should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

For any complaints or concerns with this Policy or Equipment listed in the attached inventory documents, please refer to the Sonoma County Sheriff's website for our complaint procedure process:

<https://www.sonomasheriff.org/citizens-concerns>

## **Chapter 8 - Support Services**

## Crime Analysis

### 800.1 PURPOSE AND SCOPE

Crime analysis should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the Office's long range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

### 800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field Interview cards
- Parole and Probation records
- Computer Aided Dispatch data
- Statewide Integrated Traffic Reporting System (SWITRS)

### 800.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for Crime Analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

### 800.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to them. Information relevant to the development of the Office's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

## Dispatch

### 801.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of Dispatch. It addresses the immediate information needs of the Office in the course of its normal daily activities and during emergencies.

### 801.2 POLICY

It is the policy of the Sonoma County Sheriff's Office to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Office provides two-way radio capability providing continuous communication between Dispatch and office members in the field.

### 801.3 DISPATCH SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of Dispatch, its members and its equipment must be a high priority. Special security procedures should be established in a separate operations manual for Dispatch.

Access to Dispatch shall be limited to Dispatch members, the Watch Commander, command staff and office members with a specific business-related purpose.

### 801.4 RESPONSIBILITIES

#### 801.4.1 DISPATCH MANAGER

The Sheriff shall appoint and delegate certain responsibilities to a Dispatch Manager. The Dispatch Manager is directly responsible to the Patrol Captain or the authorized designee.

The responsibilities of the Dispatch Manager include, but are not limited to:

- (a) Overseeing the efficient and effective operation of Dispatch in coordination with other supervisors.
- (b) Scheduling and maintaining dispatcher time records.
- (c) Supervising, training and evaluating dispatchers.
- (d) Ensuring the radio and telephone recording system is operational.
  - (a) Recordings shall be maintained in accordance with the established records retention schedule and as required by law.
- (e) Processing requests for copies of Dispatch information for release.
- (f) Maintaining Dispatch database systems.
- (g) Maintaining and updating Dispatch procedures manual.
  - 1. Procedures for specific types of crime reports may be necessary. For example, specific questions and instructions may be necessary when talking with a victim of a sexual assault to ensure that his/her health and safety needs are met, as well as steps that he/she may take to preserve evidence.
  - 2. Ensuring dispatcher compliance with established policies and procedures.

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- (h) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.
- (i) Maintaining a current contact list of County personnel to be notified in the event of a utility service emergency.

#### 801.4.2 ADDITIONAL PROCEDURES

The Dispatch Manager should establish procedures for:

- (a) Recording all telephone and radio communications and playback issues
- (b) Storage and retention of recordings
- (c) Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards)
- (d) Availability of current information for dispatchers (e.g., Watch Commander contact, rosters, member tracking methods, member contact, maps, emergency providers, tactical dispatch plans)
- (e) Assignment of field members and safety check intervals
- (f) Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks, taxis)
- (g) Protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators)
- (h) Handling misdirected, silent and hang-up calls
- (i) Handling private security alarms, if applicable
- (j) Radio interoperability issues

#### 801.4.3 DISPATCH SUPERVISOR

The responsibilities of the Dispatch Supervisor include, but are not limited to:

- (a) Scheduling and maintaining dispatcher time records.
- (b) Supervising, training and evaluating dispatchers.
- (c) Processing requests for copies of Dispatch information for release.
- (d) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.
- (e) Maintaining a current contact list of County personnel to be notified in the event of a utility service emergency.
- (f) Supervises and coordinates the work of a group of Communications Dispatchers; interviews, trains, and evaluates the performance of staff; recommends salary step increases and disciplinary actions, trains subordinate dispatchers in the procedures and techniques of emergency dispatch in accordance with departmental regulations; acts as a technical resource; confers with the Dispatch Manager regarding shift training needs.

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- (g) Receives and evaluates requests for assistance by telephone, radio, and electronic alarm system; oversees the dispatching of law enforcement personnel, as well as safety equipment; monitors the location of law enforcement personnel and other public safety resources as appropriate.
- (h) Maintains comprehensive files, logs, and reports on communications dispatch operations; operates recording devices; operates equipment and machines related to the retrieval of information.
- (i) May perform the full range of dispatch duties in situations where there is insufficient staff to cover the volume of calls, or in the event of an emergency or disaster.

#### 801.4.4 SENIOR DISPATCHER

The responsibilities of the Senior Dispatcher include, but are not limited to:

- (a) Receives and evaluates requests for assistance by telephone, radio, and electronic alarm system; oversees the dispatching of law enforcement personnel, as well as safety equipment; monitors the location of law enforcement personnel and other public safety resources as appropriate.
- (b) Assists in training subordinate dispatchers in the procedures and techniques of emergency dispatch in accordance with departmental regulations; assists in performance evaluation activities in conjunction with the Supervising Communications Dispatcher; may act as lead worker on assigned shift.
- (c) During the absence of the Dispatch Supervisor, assumes responsibility of coordinating and directing shift activities.
- (d) All other Dispatcher duties as outlined below.

#### 801.4.5 DISPATCHERS

Dispatchers report to the Dispatch Manager. The responsibilities of the dispatcher include, but are not limited to:

- (a) Receiving and handling all incoming and transmitted communications, including:
  - 1. Emergency 9-1-1 lines
  - 2. Business telephone lines
  - 3. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment
  - 4. Radio communications with office members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units)
  - 5. Other electronic sources of information (e.g., text messages, digital photographs, video)
- (b) Documenting the field activities of office members and support resources (e.g., fire department, EMS, allied agency law enforcement units).

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- (c) Inquiry and entry of information through Dispatch, office and other law enforcement database systems (CLETS, DMV, NCIC).
- (d) Monitoring office video surveillance systems.
- (e) Maintaining the current status of members in the field, their locations and the nature of calls for service.
- (f) Notifying the Watch Commander or field supervisor of emergency activity, including, but not limited to:
  - 1. Vehicle pursuits
  - 2. Foot pursuits
  - 3. Assignment of emergency response

#### **801.5 RADIO COMMUNICATIONS**

The sheriff's radio system is for official use only, to be used by dispatchers to communicate with office members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

- (a) Members acknowledging the dispatcher with their radio identification call signs and current location.
- (b) Dispatchers acknowledging and responding promptly to all radio transmissions.
- (c) Members keeping the dispatcher advised of their status and location.
- (d) Member and dispatcher acknowledgements shall be concise and without further comment unless additional information is needed.

The Dispatch Manager shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant's supervisor and processed through the chain of command.

##### **801.5.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE**

Sonoma County Sheriff's Office radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

##### **801.5.2 RADIO IDENTIFICATION**

Radio call signs are assigned to office members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. Dispatchers shall identify themselves on the radio with the appropriate station name or number, and identify the office member by his/her call sign. Members should use their call signs when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate office member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the office station name or number.

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### **801.6 CALL HANDLING**

This Office provides members of the public with access to the 9-1-1 system for a single emergency telephone number.

When a call for services is received, the dispatcher will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking four key questions:

- Where
- What
- When
- Who

If the dispatcher determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the dispatcher determines that the caller is a limited English proficiency (LEP) individual, the dispatcher should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in Dispatch, the dispatcher should immediately connect the LEP caller to the authorized interpreter.

If no authorized interpreter is available or the dispatcher is unable to identify the caller's language, the dispatcher will contact the contracted telephonic interpretation service and establish a three-party call connecting the dispatcher, the LEP individual and the interpreter.

Dispatchers should be courteous, patient and respectful when dealing with the public.

#### **801.6.1 EMERGENCY CALLS**

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to ensure the safety of the responding office members and affected individuals.

Emergency calls should be dispatched immediately. The Watch Commander shall be notified of pending emergency calls for service when office members are unavailable for dispatch.

#### **801.6.2 NON-EMERGENCY CALLS**

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the dispatcher to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the dispatcher returning to the telephone line or when there will be a delay in the response for service.

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### **801.7 CONFIDENTIALITY**

Information that becomes available through Dispatch may be confidential or sensitive in nature. All members of Dispatch shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

Automated data, such as Department of Motor Vehicle records, warrants, criminal history information, records of internal sheriff's files or medical information, shall only be made available to authorized law enforcement personnel. Prior to transmitting confidential information via the radio, an admonishment shall be made that confidential information is about to be broadcast.

### **801.8 DOCUMENTATION**

It shall be the responsibility of Dispatch to document all relevant information on calls for service or self-initiated activity. Dispatchers shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Incident control number
- Date and time of request
- Name and address of the reporting person, if possible
- Type of incident reported
- Involvement of weapons, drugs and/or alcohol
- Location of incident reported
- Identification of members assigned as primary and backup
- Time of dispatch
- Time of the responding member's arrival
- Time of member's return to service
- Disposition or status of reported incident

### **801.9 TRAINING AND CERTIFICATION**

Dispatchers shall receive training consistent with minimum standards established by POST (Penal Code § 13510).

## **\*Outside Agency Access To Sheriff's Radio Frequencies\***

### **802.1 PURPOSE AND SCOPE**

In an attempt to insure officer safety for all contiguous law enforcement agencies, the Sheriff acknowledges there may be times when a non-Sheriff's unit may need assistance via the Sheriff's Office radio system. Agencies will be allowed access to the radio system during emergency situations.

### **802.2 REQUEST AND APPROVAL FOR ACCESS**

Each agency requesting access to Sheriff's Office radio frequencies must submit a letter describing justification for such request.

- (a) Each request will be reviewed by the Patrol Captain and Dispatch Manager for compliance with the following:
  1. Each requesting agency must have the capability of accessing all five Sheriff's primary radio frequencies
  2. Each agency receiving approval does so with the understanding of and compliance with the following:
    - All usage of Sonoma County Sheriff's radio frequencies shall be in accordance with Part 90 of the Federal Communications Commission Rules.
    - All equipment will be of a type accepted for use under Part 90 of the Federal Communication Commission Rules. In order to insure their equipment is working properly, each agency will conduct an annual radio test using the Sheriff's radio frequencies. Such tests will be conducted during the month of January only. Each agency shall call the on-duty Supervising Dispatcher prior to the test of their equipment.
    - Maintenance of all radio equipment utilized on County of Sonoma radio frequencies shall be the sole responsibility of the user agency, and such equipment shall be maintained in accordance with Federal Communications Commission Rules.
    - It is understood that the user agency will be responsible for any and all violations of Federal Communications Commission Rules incurred by the use of its radio equipment utilized on radio channels licensed to the County of Sonoma.
    - Utilization of the Sheriff's radio frequencies shall be limited to emergency activity only (i.e., threat to life or in-progress incident whereby public safety

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#### *\*Outside Agency Access To Sheriff's Radio Frequencies\**

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is in jeopardy, where the unit is unable to communicate with its own dispatch center during an emergency, or unit is directly involved in an incident with the Sheriff's Office). Any other use of Sheriff's frequencies is strictly prohibited.

- (b) At the conclusion of the review, approval will be granted or denied. A letter will be sent to the requesting agency and a copy will be forwarded to the Sonoma County Director of Communications.
- (c) Each agency receiving approval to access the Sheriff's radio frequencies is required to contact the Sheriff's Dispatch Manager and provide a personnel roster of employees who utilize the radio, his/her radio identifier, the number of mobile and/or portable radios accessing the frequencies and agency business, and 24 hour telephone numbers (Radio Access/Agency Information Form). This information must be on file with the Sheriff's Office before final approval can be granted.
- (d) The Sheriff's Office reserves the right to revoke access to any agency based on the following:
  - 1. Action that is deemed unprofessional
  - 2. Violation of FCC rules
  - 3. Abuse of the Sheriff's field services operation
  - 4. Impact caused by workload increases

[See attachment: Radio Frequencies.pdf](#)

## Property and Evidence

### 803.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

### 803.2 DEFINITIONS

**Property** - Includes all items of evidence, items taken for safekeeping and found property.

**Evidence** - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

**Safekeeping** - Includes the following types of property:

- Property obtained by the Office for safekeeping such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law (e.g., Welfare and Institutions Code § 5150 (mentally ill persons))

**Found property** - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

### 803.3 PROPERTY HANDLING

Any employee who first comes into possession of any property shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room along with the property sheet. Care shall be taken to maintain the chain of custody for all evidence.

Employees who take property pursuant to the following codes must provide a Field Receipt to the person from whom the property was taken and attach a copy of the Field Receipt to the property when it's booked into Property and Evidence:

Codes requiring a Field Receipt:

- 5150 W & I - Any property including firearms and deadly weapons
- 18250-18255 PC - Domestic violence firearms and deadly weapons
- 33800 PC - Any firearm confiscated for any other lawful reason
- 2080 CC, 2080.10(2) CC, 2080.6 CC - Safekeeping, Found Property, Lost & Unclaimed

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the items.

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##### 803.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

- (a) All seized items must be entered in the Property/Evidence barcoding system, one at a time, with complete descriptions. Provide all serial numbers, owner's name, finder's name, and other identifying information or markings.
- (b) Package each item appropriately using the following materials: (Items too large or difficult to deal with do not need to be packaged).
  - 1. Paper envelopes
  - 2. Cardboard boxes
  - 3. Butcher paper
  - 4. Green lid glass jars
  - 5. Paint cans
  - 6. Plastic vials
  - 7. Zip-lock plastic bags
  - 8. Plastic tubing
- (c) Mark each item of evidence with the booking employee's initials and the dated booked using the appropriate method so as not to deface or damage the value of the property.
- (d) Complete an evidence tag and attach it to any item that cannot be packaged.
- (e) Place the case number in the upper right hand corner of the bag.
- (f) Print the property sheet and place it with the property in the temporary property locker or with the property if property is stored somewhere other than a property locker.
- (g) When the property is too large to be placed in the temporary storage lockers at the main packaging station, and/or use the bulk/large transfer locker accessed through the north side door of the main office building.

##### 803.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate item number. Paraphernalia as defined by Health and Safety Code § 11364 shall also be booked separately.

The deputy seizing the narcotics and dangerous drugs shall place them in the temporary storage locker accompanied by a property sheet.

##### 803.3.3 EXPLOSIVES

Deputies who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Watch Commander. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

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**Do not** bring any explosive device, explosive material, fireworks, tear gas, smoke generating device or flares into the Sheriff's Office facility without the EOD Unit having cleared the device. Explosives will not be retained in the sheriff's facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers placed into the fireworks storage room portion of the Annex building. Print two sheets, placing one in the locker with the material and the other in the Property/Evidence slot in the main station packaging area.

The EOD Unit is responsible for transporting to the Fire Department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

#### 803.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

- (a) Bodily fluids such as blood or semen stains shall be air dried prior to booking.
- (b) License plates found not to be stolen or connected with a known crime, should be released directly to the Community Services Officer, or placed in the designated container for return to the Department of Motor Vehicles. No formal property booking process is required.
- (c) All bicycles and bicycle frames must be entered in the Property/Evidence barcoding system. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the Community Services Officer, or placed in the bicycle storage area until a Community Services Officer can log the property.
- (d) All cash shall be counted in the presence of a witness and the envelope initialed by the booking deputy and the witness. The Watch Commander shall be contacted for cash in excess of \$1,000 for special handling procedures.

County property, unless connected to a known criminal case, should be released directly to the appropriate County department. No formal booking is required. In cases where no responsible person can be located, the property should be booked as found property in the normal manner.

#### 803.3.5 RELINQUISHED FIREARMS

Individuals who relinquish firearms pursuant to the provisions of Penal Code § 29850 shall be issued a Field Receipt that describes the firearm, the serial number or other identification of the firearm at the time of relinquishment (Penal Code § 29810).

Relinquished firearms shall be retained for 30 days, after which time they may be destroyed, retained, sold or otherwise transferred, unless (Penal Code § 29810):

- (a) A certificate is issued by a judge of a court of record or the District Attorney stating the firearms shall be retained; or
- (b) The convicted person provides written notice of an intent to appeal the conviction that necessitated the relinquishment; or
- (c) The Automated Firearms System indicates that the firearm was reported lost or stolen.

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1. In such event, the firearm shall be restored to the lawful owner as soon as it is no longer needed as evidence, the lawful owner has identified the weapon and provided proof of ownership, and the Office has complied with the requirements of Penal Code § 33850 et seq.

The Community Services Officer shall ensure the Automated Firearms System is updated based on the status of the firearm.

#### **803.4 PACKAGING OF PROPERTY**

Certain items require special consideration and shall be booked separately as follows:

- (a) Narcotics and dangerous drugs
- (b) Firearms (ensure they are unloaded and booked separately from ammunition)
- (c) Property with more than one known owner
- (d) Paraphernalia as described in Health and Safety Code § 11364
- (e) Fireworks
- (f) Contraband

##### **803.4.1 PACKAGING CONTAINER**

Employees shall package all property, except narcotics and dangerous drugs in a suitable container available for its size. Knife boxes should be used to package knives, and syringe tubes should be used to package syringes and needles. Syringes should not be booked into evidence unless directed to do so by a supervisor.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

##### **803.4.2 PACKAGING NARCOTICS**

The deputy seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged, and placed in the designated temporary evidence locker, accompanied by a property sheet.

Narcotics and dangerous drugs shall be packaged in a DOJ envelope available at the main packaging station. Complete all information on the DOJ envelope and list all drugs separately. Place the substance(s) in the envelope and seal with evidence tape. Write the date and initials across the seal.

Narcotics and dangerous drugs shall not be packaged with other property.

##### **803.4.3 PACKAGING & DESTRUCTION OF NARCOTIC PARAPHERNALIA**

Paraphernalia (i.e., glass pipe, tooter, spoon, etc.) that contains a usable amount of narcotic; the narcotic shall be removed and packaged in a DOJ envelope before the paraphernalia is photographed and submitted for destruction. Paraphernalia shall be packaged using the self-sealed bubble bags and inside a zip lock clear bag.

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Paraphernalia taken as evidence in a misdemeanor arrest shall be photographed and/or recorded using a BWC. The condition of the paraphernalia shall be documented in the incident report and then submitted to the Property & Evidence Unit for destruction.

Paraphernalia taken as evidence of a felony investigation (i.e., 187 PC, 459 PC, 261 PC, 192 PC, etc.) shall be booked in instances where the evidence they retain within or on them is required for processing with a biohazard notice for biological or fingerprint processing.

#### **803.5 RECORDING OF PROPERTY**

The Community Services Officer receiving custody of evidence or property shall record every movement of an item using the Property/Evidence barcoding system.

Any changes in the location of property held by the Sonoma County Sheriff's Office shall be noted in the Property/Evidence barcoding system.

#### **803.6 PROPERTY CONTROL**

Each time the Community Services Officer receives property or releases property to another person, he/she shall record this information in the Property/Evidence barcoding system. Deputies desiring property for court shall contact the Community Services Officer at least one day prior to the court day.

##### **803.6.1 RESPONSIBILITY OF OTHER PERSONNEL**

Every time property is released or received, it shall be recorded in the Property/Evidence barcoding system to maintain the chain of evidence. No property or evidence is to be released without first receiving written authorization from a supervisor or detective.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the Community Services Officer. This request may be filled out any time after booking of the property or evidence.

##### **803.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY**

The transporting employee will check the evidence out of property, in the Property/Evidence barcoding system to indicate the date, time and the request for laboratory analysis.

##### **803.6.3 STATUS OF PROPERTY**

Each person receiving property will use the Property/Evidence barcoding system to document the chain of evidence. Temporary release of property to deputies for investigative purposes, or for court, shall be completed using the checkout feature in the Property/Evidence barcoding system.

The Community Services Officer shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to the owner or properly released to another authorized person or entity.

The return of the property should be processed using the checkout feature in the Property/Evidence barcoding system to indicate the date, time, and the person who returned the property.

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##### 803.6.4 AUTHORITY TO RELEASE PROPERTY

The deputy, detective or sergeant assigned to the case shall authorize the disposition or release of all evidence and property coming into the care and custody of the Sheriff's Office.

##### 803.6.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized disposition form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or detective and must conform to the items listed on the property form or must specify the specific item(s) to be released. Release of all property shall be documented in the Property/Evidence barcoding system.

With the exception of firearms and other property specifically regulated by statute, found property shall be held for a minimum of 90 days and property held for safekeeping shall be held for a minimum of 60 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in the Property/Evidence barcoding system.

A Community Services Officer shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded in the Property/Evidence barcoding system.

Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of Penal Code § 33865.

The Property and Evidence Unit staff should also make reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and if so, the firearm should not be released to the person while the order is in effect.

The Sheriff's Office is not required to retain any firearm or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code § 33875).

##### 803.6.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Sheriff's Office, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

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All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Office may wish to file an interpleader to resolve the disputed claim (Code of Civil Procedure § 386(b)).

### 803.6.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The Property/Evidence staff will be responsible for the storage, control and destruction of all narcotics and dangerous drugs coming into the custody of this office, including paraphernalia as described in Health & Safety Code § 11364.

### 803.6.8 RELEASE OF FIREARM IN DOMESTIC VIOLENCE MATTERS

Within five days of the expiration of a restraining order issued in a domestic violence matter that required the relinquishment of a firearm or ammunition, the Community Services Officer shall return the weapon or ammunition to the owner if the requirements of Penal Code § 33850 and Penal Code § 33855 are met, unless the firearm or ammunition is determined to be stolen, evidence in a criminal investigation, or the individual is otherwise prohibited from possessing a firearm (Family Code § 6389(g); Penal Code § 33855).

### 803.6.9 RELEASE OF FIREARMS IN GUN VIOLENCE RESTRAINING ORDER MATTERS

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

If the restrained person who owns the firearms or ammunition does not wish to have the firearm or ammunition returned, he/she is entitled to sell or transfer title to a licensed dealer, provided that the firearms or ammunition are legal to own or possess and the restrained person has right to title of the firearms or ammunition (Penal Code § 18120).

If a person other than the restrained person claims title to the firearms or ammunition surrendered pursuant to Penal Code § 18120 and the Sonoma County Sheriff's Office determines him/her to be the lawful owner, the firearms or ammunition shall be returned in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

Firearms and ammunition that are not claimed are subject to the requirements of Penal Code § 34000.

### 803.6.10 RELEASE OF FIREARMS AND WEAPONS IN MENTAL ILLNESS MATTERS

Firearms and other deadly weapons confiscated from an individual detained for an evaluation by a mental health professional or subject to the provisions of Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 shall be released or disposed of as follows:

- (a) If a petition for a hearing regarding the return of a firearm or a weapon has been initiated pursuant to Welfare and Institutions Code § 8102(c), the firearm or weapon shall be released or disposed of as provided by an order of the court. If the court orders a firearm returned, the firearm shall not be returned unless and until the person

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presents valid identification and written notification from the California Department of Justice (DOJ) that conforms to the provisions of Penal Code § 33865.

- (b) If no petition has been initiated pursuant to Welfare and Institutions Code § 8102(c) and the firearm or weapon is not retained as evidence, the Office shall make the firearm or weapon available for return. No firearm will be returned unless and until the person presents valid identification and written notification from the California DOJ that conforms to the provisions of Penal Code § 33865.
- (c) Unless the person contacts the Office to facilitate the sale or transfer of the firearm to a licensed dealer pursuant to Penal Code § 33870, firearms not returned should be sold, transferred, destroyed, or retained as provided in Welfare and Institutions Code § 8102.

#### 803.6.11 RELEASE OF FIREARMS, MAGAZINES, AND AMMUNITION

The Office shall not return any firearm, magazine, or ammunition taken into custody to any individual unless all requirements of Penal Code § 33855 are met.

#### **803.7 DISPOSITION OF PROPERTY**

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The Community Services Officer shall request a disposition or status on all property which has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective.

#### 803.7.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances (Penal Code § 29300; Penal Code § 18010; Penal Code § 32750)
- Animals, birds, and related equipment that have been ordered forfeited by the court (Penal Code § 599a)
- Counterfeiting equipment (Penal Code § 480)
- Gaming devices (Penal Code § 335a)
- Obscene matter ordered to be destroyed by the court (Penal Code § 312)
- Altered vehicles or component parts (Vehicle Code § 10751)
- Narcotics (Health and Safety Code § 11474 et seq.)
- Unclaimed, stolen, or embezzled property (Penal Code § 1411)
- Destructive devices (Penal Code § 19000)
- Sexual assault evidence (Penal Code § 680)

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##### 803.7.2 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after three years, the Office shall cause a notice to be published each week for a period of two consecutive weeks in a local newspaper of general circulation (Government Code § 50050). Such notice shall state the amount of money, the fund in which it is held and that the money will become the property of the agency on a designated date not less than 45 days and not more than 60 days after the first publication (Government Code § 50051).

Any individual item with a value of less than \$15.00, or any amount if the depositor/owner's name is unknown, which remains unclaimed for a year or by order of the court, may be transferred to the general fund without the necessity of public notice (Government Code § 50055).

If the money remains unclaimed as of the date designated in the published notice, the money will become the property of this office to fund official law enforcement operations. Money representing restitution collected on behalf of victims shall either be deposited into the Restitution Fund or used for purposes of victim services.

##### 803.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property and Evidence Unit staff shall ensure that no biological evidence held by the Office is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor and Attorney General
- (d) Any sexual assault victim
- (e) The Investigation Bureau supervisor
- (f) All victims related to the case

Biological evidence shall be retained for either a minimum period that has been established by law (Penal Code § 1417.9) or that has been established by the Property and Evidence Unit Supervisor, or until the expiration of any imposed sentence that is related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Office within 180 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigation Bureau supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the detective or sergeant assigned to the case.

Biological evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations. Even after expiration of an applicable statute of limitations, the

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Investigation Bureau supervisor should be consulted and the sexual assault victim should be notified.

#### **803.8 INSPECTIONS OF THE EVIDENCE ROOM**

- (a) On a monthly basis, the supervisor of the evidence custodian shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.
- (b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Sheriff.
- (c) An annual audit of evidence held by the Office shall be conducted by a Captain (as appointed by the Sheriff) not routinely or directly connected with evidence control.
- (d) Whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property shall be made by an individual not associated to the property room or function to ensure that records are correct and all evidence property is accounted for.

## CIB

### 804.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Sonoma County Sheriff's Central Information Bureau (CIB). The policy addresses office file access and internal requests for case reports.

#### 804.1.1 RECORDS MANAGEMENT SYSTEM (RMS)

Case reports are written and maintained in the Records Management System (RMS). Additional paperwork completed outside of the RMS is scanned and attached to the original reports in the RMS by CIB personnel.

Crime report numbers are 9 digits. Sheriff's Office and Windsor PD reports are numbered commencing with the last two digits of the current year followed by two-digits representing the month, followed by a two-digit day of the month, ending with a three-digit number signifying the report of the day. The only difference between Sheriff's Office case numbers and Windsor PD case numbers is Sheriff's Office case numbers are preceded with SD and the Windsor PD case numbers are preceded with a WI. As an example, Sheriff's Office number SD180312002 and Windsor PD case number WI180312002 would be the second case taken on March 12, 2018.

Sonoma PD reports are numbered commencing with the last two digits of the current year followed by a sequential number beginning with 00001 starting at midnight on the first day of January of each year. Sonoma PD case numbers are preceded with SO. As an example, case number SOYY-00001 would be the first new case beginning January 1 of a new year.

### 804.2 POLICY

It is the policy of the Sonoma County Sheriff's Office to maintain office records securely, professionally, and efficiently.

### 804.3 RESPONSIBILITIES

#### 804.3.1 CIB MANAGER

The Sheriff shall appoint and delegate certain responsibilities to a CIB Manager. The CIB Manager shall be directly responsible to the Operations Captain or the authorized designee.

The responsibilities of the CIB Manager include but are not limited to:

- (a) Overseeing the efficient and effective operation of the CIB.
- (b) Scheduling and maintaining CIB time records.
- (c) Supervising, training, and evaluating CIB staff.
- (d) Maintaining and updating a CIB procedure manual.
- (e) Ensuring compliance with established policies and procedures.
- (f) Supervising the access, use, and release of protected information (see the Protected Information Policy).

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- (g) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include but are not limited to:
  - (a) Homicides.
  - (b) Cases involving office members or public officials.
  - (c) Any case where restricted access is prudent.

#### 804.3.2 CIB

The responsibilities of the CIBCIB include but are not limited to:

- (a) Maintaining a records management system for case reports.
  - 1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.
- (b) Entering case report information into the records management system.
  - 1. Modification of case reports shall only be made when authorized by a supervisor.
- (c) Providing members of the Office with access to case reports when needed for investigation or court proceedings.
- (d) Identifying missing case reports and notifying the responsible member's supervisor.
- (e) Updating the Automated Firearms System to reflect any firearms relinquished to the Office and the subsequent disposition to the California DOJ pursuant to Penal Code § 34010 (Penal Code § 29810).
- (f) Entering into the Automated Firearms System information about each firearm that has been reported stolen, lost, found, recovered, held for safekeeping, surrendered in relation to a private party firearms transaction or registration, relinquished pursuant to a court order, or under observation, within seven calendar days of the precipitating event (Penal Code § 11108.2).
- (g) Entering into the California DOJ automated property system descriptions of serialized property, or non-serialized property that has been uniquely inscribed, which has been reported stolen, lost, found, recovered, held for safekeeping, or under observation (Penal Code § 11108).

#### **804.4 DETERMINATION OF FACTUAL INNOCENCE**

In any case where a person has been arrested by deputies of the Sonoma County Sheriff's Office and no accusatory pleading has been filed, the person arrested may petition the Office to destroy the related arrest records. Petitions should be forwarded to the Investigations Lieutenant. The Investigations Lieutenant should promptly contact the prosecuting attorney and request a written opinion as to whether the petitioner is factually innocent of the charges (Penal Code § 851.8). Factual innocence means the accused person did not commit the crime.

Upon receipt of a written opinion from the prosecuting attorney affirming factual innocence, the Investigations Lieutenant should forward the petition to the Investigative Bureau Supervisor

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for review. After such review and consultation, the Investigative Bureau Supervisor and the Investigations Lieutenant shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the CIB Manager shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California DOJ and other law enforcement agencies (Penal Code § 851.8).

The CIB Manager should respond to a petition with the Office's decision within 45 days of receipt. Responses should include only the decision of the Office, not an explanation of the analysis leading to the decision.

### **804.5 ARREST WITHOUT FILING OF ACCUSATORY PLEADING**

The CIB Manager should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code § 849.5; Penal Code § 851.6):

- (a) The individual is issued a certificate describing the action as a detention.
- (b) All references to an arrest are deleted from the arrest records of the Office and the record reflects only a detention.
- (c) The California DOJ is notified.

### **804.6 FILE ACCESS AND SECURITY**

The security of files in the CIB must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a sheriff's office case, including, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the CIB, accessible only by authorized members of the CIB. Access to case reports or files when CIB staff is not available may be obtained through the Watch Commander.

The CIB will also maintain a secure file for case reports deemed by the Sheriff as sensitive or otherwise requiring extraordinary access restrictions.

### **804.7 CONFIDENTIALITY**

CIB staff has access to information that may be confidential or sensitive in nature. CIB staff shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether in hard copy or electronic file format, or any other confidential, protected or sensitive information except in accordance with the Records Maintenance, Release and Reporting and Protected Information policies and the CIB procedure manual.

## Restoration of Firearm Serial Numbers

### 805.1 PURPOSE AND SCOPE

The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The purpose of this plan is to develop standards, methodologies, and safety protocols for the recovery of obliterated serial numbers from firearms and other objects using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of serial numbers will observe the following guidelines. This policy complies with Penal Code § 11108.9.

### 805.2 PROCEDURE

Any firearm coming into the possession of the Sonoma County Sheriff's Office as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

#### 805.2.1 PRELIMINARY FIREARM EXAMINATION

- (a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tubular magazine) as well as the chamber contents.
- (b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.
- (c) Accurately record/document the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer, etc. Accurately record/document cylinder chamber and magazine contents. Package the ammunition separately.
- (d) If the firearm is to be processed for fingerprints or trace evidence, process before the serial number restoration is attempted. First record/document important aspects such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

#### 805.2.2 PROPERTY BOOKING PROCEDURE

Any employee taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the property form that serial numbers have been removed or obliterated. The employee shall complete a CSI work request (Form INV. 31) for the restoration of the serial number.

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### 805.2.3 DEPUTY RESPONSIBILITY

The Community Services Officer receiving a firearm and CSI work request form, when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime lab for restoration and maintain the chain of evidence.

### 805.2.4 DOCUMENTATION

Case reports are prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received/collected until it is released.

This report must include a record of the manner in which and/or from whom the firearm was received.

### 805.2.5 FIREARM TRACE

After the serial number has been restored (or partially restored) by the criminalistics laboratory, the Community Services Officer will enter the restored serial number (or "obliterated" if the serial number was not restored) into the Automated Firearm System (AFS). Partially restored serial numbers will be entered into the "misc" field of the AFS entry field with an \* (asterisk) being used where a character was unable to be recovered. The AFS entry is interfaced with the Bureau of Alcohol, Tobacco, Firearms and Explosives eTrace system. The eTrace results are sent back to the Property/Evidence Community Service Officers.

## **805.3 BULLET AND CASING IDENTIFICATION**

Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to search the national database and compare with ballistic evidence recovered from other crime scenes.

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## Records Maintenance, Release and Reporting

### 806.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of Office records. Protected information is separately covered in the Protected Information Policy. This policy covers various reporting requirements.

### 806.2 POLICY

The Sonoma County Sheriff's Office is committed to providing public access to records in a manner that is consistent with the California Public Records Act (Government Code § 7920.000 et seq.).

### 806.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Sheriff shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to:

- (a) Managing the records management system for the Office, including the retention, archiving, release, and destruction of office public records.
- (b) Maintaining and updating the office records retention schedule including:
  1. Identifying the minimum length of time the Office must keep records.
  2. Identifying the office bureau responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of office public records as reasonably necessary for the protection of such records (Government Code § 7922.525; Government Code § 7922.530).
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 7922.530).
- (g) Determining how the office's website may be used to post public records in accordance with Government Code § 7922.545.
- (h) Ensuring that all office current standards, policies, practices, operating procedures, and education and training materials are posted on the office website in accordance with Penal Code § 13650.
- (i) Ensuring that public records posted on the Office website meet the requirements of Government Code § 7922.680 including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.
- (j) Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 7922.700) is publicly available upon request and

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posted in a prominent location on the Office's website (Government Code § 7922.710; Government Code § 7922.720).

### **806.4 PROCESSING REQUESTS FOR PUBLIC RECORDS**

The Custodian of Records will notify an employee when a request for his or her personnel records has been received and it contains information that would be subject to disclosure.

#### **806.4.1 REQUESTS FOR RECORDS**

Any member of the public, including the media and elected officials, may access unrestricted records of this office, during regular business hours by submitting a written and signed request that reasonably describes each record sought and paying any associated fees (Government Code § 7922.530).

The processing of requests for any record is subject to the following (Government Code § 7922.530; Government Code § 7922.535):

- (a) The Office is not required to create records that do not exist.
- (b) Victims of an incident or their authorized representative shall not be required to show proof of legal presence in the United States to obtain office records or information. If identification is required, a current driver's license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship or current Matricula Consular card is acceptable (Government Code § 7923.655).
- (c) Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Custodian of Records or the authorized designee. If an extension is authorized, the Office shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.
  1. When the request does not reasonably describe the records sought, the Custodian of Records shall assist the requester in making the request focused and effective in a way to identify the records or information that would be responsive to the request including providing assistance for overcoming any practical basis for denying access to the records or information. The Custodian of Records shall also assist in describing the information technology and physical location in which the record exists (Government Code § 7922.600).
  2. If the record requested is available on the office website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record shall be promptly provided.
- (d) Upon request, a record shall be provided in an electronic format utilized by the Office. Records shall not be provided only in electronic format unless specifically requested (Government Code § 7922.570; Government Code § 7922.580).

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- (e) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
  - 1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the office-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
- (f) If a record request is denied in whole or part, the requester shall be provided a written response that includes the statutory exemption for withholding the record or facts that the public interest served by nondisclosure outweighs the interest served by disclosure. The written response shall also include the names, titles, or positions of each person responsible for the denial (Government Code § 7922.000; Government Code § 7922.540).

#### **806.5 RELEASE RESTRICTIONS**

Examples of release restrictions include:

- (a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any office record, including traffic collision reports, are restricted except as authorized by the Office, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
- (b) Social Security numbers (Government Code § 7922.200).
- (c) Personnel records, medical records, and similar records that would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 7927.700; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).
  - 1. Peace officer personnel records that are deemed confidential shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.
  - 2. The identity of any deputy subject to any criminal or administrative investigation shall not be released without the consent of the involved deputy, prior approval of the Sheriff, or as required by law.
- (d) Victim information that may be protected by statutes, including victims of certain crimes who have requested that their identifying information be kept confidential, victims who are minors, and victims of certain offenses (e.g., sex crimes or human trafficking (Penal Code § 293)). Addresses and telephone numbers of a victim or a witness shall not be disclosed to any arrested person or to any person who may be a defendant in a criminal action unless it is required by law (Government Code § 7923.615; Penal Code § 841.5).

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1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, elder and dependent adult abuse) or their representatives shall be provided, upon request and without charge, one copy of all incident report face sheets, one copy of all incident reports, a copy of any accompanying or related photographs of the victim's injuries, property damage, or any other photographs that are noted in the incident report, and a copy of 9-1-1 recordings, if any, pursuant to the requirements and time frames of Family Code § 6228.
  2. Victims of sexual assault, upon written request, shall be provided a free copy of the initial crime report regardless of whether the report has been closed. Personal identifying information may be redacted (Penal Code § 680.2(b)).
- (e) Video or audio recordings created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 7923.750.
- (f) Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the investigation or a related investigation. This includes analysis and conclusions of investigating deputies (Evidence Code § 1041; Government Code § 7923.605).
1. Absent a statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 7923.605.
- (g) Local criminal history information including but not limited to arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.
1. All requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the [District/County Attorney], the County Counsel, or the courts pursuant to Penal Code § 1054.5.
- (h) Certain types of reports involving but not limited to child abuse and molestation (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), and juveniles (Welfare and Institutions Code § 827).
- (i) Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants, or civil litigants under state and federal discovery laws (Code of Civil Procedure § 130).
- (j) Information contained in applications for licenses to carry firearms or other files that indicates when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 7923.800).
- (k) Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.

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- (l) Any record created exclusively in anticipation of potential litigation involving this office (Government Code § 7927.200).
- (m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 7927.205).
- (n) Records relating to the security of the office's electronic technology systems (Government Code § 7929.210).
- (o) A record of a complaint, or the investigations, findings, or dispositions of that complaint if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(9)).
- (p) Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including but not limited to provisions of the Evidence Code relating to privilege (Government Code § 7927.705).
- (q) Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 827.95; Welfare and Institutions Code § 831).

### **806.6 ACCEPTING SERVICE OF LEGAL PROCESS AS AN AGENT FOR THE SHERIFF**

The Sheriff's Office and every member shall accept service of legal process addressed to the Sheriff's Office or its members. Legal process may be served upon the Sheriff either by US mail, personal delivery, or through an agreed upon informal delivery process such as the pick-up box with the District Attorney's Office. Legal papers should be accepted when they are delivered to the Sheriff's Main Office, the Main Adult Detention Facility (MADF), the North County Detention Facility (NCDF), the Coroner's Office, any Sheriff's Office substation, or contract cities' police stations. Parties attempting to serve such papers on the Sheriff's Office should be permitted to deliver them to any member at any of these locations without delay.

### **806.7 SUBPOENAS AND DISCOVERY REQUESTS**

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the Custodian of Records.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to the Custodian of Records or legal counsel for the Office so that a timely response can be prepared.

### **806.8 RELEASED RECORDS TO BE MARKED**

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the Office name and to whom the record was released.

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Each audio/video recording released should include the Office name and to whom the record was released.

### **806.9 SEALED RECORD ORDERS**

The Custodian of Records shall seal such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once the record is sealed, members shall respond to any inquiry as though the record did not exist (Penal Code § 851.8; Welfare and Institutions Code § 781).

When an arrest record is sealed pursuant to Penal Code § 851.87, Penal Code § 851.90, Penal Code § 851.91, Penal Code § 1000.4, or Penal Code § 1001.9, the CIB Manager shall ensure that the required notations on local summary criminal history information and police investigative reports are made. Sealed records may be disclosed or used as authorized by Penal Code § 851.92.

#### **806.9.1 SEALED JUVENILE ARREST RECORDS**

Upon receiving notice from a probation department to seal juvenile arrest records pursuant to Welfare and Institutions Code § 786.5, the CIB Manager should ensure that the records are sealed within 60 days of that notice and that the probation department is notified once the records have been sealed (Welfare and Institutions Code § 786.5).

### **806.10 EMPLOYMENT VERIFICATIONS AND REFERENCE REQUESTS**

Only the Sheriff, Assistant Sheriffs, Captains, the Personnel Bureau Manager or authorized designee shall provide employment information to prospective employers on current or past members on behalf of the Sheriff's Office.

- (a) This information should only be provided after a Release-Waiver has been signed by the member/former member and is in the possession of the Sheriff's Office.
- (b) This release shall be placed in the members personnel file after employment information is provided. If there is no Release-Waiver, the only information released shall be the dates of employment, position held and ending salary.
- (c) Verifications of employment and salary shall be referred to the Payroll Unit.

### **806.11 SECURITY BREACHES**

The CIB Manager shall ensure notice is given anytime there is a reasonable belief an unauthorized person has acquired either unencrypted personal identifying information or encrypted personal information along with the encryption key or security credential stored in any Office information system (Civil Code § 1798.29).

Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the Office determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

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For the purposes of this requirement, personal identifying information includes an individual's first name or first initial and last name in combination with any one or more of the following (Civil Code § 1798.29):

- (a) Social Security number
  - 1. Driver license number, California identification card number, tax identification number, passport number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual
  - 2. Account number or credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account
  - 3. Medical information
  - 4. Health insurance information
  - 5. Information or data collected by Automated License Plate Reader (ALPR) technology
  - 6. Unique biometric data
  - 7. Genetic data
- (b) A username or email address, in combination with a password or security question and answer that permits access to an online account

### 806.11.1 FORM OF NOTICE

- (a) The notice shall be written in plain language, be consistent with the format provided in Civil Code § 1798.29 and include, to the extent possible, the following:
  - (a) The date of the notice.
  - (b) Name and contact information for the Sonoma County Sheriff's Office.
  - (c) A list of the types of personal information that were or are reasonably believed to have been acquired.
  - (d) The estimated date or date range within which the security breach occurred.
  - (e) Whether the notification was delayed as a result of a law enforcement investigation.
  - (f) A general description of the security breach.
  - (g) The toll-free telephone numbers and addresses of the major credit reporting agencies, if the breach exposed a Social Security number or a driver license or California identification card number.
- (b) The notice may also include information about what the Sonoma County Sheriff's Office has done to protect individuals whose information has been breached and may include information on steps that the person whose information has been breached may take to protect him/herself (Civil Code § 1798.29).

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- (c) When a breach involves an online account, and only a username or email address in combination with either a password or security question and answer that would permit access to an online account, and no other personal information has been breached (Civil Code § 1798.29):
1. Notification may be provided electronically or in another form directing the person to promptly change either his/her password or security question and answer, as applicable, or to take other appropriate steps to protect the online account with the Office in addition to any other online accounts for which the person uses the same username or email address and password or security question and answer.
  2. When the breach involves an email address that was furnished by the Sonoma County Sheriff's Office, notification of the breach should not be sent to that email address but should instead be made by another appropriate medium as prescribed by Civil Code § 1798.29.

#### 806.11.2 MANNER OF NOTICE

- (a) Notice may be provided by one of the following methods (Civil Code § 1798.29):
1. Written notice.
  2. Electronic notice if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 USC § 7001.
  3. Substitute notice if the cost of providing notice would exceed \$250,000, the number of individuals exceeds 500,000 or the Office does not have sufficient contact information. Substitute notice shall consist of all of the following:
    - Email notice when the Office has an email address for the subject person.
    - Conspicuous posting of the notice on the office's webpage for a minimum of 30 days.
  4. Notification to major statewide media and the California Information Security Office within the California Department of Technology.
- (b) If a single breach requires the Office to notify more than 500 California residents, the Office shall electronically submit a sample copy of the notification, excluding any personally identifiable information, to the Attorney General.

#### 806.12 RELEASE OF JAIL RECORDS

- (a) Release of Information Regarding Individual Jail Inmates: The following information, unless otherwise limited, may be released to the media regarding persons held in the custody of the Sheriff's Office. Requests for additional information shall be referred to the arresting agency, the Assistant Sheriff or authorized designee:
1. The inmate's name, date of birth, address, employment, marital status, other such identifying information not protected by privacy laws
  2. The substance or text of the charge
  3. Date and time of arrest, charge, bail

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4. The identity of the investigating and arresting officers
5. Current booking photos may be released upon approval of the PIO, a Watch Commander or higher authority when they:
  - (a) Warn the public of imminent danger or:
  - (b) Seek the public's assistance in locating an individual or at-risk individual.
- (b) Jail Incident Reports: Information contained in incident reports completed by jail staff are subject to release under the provisions of this policy as a crime report only if staff has determined that a crime has been committed. All other incident reports are security files of the jail which are exempt from disclosure under Government Code § 6254(f).
- (c) Video Tapes of Jail Activity: Video tapes of jail activity are exempt from disclosure under Government Code § 6254(f) and shall not be disclosed unless doing so would further the mission or goals of the Sheriff's Office. The Detention Division Assistant Sheriff must approve of all such disclosures. In no event shall copies of the video tapes of jail activities be released in response to a PRA request.

### **806.13 RELEASE OF INFORMATION RELATED TO CORONER'S RECORDS**

Generally, release of Coroner's Reports or other records created or held by the Coroner's Unit are governed by the provisions of this policy relating to release of crime reports, records of investigation, and other investigatory records. Accordingly, while Coroner's records are generally exempt from disclosure under the PRA pursuant to GC § 6254(f), the following information shall be released to the public unless such release would impede a pending investigation or prosecution: the name and age of the decedent, the general location of the death, the date of the death, the general manner and cause of death, and identification of any law enforcement agency conducting a related criminal investigation. All requests for death certificates should be referred to County Vital Statistics or the mortuary where final arrangements were made.

- (a) Release of Coroner's Reports to Next of Kin:
  1. The decedent's next of kin are entitled to receive a final copy of the Coroner's Report (the investigative report only), but only upon completion of the Coroner's investigation and any related criminal investigation. Under this provision, the Coroner's Report shall be released only to those persons who are identified as next of kin, authorized representatives of the next of kin, and insurance carriers against which a claim may be made. While up to 3 Coroner's Reports shall be provided to the next of kin free of charge, all additional or other release of reports are subject to charge. The decedent's next of kin are entitled to review photographs or videos of the body by making an appointment with the Property Room. The Office will only release copies in compliance with the Code of Civil Procedure § 129.
- (b) Criminal Investigation Cases:
  1. If the Sheriff's Office, Coroner's Unit, or another law enforcement agency is conducting a criminal investigation related to the death, then no other documents from the Coroner's file (including but not limited to the detailed autopsy report) shall be disclosed or released to the decedent's next of kin, nor shall any

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Coroner's records be provided to any other person, without a subpoena or court order.

(c) Non-Criminal Investigation Cases:

1. In the event no criminal investigation is contemplated with respect to a Coroner's case (such as an autopsy requested by a private individual), then the following additional records may be released to the decedent's next of kin:
  - (a) autopsy reports
  - (b) toxicology reports
  - (c) dental charts
  - (d) anthropology reports

### **806.14 GOVERNING LAW**

This Policy is intended to be consistent with, and not in conflict with, applicable law including but not limited to Penal Code §§ 832.7 & 832.8, Government Code § 6250 et seq., and Article 1 § 3(b)(3) of the Constitution of the State of California.

In conformance with Penal Code §§ 832.7 & 832.8, the Office will employ the following definitions when reviewing a request for records:

- "Sustained" means a final determination following an investigation and opportunity for administrative appeal pursuant to Government Code §§ 3304 & 3304.5.
- "Great bodily injury" means an injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member or organ, as defined by Government Code § 12525.2(d).
- "Dishonesty" means sustained findings of misconduct (1) directly relating to the reporting, investigation, or prosecution of a crime, and (2) directly relating to the reporting of, or investigation of misconduct by another peace officer.

### **806.15 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS**

Video and audio recordings related to critical incidents shall be released upon a proper public record request and subject to delayed release, redaction, and other release restrictions as provided by law (Government Code § 7923.625).

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by a deputy, or depicts an incident in which the use of force by a deputy against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 7923.625).

The Custodian of Records should work as appropriate with the Sheriff or the Internal Affairs Unit supervisor in determining what recordings may qualify for disclosure when a request for a recording is received and if the requested recording is subject to delay from disclosure, redaction, or other release restrictions.

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##### 806.15.1 DELAY OF RELEASE

Disclosure of critical incident recordings during active criminal or administrative investigations may be delayed as follows if disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source:

- (a) Disclosure may be delayed up to 45 days from the date the Office knew or reasonably should have known about the incident.
- (b) Delay of disclosure may continue after the initial 45 days and up to one year if the Office demonstrates that disclosure would substantially interfere with the investigation.
- (c) Any delay of disclosure longer than one year must be supported by clear and convincing evidence that disclosure would substantially interfere with the investigation (Government Code § 7923.625).

##### 806.15.2 NOTICE OF DELAY OF RELEASE

When there is justification to delay disclosure of a recording, the Custodian of Records shall provide written notice to the requester as follows (Government Code § 7923.625):

- (a) During the initial 45 days, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination that disclosure would substantially interfere with the investigation. The notice shall also include the estimated date for the disclosure.
- (a) When delay is continued after the initial 45 days, the Custodian of Records shall promptly provide the requester with written notice of the specific basis for the determination that the interest in preventing interference with an active investigation outweighs the public interest in the disclosure, and the estimated date for the disclosure. The Custodian of Records should work with the Sheriff in reassessing the decision to continue withholding a recording and notify the requester every 30 days.

Recordings withheld shall be disclosed promptly when the specific basis for withholding the recording is resolved.

##### 806.15.3 REDACTION

If the Custodian of Records, in consultation with the Sheriff or the authorized designee, determines that specific portions of the recording may violate the reasonable expectation of privacy of a person depicted in the recording, the Office should use redaction technology to redact portions of recordings made available for release. The redaction should not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording, and the recording should not otherwise be edited or altered (Government Code § 7923.625).

If any portions of a recording are withheld to protect the reasonable expectation of privacy of a person depicted in the recording, the Custodian of Records shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served (Government Code § 7923.625).

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### 806.15.4 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE

If the reasonable expectation of privacy of a person depicted in the recording cannot adequately be protected through redaction, and that interest outweighs the public interest in disclosure, the Office may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following (Government Code § 7923.625):

- (a) The person in the recording whose privacy is to be protected, or the person's authorized representative.
- (b) If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.
- (c) If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased person whose privacy is to be protected.

If the Office determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 7923.625).

The Office may continue to delay release of the recording from the public for 45 days with extensions as provided in this policy (Government Code § 7923.625).

### **806.16 DOJ REPORTING**

- A. Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics. This includes reporting statistical data to the California Department of Justice (DOJ) for:
  - (a) All officer-involved shootings and incidents involving use of force resulting in serious bodily injury (Government Code § 12525.2).
  - (b) Suspected hate crimes (Penal Code § 13023).
  - (c) Complaints of racial bias against deputies (Penal Code § 13012; Penal Code § 13020).
  - (d) Civilian complaints made against deputies (Penal Code § 832.5; Penal Code § 13012).
  - (e) Stop data required by Government Code § 12525.5 and 11 CCR 999.226.
    - (a) The reported information must not contain personally identifiable information of the person stopped or other information exempt from disclosure pursuant to Government Code § 12525.5 (11 CCR 999.228).
  - (f) Anti-reproductive rights crime information required by Penal Code § 13777.
- B. Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.

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- C. Establishing a process for collecting and submitting data to appropriate federal data collection authorities (e.g., FBI National Use-of-Force Data Collection, U.S. Department of Justice's National Law Enforcement Accountability Database), as applicable, for the following types of occurrences:
  - (a) Deaths in custody
  - (b) Crime incidents
  - (c) Deputy deaths or assaults
  - (d) Uses of force
  - (e) Deputy misconduct
  - (f) Deputy suicides
- D. Maintaining compliance with quarterly California DOJ reporting requirements regarding the office's efforts to verify an individual listed in the Armed and Prohibited Persons System (APPS) is no longer in possession of a firearm (Penal Code § 29813).
- E. Maintaining compliance with the state and California DOJ reporting requirements regarding the number of transfers of individuals to immigration authorities and offenses that allowed for the transfers (Government Code § 7284.6(c)(2)).
- F. Transmitting data to the Joint Regional Information Exchange System on any suspected multi-mission extremist crimes.

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## Protected Information

### 807.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Sonoma County Sheriff's Office, its contractors and volunteers. This policy addresses the protected information that is used in the day-to-day operation of the Office and not the public records information covered in the Records Maintenance and Release Policy.

#### 807.1.1 DEFINITIONS

Definitions related to this policy include:

**Protected information** - Any information or data that is collected, stored or accessed by members of the Sonoma County Sheriff's Office, its contractors or volunteers and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

### 807.2 POLICY

Members, contractors and volunteers of the Sonoma County Sheriff's Office will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

### 807.3 RESPONSIBILITIES

The Agency CLETS Coordinator (ACC) shall coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicle (DMV) records and California Law Enforcement Telecommunications System (CLETS).
- (b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.
- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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### **807.4 ACCESS TO PROTECTED INFORMATION**

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Sonoma County Sheriff's Office policy or training. Only those members, contractors and volunteers who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member, contractor or volunteer has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

#### **807.4.1 PENALTIES FOR MISUSE OF RECORDS**

It is a misdemeanor to furnish, buy, receive or possess Department of Justice criminal history information without authorization by law (Penal Code § 11143).

Authorized persons or agencies violating state regulations regarding the security of Criminal Offender Record Information (CORI) maintained by the California Department of Justice may lose direct access to CORI (11 CCR 702).

### **807.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION**

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member, contractor or volunteer who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the CIB Manager for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Office may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the CIB to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

#### **807.5.1 REVIEW OF CRIMINAL OFFENDER RECORD**

Individuals requesting to review their own California criminal history information shall be referred to the Department of Justice (Penal Code § 11121).

Individuals shall be allowed to review their arrest or conviction record on file with the Office after complying with all legal requirements regarding authority and procedures in Penal Code § 11120 through Penal Code § 11127 (Penal Code § 13321).

#### **807.5.2 TRANSMISSION GUIDELINES**

Protected information, such as restricted Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should not be transmitted via unencrypted radio. When circumstances reasonably indicate that the immediate safety of deputies, other office members, or the public is at risk, only summary information may be transmitted.

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In cases where the transmission of protected information, such as Personally Identifiable Information, is necessary to accomplish a legitimate law enforcement purpose, and utilization of an encrypted radio channel is infeasible, a MDC or office-issued cellular telephone should be utilized when practicable. If neither are available, unencrypted radio transmissions shall be subject to the following:

- Elements of protected information should be broken up into multiple transmissions, to minimally separate an individual's combined last name and any identifying number associated with the individual, from either first name or first initial.
- Additional information regarding the individual, including date of birth, home address, or physical descriptors, should be relayed in separate transmissions.

Nothing in this policy is intended to prohibit broadcasting warrant information.

#### **807.6 SECURITY OF PROTECTED INFORMATION**

The Agency CLETS Coordinator shall oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Developing and maintaining security practices, procedures and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.
- (d) Tracking, documenting and reporting all breach of security incidents to the Sheriff and appropriate authorities.

#### **807.6.1 MEMBER, CONTRACTOR AND VOLUNTEER RESPONSIBILITIES**

Members, contractors or volunteers accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

#### **807.7 TRAINING**

All members, contractors or volunteers authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

#### **807.8 CALIFORNIA RELIGIOUS FREEDOM ACT**

Members, contractors or volunteers shall not release personal information from any agency database for the purpose of investigation or enforcement of any program compiling data on

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individuals based on religious belief, practice, affiliation, national origin or ethnicity (Government Code § 8310.3).

### **807.9 OUTSIDE AGENCY REQUEST PROCEDURES**

- (a) The department head of the requesting agency must send a letter to the Sheriff or Administration Division Captain requesting access or information via a letter on their department letterhead.
- (b) The Administration Division Captain shall respond with a letter outlining the specific requirements listed by the DOJ and the Sheriff's Office. This letter will have the following forms and this policy attached:
  - 1. DOJ Employee/Volunteer Statement Form
  - 2. Sheriff's Office CLETS Training Sign Off Sheet (Less Than Full/Practitioner)
  - 3. DOJ Release of CLETS Information (other than CLETS subscribing agency)
- (c) The original forms shall be returned to the Administration Division Captain. The Captain shall have the original Release of CLETS Information form filed in the Interagency Agreement file in Sheriff's Administration.
- (d) The individual Statement Forms and CLETS Training Signoff Sheets will be forwarded to the Professional Standards Lieutenant.
- (e) The Captain shall notify the Dispatch bureau and the Central Information Bureau of the authorized agency and specific personnel who are allowed to receive CLETS information.
- (f) The Professional Standards Training Unit shall file the forms in a file labeled by agency.
- (g) The Professional Standards Training Unit shall insure that training is conducted and completed for all outside agency personnel at the same intervals as required by Sheriff's Office members.

## Computers and Digital Evidence

### 808.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

### 808.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Deputies should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

- (a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.
- (b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.
- (c) If the computer is off, do not turn it on.
- (d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.
  1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
  2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery).
- (e) Label each item with case number, evidence sheet number, and item number.
- (f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.
- (g) Lodge all computer items in the Property/Evidence Room. Do not store computers where normal room temperature and humidity is not maintained.
- (h) At minimum, deputies should document the following in related reports:
  1. Where the computer was located and whether or not it was in operation.
  2. Who was using it at the time.
  3. Who claimed ownership.
  4. If it can be determined, how it was being used.
- (i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives, and

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disk drives) should be seized along with all media. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture.

##### **808.2.1 BUSINESS OR NETWORKED COMPUTERS**

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Deputies should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence.

##### **808.2.2 FORENSIC EXAMINATION OF COMPUTERS**

If an examination of the contents of the computer's hard drive, or floppy disks, compact discs, or any other storage media is required, forward the following items to the Crime Scene Investigations Unit (CSI):

- (a) A completed Crime Scene Investigations Service Request detailing what evidence items are to be searched. Include any known passcodes, user names, email addresses, etc.
- (b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.
- (c) An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.
- (d) The investigating deputy or Detective will review the duplicate hard drive or disk for evidence related to the case with assistance from the Crime Scene Investigations Unit or Sheriff IT.

##### **808.3 SEIZING DIGITAL STORAGE MEDIA**

Digital storage media including hard drives, floppy discs, CD's, DVD's, tapes, memory cards, or flash memory devices should be seized and stored in a manner that will protect them from damage.

- (a) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request the Crime Scene Investigation Unit to copy the contents to an appropriate form of storage media.
- (b) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.
- (c) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.
- (d) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

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##### **808.4 SEIZING PCDS**

Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

- (a) Deputies should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.
- (b) Do not turn the device on or off. The device should be placed in a faraday bag, to prevent the device from sending or receiving information from its host network. If a faraday bag is not available, place the device in airplane mode or remove the SIM card from the device. Place the removed SIM card in the same packaging as the device.
- (c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

##### **808.5 DIGITAL EVIDENCE RECORDED BY OFFICERS**

Deputies handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

###### **808.5.1 COLLECTION OF DIGITAL EVIDENCE**

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

###### **808.5.2 SUBMISSION OF DIGITAL MEDIA**

The following are required procedures for the submission of digital media produced by deputies with the use of a camera or other recorders:

- (a) As soon as possible following the collection of digital images, video or audio recordings, the deputy is to upload and save the images, video or audio recording into Evidence.com. The deputy shall label each image, video or recording with the corresponding case number, evidence item number and report category.

###### **808.5.3 PRESERVATION OF DIGITAL EVIDENCE**

- (a) The original digital media shall remain in evidence and shall remain unaltered.
- (b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.
- (c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

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# Animal Control Procedures - Sonoma Police Department

## 809.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for Animal Control Officers (ACO) and Sonoma Police Department personnel in dealing with animal control related calls for service and to set forth procedures regarding animal control services, the handling of injured animals, and the abatement nuisances. In unincorporated Sonoma County, Sonoma County Animal Services will be responsible for animal control related calls. Animal Control services are not part of the service agreement between Sonoma County Sheriff's Office and the Town of Windsor.

## 809.2 ANIMAL CONTROL OFFICER RESPONSIBILITIES

The Animal Control Office (ACO) shall be responsible for enforcing local, state and federal laws relating to animals, and for appropriately resolving or referring animal problems as outlined in this policy.

During hours when the ACO is on duty, requests for animal control services should be assigned by Dispatch. Request for assistance by the ACO shall be acknowledged and responded to promptly.

### 809.2.1 ANNUAL DOG LICENSING PROGRAM

The Animal Control Officer, along with assistance from administrative staff, shall be responsible for managing the City's annual dog licensing program in accordance with the Sonoma Municipal Code.

### 809.2.2 KENNEL MANAGEMENT

The Animal Control Officer shall be responsible for all aspects of maintaining the department's kennels. This includes, but is not limited to:

- Checking the kennels daily
- Ordering supplies
- Cleaning and sanitizing the kennels
- Disposing of deceased animals
- Insuring proper care of animals in our custody, including medical care

The ACO shall notify the on-duty sergeant if they are unavailable or unable to complete a task. The on-duty sergeant shall assign the task to an on-duty deputy.

### 809.2.3 INVESTIGATION OF VICIOUS AND POTENTIALLY DANGEROUS DOGS

In accordance with the Sonoma Municipal Code, the ACO shall investigate all allegations of vicious and potentially dangerous dogs, which includes the field interview, writing of reports, filing of petitions, and testimony at hearings.

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### 809.2.4 RESOURCE MANUAL

Due to the unique and complex nature of animals and animal related topics, the ACO shall maintain a binder of allied agencies, resources available, and industry best practices. This binder shall be maintained at the front counter and updated periodically.

### **809.3 DEPUTY RESPONSIBILITIES**

During hours when the ACO is off duty, or if the ACO is otherwise unavailable, animal related calls for service will be handled by the appropriate on-duty deputy.

Deputies may be dispatched to animal related calls and should take appropriate actions to control the situation until the arrival of an ACO. Due to the hazards of handling animals without proper equipment, responding deputies generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of the ACO. The following are examples of when a deputy may consider acting before the arrival of the ACO.

- (a) When there is a threat to the public safety.
- (b) When an animal has bitten someone, deputies should take measures to confine the animal and prevent further injury.
- (c) When an animal is creating a traffic hazard.
- (d) when the owner/handler has been arrested and there is no alternative placement for the animal.
- (e) When the animal is gravely injured.

### 809.3.1 ANIMAL CRUELTY COMPLAINTS

Deputies shall conduct a preliminary investigation on all reports of animal cruelty and forward the information to the ACO for follow-up. Deputies shall not hesitate to take any immediate actions deemed necessary to prevent further injury/distress to the animal. The assistance of an animal control officer may be requested to assist with the investigation when appropriate for the purpose of handling the disposition of any animal(s) associated with the case.

If an animal left in a locked vehicle shows signs of distress, such as overheating, ACO/deputy should make reasonable attempts to locate the owner. If time permits, a tow company should be called to unlock the vehicle, but force may be used to rescue the animal, if necessary.

### 809.3.2 ANIMALS AT LARGE

If an animal found at large has a license, such as a dog, or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the animal should be released to the owner and a citation may be issued if appropriate. If an animal is taken into custody, it shall be transported to the police department's kennel or other suitable location depending upon the animal, making sure the animal has food, water and bedding.

The animal pick-up form must be completely filled out and placed in the ACO's binder. Release of impounded animals may require a fee be paid per the municipal code. Releases will be handled by the ACO or, in his/her absence, another member of the department.

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If a stray animal is located and is held at the police department and the owner is not located, a notice of impoundment must be placed on a public bulletin board at the police department for six (6) business days as outlined in the municipal code.

Any domesticated animal not claimed by its owner within 6 business days shall be turned over to an appropriate animal adoption agency as per municipal code. Livestock must be kept for a period of at least 14 days prior to being released.

### **809.3.3 ANIMAL BITE REPORTS**

Animal bite reports are required by law. Deputies shall obtain as much information as possible for forwarding to the ACO for follow-up. Deputies shall instruct the owner of a biting animal, if contacted, to keep the animal confined on the property until contacted by the ACO. If the animal is a stray, then every effort shall be made to capture and impound the animal immediately.

### **809.3.4 PUBLIC NUISANCE CALLS RELATING TO ANIMALS**

Deputies shall obtain and forward to the ACO as much information as possible regarding the nature of the complaint, complaining person, owner information (if possible), location of problem, etc. Deputies will also document any actions taken, citation(s) issued, related report numbers, etc.

In the event responding deputies cannot fulfill urgent requests for services because the animal is difficult or dangerous to handle, the ACO may be called to duty to handle. All requests to call in the ACO must be approved by a field supervisor or the Watch Commander.

### **809.4 DECEASED ANIMALS ON PUBLIC PROPERTY**

Deceased animals on public property will be removed and properly disposed of by the ACO. Deputies will remove deceased animals when the ACO is not on duty. If available, the deputy may use the ACO truck to pick-up and transport the deceased animal.

- (a) For health and sanitary reasons, deceased animals should be placed in a sealed plastic bag prior to placing in the ACO truck.
- (b) Neither the ACO nor any officer will be required to climb onto or under any privately owned structure for the purpose of removing a deceased animal.
- (c) When practical, deceased domesticated animals should be placed in the freezer in the kennel. Deceased wild animals should be taken to the designated area in the cemetery.
- (d) In cases of deceased large animals, the city public works department may be called for assistance.

### **809.5 INJURED ANIMALS**

When any injured domesticated animal is brought to the attention of a member of this agency, all reasonable attempts shall be made to contact the owner or responsible handler. When the owner or responsible handler cannot be located and the animal is not an immediate danger to the community, it shall be taken to a doctor of veterinary medicine as described below (Penal Code § 597.1(b)).

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- (a) During normal business hours, the animal should be taken to a veterinary care clinic.
- (b) If after normal business hours, the animal should be taken to the authorized Veterinary Emergency and Critical Care Services Clinic.
- (c) The only exception to the above is when the animal is an immediate danger to the community or the owner of the animal is identified and takes responsibility for the injured animal.
  - 1. When the need to kill a seriously injured or dangerous animal is necessary, the office Use of Force Policy shall be followed. The decision to kill a seriously injured animal will rest with the on-duty supervisor.
- (d) Injured wildlife should be left alone if they can move under their own power, as per Fish and Game.
- (e) When handling dead or injured animals, office employees shall attempt to identify and notify the owner of the final disposition of the animal.
- (f) Each incident shall be documented, at minimum, include the name of the reporting party and veterinary hospital and/or person to whom the animal is released. If the ACO is off-duty, the information will be forwarded for follow-up.

### **809.6 CITATIONS**

It should be at the discretion of the handling deputy or the field supervisor as to the need for, or advisability of, the issuance of a citation for a violation.

### **809.7 POST-ARREST PROCEDURES**

The arresting deputy should make a reasonable effort to ensure that animals or pets under a person's care will be provided with adequate care when that person is arrested. This is only required when there is no person to provide care and the arrestee is expected to be in custody for a time period longer that would reasonably allow him/her to properly care for the animals.

Relatives or neighbors may be contacted, with the owner's consent, to care for the animals. If no persons can be found or the owner does not consent, the ACO or deputy shall transport animal(s) to the kennel. The arrestee should be notified that the animal was taken for protective custody and the arrestee should be contacted to arrange final disposition. A report needs to be written when animal is impounded for safe keeping.

Animals not claimed by arrestee or arrestee's designee within 6 business days may be turned over to an appropriate adoption agency as per municipal code.

## **\*Forced Blood Draws In Sheriff's Office Facilities\***

### **810.1 PURPOSE AND SCOPE**

This policy establishes a safe and efficient method to obtain a blood sample from an arrestee or inmate voluntarily and involuntarily after an arrest or by court order. Involuntary blood draws shall only be conducted by Sheriff's Office members when there is a legally justified reason.

#### **810.1.1 DEFINITIONS**

**Involuntary Blood Draw** - Blood taken from an arrestee or inmate who refuses to consent.

### **810.2 GENERAL GUIDELINES**

- (a) The Detention Division shall only assist Sonoma County Sheriff's Office members and the Sheriff's law enforcement contract cities members with securing an arrestee or inmate for an involuntary blood draw.
- (b) There may be occasions where other law enforcement agencies attempting to secure an arrestee or inmate for an involuntary blood draw will find themselves in a physical altercation in the Sheriff's Detention facilities. The Detention Division members shall only assist in restraining the inmate or arrestee until resistance stops and shall not continue to assist in the involuntary blood draw.
- (c) Arrangements for a blood draw shall be made by the arresting deputy per the applicable Law Enforcement Division Policy.
- (d) Detention Division members shall make an effort to provide the arrestee/inmate with information necessary to obtain the arrestee/inmate's consent to participate in a voluntary blood draw.
- (e) The Detention Division Watch Commander or designee shall be advised and approve all involuntary blood draws inside MADF or NCDF.
- (f) Involuntary blood draws shall not be conducted by the Detention Division's contract medical provider.
- (g) Other law enforcement agencies who request to conduct a blood draw from an inmate or arrestee shall make arrangements to have the blood drawn outside the facility (the use of the vehicular sally port is permitted).

### **810.3 BLOOD DRAW PROCEDURES**

#### **810.3.1 VOLUNTARY BLOOD DRAWS**

- (a) The arresting Deputy shall arrange for an outside contracted medical provider to respond to the jail and complete the draw.
- (b) The Deputy shall coordinate with the Detention members on the details of where in the facility the draw should occur.

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##### 810.3.2 INVOLUNTARY BLOOD DRAWS

- (a) Upon determination by a Sonoma County Sheriff's Deputy that an involuntary blood draw is necessary and is to be completed inside MADF or NCDF, the deputy shall document the justification on a Request for Assistance – Involuntary Blood Draw form. The blood draw shall be approved by the Detention Division Watch Commander or designee prior to the draw.
- (b) Upon approval, the arresting deputy shall arrange for a contract medical provider to respond to the jail and complete the draw.
- (c) The Detention Division Lieutenant, or Sergeant or Correctional Deputy under his supervision, shall make reasonable efforts to convince the arrestee or inmate to voluntarily submit to a blood draw. If the arrestee or inmate refuses to cooperate, he or she shall be notified that he or she may be placed in restraints and the blood drawn involuntarily
- (d) Before conducting an involuntary blood draw, the Detention Division Sergeant or Correctional Deputy shall take the following actions:
  - 1. Have the contract medical provider ascertain that the arrestee or inmate does not have a medical condition which would preclude them from participating in an involuntary blood draw
  - 2. The Detention Division Sergeant shall determine whether to restrain the arrestee or inmate using handcuffs, waist restraints, leg irons or restraint chair
  - 3. Sheriff's Office members shall only use the amount of force necessary when conducting an involuntary blood draw
- (e) All involuntary blood draws in the Detention Division shall be video recorded by a Correctional Deputy. The Detention Division Sergeant shall designate a Correctional Deputy to write an Incident Report documenting the involuntary draw and the actions taken to obtain voluntary compliance. The video recording shall be included and attached to the Correctional Deputy's Incident Report placed in the inmate's D-File. The Deputy Sheriff requesting the blood draw shall obtain a copy of the video from the Detention Division Sergeant and place it into evidence.
- (f) The blood sample shall be turned over to the Deputy Sheriff.

##### 810.3.3 COURT ORDERED BLOOD DRAWS

- (a) When a Court Order is received for a blood draw of an inmate, the following requirements shall apply:
  - 1. The Detention Division court desk member shall forward a copy of the Order to the Detention Division Administrative Lieutenant where it is later placed into the inmate's D-file
  - 2. The Detention Division Administrative Lieutenant shall notify the Detention Division Watch Commander who makes arrangements with a contract medical provider to draw the blood. The Lieutenant shall provide the medical provider with a copy of the Order

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- (b) The Detention Division members shall make a reasonable effort to obtain the inmate's voluntary informed consent. All attempts shall be documented in the Correctional Deputy's report.
- (c) If an inmate continues to refuse the blood draw, the Sergeant or his designee shall assemble a team of Correctional Deputies to conduct a cell removal of the inmate.
  - 1. The inmate shall be removed from his or her cell and placed in appropriate restraints as determined by the Correctional Sergeant
  - 2. Once the Court Order has been executed, the inmate shall be returned to his or her cell or be housed accordingly
- (d) The collected blood sample shall be handled according to the Court Order.
- (e) All court ordered blood draws shall be video recorded by a Correctional Deputy. The Detention Division Sergeant shall designate a Correctional Deputy to write an Incident Report of the cell removal and blood draw. The video recording and Court Order shall be included with the report placed in the inmates D-File. The video recording shall be included and attached to the Correctional Deputy's Incident Report placed in the inmate's D-File. The Deputy Sheriff requesting the blood draw shall obtain a copy of the video from the Detention Division Sergeant and place it into evidence.

## \*Civil Bureau: Execution of Levies and Service of Process\*

### 811.1 PURPOSE AND SCOPE

The purpose of this policy is to give direction regarding the execution of levies and serving process and civil warrants on the public.

#### 811.1.1 DEFINITIONS

**Eviction:** A court-administered proceeding for removing a tenant from a rental unit because the tenant has violated the rental agreement or did not comply with a notice ending the tenancy (also called an "unlawful detainer" lawsuit).

**Eviction - Claim of Right To Possession:** A form that the occupants of a rental unit can fill out to temporarily stop their eviction by the Sheriff after the landlord has won an unlawful detainer (eviction) lawsuit. The occupants can use this form only if:

- The landlord did not serve a Prejudgment Claim of Right to Possession form with the summons and complaint
- The occupants were not named in the writ of possession
- The occupants have lived in the rental unit since before the unlawful detainer lawsuit was filed

**Eviction Notice:** A notice that the landlord serves on the tenant asking the tenant to move out and explaining why. Some notices give the tenant the chance to fix the problem, like pay back rent or stop doing something prohibited in the lease. There are many types of notices.

**Judgment Creditor:** The party (either the plaintiff or the defendant) in whose favor a judgment has been awarded.

**Judgment Debtor:** The party that the judgment has been entered against.

**Keeper:** An individual assigned by the Civil Bureau to remain on premises to protect and safeguard assets during the duration of a levy. A keeper must be installed and released by a Deputy.

**Install:** Placing a Keeper in charge of the business under levy. At the time of installation, the Deputy must serve the Notice of Levy on the person in charge.

**Legal Process/Legal Papers:** Refers to the wide variety of legal papers issued by the court in any action or prosecution; for example, summons, motions, writs, orders, subpoenas and warrants.

**Levy:** To obtain property by legal process referred to as a writ through the seizure and sale of property.

**Levying Officer:** Sheriff or marshal that is given the power by a writ of execution to levy on a judgment debtor's property. The Sheriff's designee may act as Levying Officer; for example, a deputy sheriff, Civil Bureau Manager, or designee as directed.

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## *\*Civil Bureau: Execution of Levies and Service of Process\**

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**Process:** A course of proceedings in a lawsuit. "Process" also can mean a legal paper that requires a defendant to answer a complaint or to accept a default judgment.

**Process Server:** A person that serves court papers on a party to a lawsuit.

**Proof of Service:** The form filed with the court that proves that court papers were formally served on (delivered to) a party in a court action on a certain date.

**Restraining Order:** A court order issued to prohibit an individual from carrying out a particular action such as, approaching or contacting a specified person for a certain amount of time, usually until a court hearing is held.

**Seizure Order:** Court order (after motion) allowing a levying officer to levy on personal property in a private home.

**Service of Process:** Refers to the delivery of legal papers to the opposing party. The papers must be delivered by an adult aged 18 or older that is not involved in the case and swears/certifies to the date and method of delivery to the recipient.

**Attempted Service:** An unsuccessful effort to serve the legal papers as instructed, for example: party not at home.

**Completed or Successful Service:** A successful effort to deliver the legal papers as instructed.

**Drop Service:** When the subject refuses to accept service, dropping the legal papers in the proximity of the subject to be served and informing the subject of the service. The server must be able to testify that the subject who was "drop served" is the proper party.

**Personal Service:** Refers to when legal papers are personally served (delivered) to the opposing party. The person who serves the legal papers must tell the other person that these are legal papers, and then leave the papers near the person; the person does not need to be touched with the papers. The person being served does not have to accept the papers, say, or sign anything.

**Substitute Service:** Refers to when legal papers are served (delivered) to the opposing party by leaving the papers with someone other than a party to the lawsuit; valid only if certain specified procedures are followed.

**Subpoena:** An official order to go to court at a stated time. Subpoenas are commonly used to tell witnesses to come to court to testify in a trial.

**Subpoena Duces Tecum:** An official court order to bring documents or records to a stated place at a stated time.

**Temporary Restraining Order:** A court order, sometimes called a "TRO", that says a person must not do certain things that are likely to cause harm that can't be fixed. Unlike an injunction, it can be granted immediately, without notice to the opposing party and without a hearing. It is intended to last only until a hearing can be held. TROs are often used in domestic violence cases to protect a person from violence or the threat of violence.

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**Trip Ticket:** A routing paper that is attached to the legal process for tracking purposes. The Trip Ticket provides the name and address of the party to be served, the serve-by-date, and is used by the deputy, community services officer, or Civil Bureau staff to record the progress and outcome of the service of process.

**Unlawful Detainer:** A lawsuit in which a landlord tries to evict a tenant because, according to the landlord, the tenant no longer has the right to live on the property. Also called an eviction.

**Warrant (Bench Warrant):** A written order issued by a judge or judicial officer directing a peace officer to take specific action. Orders can be: (1) an arrest warrant - orders a peace officer to arrest and bring to the court the person accused of a crime to begin legal action; or (2) a bench warrant - a judge's order to arrest and bring a person to court because the person has failed to appear in court when they were supposed to appear.

**Writ:** A court order directed to the Sheriff. Common Writs include: Writ of Attachment, Writ of Execution, Writ of Possession-Eviction, Writ of Sale, Writ of Possession-Claim and Delivery.

### **811.2 MANDATES**

The following provisions of the Penal Code and Code of Civil Procedure may bear upon the service/execution of civil process and the activities of the person being served.

- (a) PC § 166.4: Willful disobedience of any process or order, lawfully issued by any court.
- (b) PC § 166.5: Resistance willfully offered by any person to the lawful order or process of any court.
- (c) PC § 148: Resisting or obstructing a public officer.
- (d) PC § 419: Re-entry on land after legal ouster.
- (e) PC § 602(l): Entering and occupying real property or structures of any kind without the consent of the owner/agent.
- (f) CCP § 699.030(b): The levying officer may enter a private place to seize property under levy.

### **811.3 GENERAL GUIDELINES**

The Sheriff is required by California Code of Civil Procedure 262.1 to execute and process orders. Government Code 26608 states, "The sheriff shall serve all process and notices in the manner prescribed by law." To that end, it is the duty of the Sheriff to execute levies by obtaining custody of the property and seeing to its disposition. The Sheriff shall sell or turn over the property or proceeds as appropriate; issue Sheriff's Deed or Certificate of Sale; serve all court process placed in his hands; return to the court an account of his actions in the form of a proof of service or writ return. The Sheriff is legally obligated to exercise reasonable diligence in his efforts to execute levies and serve court process.

- (a) The public is required to pay a fee for the types of services described in this section. These fees are enumerated in Government Code § 26720 and § 26751.
- (b) Certain actions can only be performed by a deputy sheriff, and include the following:

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1. Evictions
  2. Installation and Release of a Keeper
  3. Dangerous or difficult general service of process
  4. Civil Bench Warrants
  5. Service of Temporary Restraining Orders (TROs), with the exception of front office services performed by Civil Bureau staff when secure behind safety glass
- (c) Advanced type levies will be performed by the Civil Bureau Manager or designee, and include the following:
1. Levy on real or personal property (complex levies)
  2. Conduct Sheriff's sale of real or personal property
  3. Issue Sheriff's Deed or Certificate of Sale
  4. Third Party Claims
  5. Arrangements to move and store property under levy
  6. Release or turn over property under levy

#### **811.4 PROCEDURES**

- (a) Intake and Distribution: The Civil Bureau receives and reviews requests from the public to execute levies or serve legal process. Request must be accompanied by a letter of instruction, an original writ (levies), sufficient copies of the paperwork and a check for fees. The request is date/time stamped at the front desk or in Sheriff's Purchasing when received via delivery service/carrier, then delivered to the Civil Bureau for a detailed review and execution.
- (b) Review: Requests are carefully reviewed and only those valid on face are accepted. Insufficient or invalid papers are rejected.
- (c) Service and Execution: The specifics of how to serve process or execute a levy are detailed in the Code of Civil Procedure. Actions are time bound and the Sheriff must execute his duties with reasonable speed and diligence. Highest priority shall be given to legal papers and writs with time constraints.
- (d) Trip Ticket: All actions taken to execute a levy or serve legal papers must be documented on the Trip Ticket. The information on the trip ticket is used to prepare the proof of service or writ return to court. The Trip Ticket must be returned to the Civil Bureau by the "serve by date" along with any un-served papers. Information documented on the Trip Ticket shall include:
1. Date and time of service
  2. Status of service: completed or attempted
  3. For attempted service, provide reason such as, not at home, no such address, etc.
  4. Address of service

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5. Name of party served
  6. Method of service: personal, sub-served, posted, drop served, etc.
  7. For a drop service, physical description of subject served and how identification was made
  8. Server identification number and signature
- (e) All Proof of Service: Sheriffs shall return a completed Trip Ticket to the Civil Bureau without delay. Civil staff will process and sign a certificate of service known as a proof of service, in the name of the Sheriff, for filing with the court. Any sheriff who does not return a process or notice in his or her possession, with the necessary endorsement thereon, without delay is liable to the person aggrieved for all actual damages sustained by him or her (Government Code § 26663).

## \*Premise Information File Request Form\*

### 812.1 PURPOSE AND SCOPE

This policy establishes guidelines for the entry of information into the Premise Information File.

#### 812.1.1 DEFINITIONS

**Short Term Entry:** Stored for less than two (2) weeks.

**Long Term Entry:** Stored from two (2) weeks to one (1) year.

**Immediate Entry:** Stored for seven (7) days. Notification to Dispatch can be done by radio or telephone. To extend this period of time, the requesting person must complete and forward a Premise File Form to Dispatch with the appropriate information.

### 812.2 GENERAL GUIDELINES

Entries into the Premise Information File will focus primarily on safety issues. Acceptable entries include:

- (a) Deputy and user agency safety
- (b) Hazardous materials data
- (c) A Premise Information File Form shall be completed for each entry that is related to an office safety issue(s)

#### 812.2.1 PROCEDURES

- (a) Entry Into Premise File:
  1. As a premise file, all information must be linked to a specific address.
  2. A deputy or user agency may submit a form when information is obtained that should be known by all deputies and/or user agencies in subsequent responses to the same address. An official report/case number and/or C.A.D. incident number will be listed on the Premise Information File form.
- (b) Authorization:
  1. Requests from sworn personnel must be authorized by a Sergeant or Watch Commander.
  2. Requests from other than sworn personnel must be authorized by the Dispatch Shift Supervisor or Dispatch Manager.
  3. Information shall be entered into the file to:
    - Note the storage of hazardous materials deputies and/or user agencies should be aware of on future responses
    - Explain exact agency jurisdiction for responses that may be questionable
    - Provide contagious disease information as a Center for Disease Control (CDC) warning for the location

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## *\*Premise Information File Request Form\**

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- Provide officer safety issues
4. All sections of the Premise Information File form must be completed before entry into C.A.D. will be allowed. Incomplete forms will be returned to the requesting person/agency.
    - Exceptions include information requiring immediate entry, only
    - Approved forms will be filed in Dispatch
  5. The Dispatch Manager, Shift Supervisor, or authorized designee will be responsible for the entry of premise information into the C.A.D. system.
- (c) Cancellation or Updates:
1. Any information received that would cause changes in the premise file will be forwarded to the Dispatch Center as soon as practical. This can be accomplished by phone, C.A.D. Mail, or County email to a dispatch supervisor or authorized designee.
  2. All premise information will be reviewed prior to expiration for validity. A summary of available information on the location will be sent to the requestor, or zone deputy where practical, for additional input.

## **\*Radio Policy\***

### **813.1 PURPOSE AND SCOPE**

This policy establishes guidelines for the Sheriff's radio system and creates appropriate standards relative to its frequencies. This policy will outline a standard response upon receipt of a portable radio distress signal. Members will utilize the radio for the purpose of communication regarding calls for service, to enhance and support officer safety, to coordinate information and activity between field units, and to provide incident documentation. The system will operate in accordance with F.C.C. Regulations in a professional and courteous manner.

#### **813.1.1 DEFINITIONS - CHANNEL IDENTIFIER/DESCRIPTION IN MOBILE RADIOS**

**Channel 1:** Primary dispatch channel for Sheriff, Windsor and Sonoma field members.

**Channel 2:** Support dispatch channel used routinely for deputy-initiated activity, such as warrant checks, Department of Motor Vehicle (DMV) requests, California Law Enforcement Telecommunications System (CLETS) inquiries, and general information.

**Channel 3:** Similar to Channel 1 duties. A second, primary dispatch channel activated when operational workload has been divided between channel 1 and 3, generally from 0900 hours to 1500 hours each day. Only monitored routinely by dispatch members when activated for this purpose. May serve as a tactical channel beyond the primary hours of use.

**Channel 4:** Used for tactical operations. Not routinely monitored by Dispatch.

**Channel 5:** Used for tactical operations. Not routinely monitored by Dispatch.

**Channel 6:** Sheriff TCOMM.

**Channel Changes:** Due to the large number of Sheriff's radio channels, units moving from Channel 1 to any other channel, when possible, should notify Dispatch and wait for acknowledgement.

**Channel Interrupt:** The Sheriff's UHF radio system possesses a feature that allows field units the ability to interrupt the dispatcher when he/she is transmitting. This safety feature should be used only for emergencies or when information important to a specific incident is necessary. The unit can override any dispatch transmission by simply activating their radio and indicating the need to transmit an emergency/urgent message. This feature is provided on Channels 1 through 5 only.

**Voice Inversion:** Some mobile and portable radios are equipped with a feature allowing radio transmission scrambling. The scrambler feature should be used only when a law enforcement operation requires absolute secrecy or when safety of Sheriff's Office members may be compromised. Dispatch cannot monitor or transmit to units in this mode.

**Channel Scanning:** Scanning Radios are equipped with a scan feature allowing the monitoring of additional radio frequencies.

**Distress Signal Button:** A portable radio feature to signal that a deputy needs assistance.

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**Radio Codes:** Pre-designated numbering system used to identify law enforcement functions that will assist in reducing radio transmission time.

**Ten (10) Codes:** All members utilizing Sheriff frequencies shall use the standard 10 code as adopted by the Sonoma County Sheriff's Office.

**Code One (1):** Your convenience.

**Code Two (2):** Urgent.

**Code Three (3):** Emergency.

**Code Four (4):** Situation under control, no further assistance needed.

**Code Six (6):** Officer needs assistance, **URGENT**. a code 6 shall be used in all instances when a deputy wishes a back up to respond during a non-emergency. When a cover unit is desired, deputies shall transmit "Code 6" and state the number of units needed. The requesting deputy can cancel a Code 6.

**Code Twenty (20):** Officer needs assistance, **EMERGENCY**. An emergency situation where a deputy needs assistance, Code 3. Deputies shall transmit "Code 20" and state number of units needed. The requesting unit cannot cancel a Code 20. The canceling unit shall be the responding unit (e.g., a deputy is engaged in a physical confrontation beyond his/her ability to control).

**Code Thirty (30):** Officer needs assistance, **EMERGENCY**. An emergency situation where the life of a deputy or citizen is in immediate danger and assistance is needed Code 3 from any jurisdiction. The requesting unit cannot cancel a Code 30. A responding unit must assess the condition of the requesting unit and determine if the situation requires further assistance.

**Code Thirty-Three (33):** Clear radio channel, emergency traffic. A Code 33 is used for critical incidents, such as an in-progress incident affecting officer safety, a foot/vehicle pursuit, or a Code 20/Code 30 situation. Dispatch or field members may initiate a Code 33 on a radio channel.

When a Code 33 is activated, all members shall clear the channel of all extraneous radio traffic. All members not involved in the incident will switch over to a channel designated by Dispatch. Non-essential radio traffic will be kept to a minimum. Routine requests will not be performed when channel 2 becomes the primary dispatch channel.

During a Code 33, an intermittent tone will be transmitted over the selected channel in order to alert all members. Radio traffic will override the tone. If necessary, due to officer safety concerns, the tone can be turned off. This request must come from a deputy on-scene.

**Mobile Data Computer (MDC):** An in-vehicle computer used to send/receive data while coordinating event activity, accessing CLETS data files, submitting reports, messaging between terminals and retrieving information.

#### **813.2 PRIMARY RADIO FREQUENCIES**

Channel 1 - Sheriff 1	458.7250	453.7250	131.8 Hz
Channel 2 - Sheriff 2	458.5750	453.5750	141.3 Hz

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Channel 3 - Sheriff 3	458.4000	453.4000	103.5 Hz
Channel 4 - Sheriff 4	458.5500	453.5500	127.3 Hz
Channel 5 - Sheriff 5	458.4750	453.4750	192.8 Hz
Channel 6 - Sheriff 6	465.025	460.025	(TCOMM)

### **813.3 GENERAL GUIDELINES**

- (a) Keep messages brief. Use codes and phonetic alphabet when appropriate.
- (b) Channels 1, 2 or 3 are the Sheriff's Office's primary dispatch frequencies. Routine car to car traffic, unless responding to an emergency/urgent call, shall be conducted on channels 4, 5 or direct.
- (c) Upon clearing an incident with an MDC, enter the disposition and return to available status. Deputies without an MDC shall provide a disposition to Dispatch over the unit's primary dispatch channel. Do not switch to another channel to provide additional dialog or to advise Dispatch of APB information. If the information is urgent, use your primary dispatch channel so other units may hear the update. If not, use the telephone.
- (d) The initial dispatch of calls to field units will be broadcast via radio and not over the telephone. On-duty deputies shall keep their portable radios turned on when out of the patrol vehicle.
  1. If contact is not made with an available field unit after repeated attempts on primary channel, and it is determined that another dispatcher has not had contact with the missing unit, Dispatch will tone alert (3 beeps) and call unit on all Sheriff's channels. If still not response Dispatch will:
    - Start unit(s) to last known location and/or AVL location
    - Notify duty Sergeant for direction
    - Periodically attempt to raise missing unit via radio until resource has been located
- (e) Duty rosters will be provided to Dispatch staff by Patrol. All deputies will log on via their MDC, or contact Dispatch at the beginning of their shifts to advise they do not have an MDC, and are available for event assignment. Any deputy not immediately available for dispatch will provide his/her status and location. If going to court, the range or any other appointments when on duty, advise Dispatch at the beginning of shift.
- (f) Deputies will advise Dispatch via MDC or radio (when a unit is without an MDC) whenever leaving the main office or substation, and/or when arriving at the main office or substation.
- (g) All deputies will advise Dispatch via radio (10-7 OD), MDC or by phone when going off duty.
- (h) All radio transmissions shall be conducted in a courteous and professional manner. Patrol and Dispatch supervisors are responsible for monitoring the radio frequencies and addressing unacceptable behavior.
- (i) Radio messages during emergency situations can affect a person's ability to be understood. Rapid, excited transmissions are difficult to hear and understand, often

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requiring repeated transmissions. Members should make a conscious effort to transmit in a calm and concise manner.

- (j) All primary radio transmissions are taped and timed.
- (k) Assignment of incidents shall not be challenged unless the call conflicts with a previously assigned detail or emergency activity. When questions and/or concerns exist, contact your supervisor.
- (l) Units shall process tow requests on Channel 2. All rotation tow requests should include complete vehicle description; color, year, make & model, body style, additional identifying information, license (CYMBAL), and authority for tow.
- (m) Deputies shall run CLETS inquiries when at a facility equipped with a terminal or conditions are favorable to use their MDC. Deputies are responsible for providing hard copies of CLETS information when needed. Routing requests to an unsecured terminal is prohibited per Department of Justice CLETS Operating Manual, Sections 1.6.6(c) and 1.7.1.
- (n) A "priority request" is an urgent inquiry and will be processed immediately.
- (o) Status updates are required as an officer safety measure. An update can consist of a Code 4 or short report on conditions.
  - 1. A status update for incidents, such as in-progress events and traffic stops, shall be provided to Dispatch within a reasonable period of time, generally from four to six minutes after arriving on-scene. If an update is not received within this time period, Dispatch will request one. If no contact is made, Dispatch will send a minimum of one unit to the event location.
  - 2. An update during report status details will be provided to Dispatch approximately 25 minutes after unit arrival in order to confirm unit status and re-establish unit contact. If an update is not received within that time period, Dispatch will request one. If no contact is made, Dispatch will send a minimum of one unit to the event location.
- (p) The MDC application is not intended to replace the radio as the first line method of communication. Field personnel shall determine levels of MDC use at any given time, based on personal safety. Field members should use an MDC unless doing so creates an immediate safety concern. Typically, MDC activity would be practical once an activity has been deemed under control and when conducting routine activities, such as clearing an event.
- (q) The Sheriff's Office has adopted the Sonoma County Public Safety Consortium (SCPSC) radio identification standard. Members utilizing the Sheriff's radio frequencies will operate consistent with its purpose.

#### **813.4 PROCEDURES**

Patrol units shall inform the Dispatch Center of all daily activities. Use of Dispatch services by Detectives and Administrative units is discretionary.

Calling and Acknowledging:

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- (a) When calling Dispatch or another unit, state unit or entity being called first, followed by your identifier.
- (b) Upon being called, acknowledge by giving your identifier.

Sending and Receiving Messages: Clearance to transmit is obtained by calling Dispatch or another unit, waiting for an acknowledgement, then transmitting.

- (a) Field members should use two transmissions to report traffic stops and suspicious vehicle checks, when time allows. The first transmission alerts the dispatcher, identifies the incident type and provides a location. The second transmission furnishes more detailed vehicle information.
- (b) Civil and warrant service, public assist, follow-up, security checks, suspicious circumstances, field interrogations, meals, assisting another agency, and similar types of detail shall be given following the unit identifier.
- (c) Short, routine transmissions shall be given as one continuous message.

Dispatch is required to type information provided by field members into CAD as it is transmitted, unless otherwise addressed within the Sheriff's Office's MDC guidelines. Lengthy broadcasts should be broken into short separate transmissions. The word "BREAK" will be used to indicate these interruptions.

Sequencing Descriptive Information:

- (a) Suspects
  1. Race/Sex/Adult or Juvenile
  2. Age (approximate)
  3. Height
  4. Weight/Build
  5. Hair, mustache, beard
  6. Clothing top to bottom, outside in
  7. Peculiarities
- (b) Suspect vehicle(s)
  1. Color
  2. Year
  3. Make
  4. Body type
  5. Supplemental (eg., dents, direction of travel, etc.)
  6. License number

Report status calls for service will include basic information about the incident.

- (a) Dispatch via Radio will include:

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1. Event type, location, and contact person
  2. Supplemental information, as necessary (directions, officer safety information, delayed response, etc.)
- (b) Dispatch via MDC will include:
1. Advising unit via radio of the event type, a general location, and to check their MDC for further details

In-progress/immediate response calls for service will include information critical to the incident. Radio transmissions increase during these activities, requiring strict radio discipline. The initial dispatch of these events will be via radio, transitioning to MDC guidelines once the situation is under control and practical. Dispatch information will include:

- (a) Event type, time incident occurred, and location
- (b) Supplemental Information
  1. Suspect(s)/suspect vehicle description
  2. Weapon(s)/type and description
  3. Direction of travel
  4. Property taken
  5. Safety information
  6. Injuries
  7. Call-related information unknown to reporting party
- (c) Contact person

California Law Enforcement Telecommunications System (CLETS) inquiries by deputies shall be conducted on Channel 2. Each request shall be made in the following manner:

- (a) Preface each request by stating, "Sheriff's 2, followed by the requesting Deputy's identification number or radio identifier, and the nature of the request."
- (b) Dispatch selects the appropriate mask and acknowledges the deputy by stating, "The deputy's identification number or radio identifier, and go ahead."
- (c) Requests shall be processed following standards outlined in Processing CLETS Inquiries. Variance from these standards may cause performance errors and/or processing delays.
- (d) During busy times, Dispatch is often faced with multiple requests. Dispatch may advise units to "stand-by," in order to complete existing workload. When asked to stand-by, the dispatcher will advise the unit how many requests are ahead of him.
- (e) Dispatch will establish a pending request list. Pending requests will be handled in the order received, unless urgent. Urgent priority requests will be processed prior to routine needs.

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- (f) Dispatch will keep field personnel informed of lengthy delays due to workload demands or equipment failure.
- (g) Dispatch will use code 10-36 prior to giving any warrant, want or confidential information.
  - 1. 10-36M translates to "clear to copy misdemeanor information?"
  - 2. 10-36F translates to "clear to copy felony information?"
  - 3. 10-36/INFO translates to "clear to copy confidential information unrelated to warrants?"
  - 4. 10-36RMS translates to "clear to copy confidential information related to subject's history?"

Tone alerts will be used prior to important messages.

- (a) Two tones signify an in-progress or just occurred incident with threat to life and/or property, with officer safety factors.
  - 1. Three tones will signify a broadcast.

A call priority will be assigned to an incident based on the Sheriff's Office's current guidelines.

- (a) The Duty Sergeant, Watch Commander and/or Dispatch Shift Supervisor have the authority and responsibility to direct and coordinate unit assignment.
- (b) Event assignments during shift change:
  - 1. Emergency and urgent calls shall be dispatched immediately, regardless of the time. Field units will not dispute the call with Dispatch members.
  - 2. Generally, a deputy will not be dispatched to report-status calls one and one half hours prior to the end of his/her shift, if an overlap unit is available. This allows time to refuel vehicles, complete paperwork, and minimize undue overtime costs.

Portable radio distress signal activation

- (a) Deputy at Known Location: The Dispatcher shall immediately transmit on a distress signal activation, and place a Code 33 on the channel receiving the signal.
  - 1. A minimum of two units will be assigned to the incident. Brief details of the original incident will be provided to responding units.
  - 2. Dispatch may attempt radio contact to a unit who has just activated their distress signal, prior to dispatching additional resources, when the unit is known to be at the Sheriff's Main Office or Substation.
  - 3. The first deputy to arrive on-scene will immediately assess the situation and advise Dispatch of the conditions. The Dispatcher will re-broadcast to all deputies and if the deputy has not been located, continue attempts to determine deputy's location.
  - 4. If contact is made with the unit who has activated their signal, prior to the arrival of the back-up units, Dispatch shall determine the signal's legitimacy and request whether further assistance is required.

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- (b) On-Duty Deputy at Unknown Location: The Dispatcher will immediately call the deputy on the radio, asking for their status and location.
  - 1. If contact is made, Dispatch shall determine the signal's legitimacy and whether assistance is required. If so, place Code 33 on the channel and dispatch appropriate resources.
  - 2. If the deputy does not answer, the Dispatcher will place a Code 33 on the channel where the signal was received. The Dispatcher will broadcast to all deputies receipt of the distress signal and attempt to determine the deputy's location, considering his/her last known location.
  - 3. If the location cannot be determined, the Sergeant will direct Dispatch as to what action will be required.
  
- (c) Off-Duty Deputy at Unknown Location: The Dispatcher shall call the deputy on the radio channel receiving the signal and ask their location.
  - 1. If the deputy answers the radio and an emergency situation exists, follow the steps used above "Deputy at Known Location".
  - 2. If the deputy does not answer, Dispatch will immediately call the deputy's residence in an attempt to locate the deputy. Dispatch shall also notify the Patrol Sergeant.
  - 3. The Sergeant will direct Dispatch if further action will be required (i.e. coordinate a search by telephone, etc.).

## Firearm Storage Fees

### 814.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for a Firearm(s) Storage-Fee Hearing. It also establishes an informal method to evaluate the validity of, and consider any mitigating circumstances attendant to, the seizure, impounding, storage, or release of a firearm.

### 814.2 POLICY

Pursuant to Penal Code § 33880, and Family Code § 6389(e) law enforcement agencies are allowed to impose a fee, equal to its administrative costs, relating to the seizure, impounding, storage, or release of a firearm(s).

The storage fee may be imposed on a person claiming title to a firearm (PC § 33880), or on a respondent of a protective order.

### 814.3 FEE WAIVER HEARING

When a firearm(s) is seized, the person claiming title to a firearm, or a respondent named in a protective order may request an administrative hearing to determine if storage fees should remain in effect or should be waived. The hearing may be conducted over the telephone if parties agree. A Patrol Lieutenant will generally serve as the hearing officer.

- (a) All requests for firearm fee waiver hearings shall be submitted to the Property/Evidence Unit of the Sheriff's Office within 10 days of the appointment to pick up the firearm(s).
- (b) The Property/Evidence Unit staff will prepare the hearing paperwork and deliver it to the Lieutenant conducting the hearing.
- (c) Any relevant evidence may be submitted to the hearing officer for review to determine if the administrative fee should remain in effect or be waived.

#### 814.3.1 HEARING OFFICER

The Hearing Officer (Patrol Lieutenant) shall consider all information provided at the hearing; determine the validity of the stored firearm(s); consider whether any mitigating circumstances exist, and then render a decision.

When making the decision, the Hearing Officer shall determine:

- (a) If the firearm(s) seizure and storage complied with applicable law.
- (b) If the assessed fees fit criteria enumerated in PC § 33880 or FC § 6389(e).
- (c) If mitigating circumstances exist that reasonably warrant the release of the firearm(s) with a fee waiver. Mitigating circumstance may include a legal owner's lack of actual knowledge that his/her firearm(s) was seized; the firearm(s) was found property and the finder wishes to claim it; the firearm(s) is a recovered stolen weapon(s); the next of kin is claiming the firearm(s) in a Coroner's case; the firearm(s) belongs to the victim of the crime.

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### 814.3.2 HEARING RESULTS AND OWNER OPTIONS

The Hearing Officer may take up to 48 hours to consider the information and render a decision. Once a decision is made the Hearing Officer shall advise the person claiming ownership of the firearm/respondent and the Property/Evidence Unit of the decision. The original hearing report and associated documentation shall be given to the Property/Evidence Unit, and a copy of the hearing report may be given to the individual who requested the hearing.

If the Hearing Officer has determined the storage was lawful, and the legal owner is required to pay the administrative fee, the owner has the following options:

- (a) Pay the storage fee and present the Law Enforcement Gun Release letter from DOJ to the Property/Evidence Unit and retrieve his/her firearm(s).
- (b) Sign an Authorization to Destroy Firearm(s) form allowing Sheriff's Office to dispose of the firearms.
- (c) Pay the storage fee and make arrangements with a gun dealer to take possession of the firearm(s).
- (d) Seek reimbursement for the storage fee by filing a claim with the County of Sonoma Risk Management Department. Such claims must be filed within six months of the hearing to comply with Government Code § 911.2.

If the firearm(s) seizure was lawful, but mitigating circumstance have been found and the legal owner or respondent is not required to pay the administrative fee, the Property/Evidence Unit will be notified and the firearm(s) will be released when arrangements for release have been scheduled and the LEGR letter is presented to the Property/Evidence Unit.

If the firearm(s) seizure was unlawful, the administrative fee will be waived and the firearm(s) will be released when arrangements for release have been scheduled and the LEGR letter is presented to the Property/Evidence Unit.

## Community Services Officer Reports

### 815.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for reports taken by Community Services Officers (CSO) in the Office or over the telephone.

### 815.2 POLICY

It is the intention of the Sonoma County Sheriff's Office that felony and misdemeanor reports with follow-up needed or with suspect(s) information will be initiated and documented by Deputy Sheriffs. It is the intent of this policy to outline the types of crime and incident reports that will be documented by CSO's in the Office or over the telephone. Under no circumstances does this policy eliminate the citizen's right to speak with a Deputy Sheriff. If a citizen requests to speak with a Deputy Sheriff, one will be assigned as available.

### 815.3 GENERAL GUIDELINES

The following types of calls will be routed to the CSO so that reports can be initiated:

- (a) **Informational Reports:** Report of an incident where no crime has occurred. Examples: Found property, lost property.
- (b) **Missing Person/Runaway Reports:** Reports where the missing person/runaway is 21 years or over, and not considered at-risk pursuant to the Missing Person Policy.
- (c) **Misdemeanor Reports:** Reports of misdemeanor crimes where there is no suspect, no evidence, and no follow-up.
- (d) **Other Misdemeanor Reports:** The following Misdemeanor reports may also be taken by the CSO.
  1. **653(m) P.C. - Annoying Phone Calls:** When the suspect is not known to the victim. Phone record follow-up shall be completed by the CSO. The report shall then be referred to Patrol for further action.
  2. **Calls from Out-of-County on Misdemeanor Reports with Suspect and/or Leads:** After the CSO takes the initial report, these cases shall be referred to Patrol for further action.
  3. **Supplemental Reports:** Adding additional stolen property or documenting information received regarding case leads.

Anytime there is a necessity for a CSO to take any report other than those listed above, the reason for the change must be approved by the on-duty Sergeant or the Central Information Bureau Manager. The CSO taking the report must document, following the narrative, the reason they took a non-listed report, and who approved the policy exception.

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## **\*Purchase of Supplies and Equipment\***

### **816.1 PURPOSE AND SCOPE**

The acquisition of supplies and equipment necessary to fulfill the duties and responsibilities of the Sheriff-Coroner shall follow a standardized procedure.

#### **816.1.1 DEFINITIONS**

**Requisitioner:** Office member initiating purchase of goods and supplies.

**Institutional Services Unit:** Detention Division Unit responsible for the purchase of all goods and supplies for Detention Operations for both the MADF and NCDF.

### **816.2 GENERAL GUIDELINES**

#### **816.2.1 COUNTY PURCHASING GUIDELINES**

The County Purchasing Ordinance establishes the policies and procedures by which County departments purchase supplies and equipment. The Ordinance sets the limits, conditions, and restrictions on purchases.

#### **816.2.2 APPROVAL AUTHORITY**

Primary responsibility for budget management is with the Sheriff and Assistant Sheriffs. This responsibility may be delegated to Department Analysts, Budget Managers, and Captains as designated. The Administrative Service Director will maintain a list of persons with budget approval authority and provide copies to executive management, Sheriff Purchasing, Sheriff Accounting, Budget Managers, Administrative Service Officers, and Department Analysts.

#### **816.2.3 SHERIFF PURCHASING UNIT**

The Sheriff Purchasing Unit has primary responsibility for facilitating and coordinating the purchase and receipt of all Sheriff's Office purchases.

### **816.3 PURCHASING**

#### **816.3.1 LAW ENFORCEMENT DIVISION INCLUDING SHERIFF'S ADMINISTRATION**

**Requisitioner:** Completes an Intra-Departmental Requisition form supplying complete information such as quantity, item description, estimated cost, and suggested vendor if available. The Requisitioner then forwards the Intra-Departmental Requisition to the designated person with budget approval authority via the chain of command.

**Approval Authority:** The person with budget approval authority reviews the requisition for appropriateness and budgetary limitations, and then enters the Section and Account codes indicating where the items should be charged and verifies that the purchases of items are included in the current year budget. If the purchase is to be made from grant or contract funds, this information should also be included. The approved Intra-Departmental Requisition is forwarded to Sheriff Purchasing.

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Sheriff Purchasing: Receives the requisition and reviews for accuracy, the complete item description and proper budget Section and Account codes. In the event of any discrepancies, Sheriff Purchasing shall contact the member with approval authority to seek resolutions.

If the requisition is complete, Sheriff Purchasing will proceed with acquiring the item in accordance with County Purchasing Policy.

Sheriff Purchasing will retain copies of requisition and support documentation for all purchases for a minimum of three years. If purchase was made with grant funds documents shall be retained for the minimum time outline in the grant requirements.

#### 816.3.2 DETENTION DIVISION

Requisitioner: Completes Intra-Departmental Requisition form, obtains signature of supervisor (and Budget Manager in the case of non-routine items), and submits to the Detention Assistant in charge of ordering those supplies in the Institutional Services Unit.

Institutional Services Unit: Will review the requisition and process as follows:

- (a) If a Blanket Purchase Order contract exists under which the items can be purchased, Institutional Services staff shall assign a Blanket Purchase Order "release" number and place order with vendor.
- (b) If the cost of the item is under the Sheriff's delegate purchasing authority and there is no Blanket Purchase Order contract under which the item can be acquired, Institutional Services staff shall obtain a Delegated Purchase Authority "SD" number from Sheriff Purchasing and place order with vendor. (The DPA limit is \$2,500 as of November 2018)
- (c) If the cost of the item is over the DPA limit and there is no Blanket Purchase Order under which the purchase can be made, Institutional Services staff shall forward the requisition with support documentation such as proposed vendors, specifications and cost estimate through the designated approval authority to Sheriff Purchasing. Sheriff Purchasing will submit purchase order requisition to the appropriate Administrative Services manager for approval. Sheriff Purchasing will submit the requisition to County Purchasing for competitive pricing and selection of vendor, in accordance with County policy.
- (d) The Institutional Services Unit will retain copies of requisition and support documentation for those items purchased under Blanket Purchase Order or Delegated Purchasing Authority.
- (e) Upon receipt of order, Institutional Services Unit will check for completeness, sign the shipping document, and indicate receipt to the requestor.

The Institutional Services Unit will forward all documents pertaining to purchase (requisition, order form, packing slip) through designated Approval Authority to Sheriff Purchasing.

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### **816.4 PROCESSING INVOICES**

Sheriff Purchasing is responsible for all accounts payable activities (processing of invoices) for both the Detention and Law Enforcement Divisions. Invoices shall be paid in accordance with the County's Auditor Controller's Office policies and procedures.

## **\*Contracting for Services\***

### **817.1 PURPOSE AND SCOPE**

Contracting for services' policy shall be used in a manner consistent with County policy. This policy does not address contracts related to the Sheriff's Office as the provider of services to another agency or organization (i.e. security services, EOD services, technology services).

#### **817.1.1 DEFINITIONS**

**Contract for Services:** Service contracts are negotiated agreements and prepared when Sheriff's Office members lack the expertise, resources, or time to execute a service in a timely or efficient manner. Unless consent is obtained by the Sheriff, Employee Relations, and County Counsel, contracts for services cannot substitute work that is currently or has been historically performed by a bargaining unit of County employees.

### **817.2 GENERAL GUIDELINES**

- (a) Authority to enter a contract for services is pursuant to the County Purchasing Ordinance and to County Administrative Policy 4-6.
- (b) Sheriff's Office contracts for services shall comply with the County-wide guidelines provided in "Services Agreement Procedures".

### **817.3 PROCEDURES**

- (a) A Sheriff's Office member in need of a contract for service (contract) shall request such contract from a fiscal department analyst. The Analyst is responsible for preparing and submitting the contract to the Administrative Services Officer, Director, or Chief. Contracts assigned to the Analysts generally correspond to the budget units to which they are assigned. The responsibilities of the Analysts are:
  - 1. For existing contracts, notify the appropriate operations staff at least six months in advance of a contract's termination date.
  - 2. Consult Budget Managers as needed on related issues and confirm whether or not funds are appropriated or available to pay contract costs. Captains or above may approve or reallocate funds for unfunded contracts.
  - 3. Consult the Information Systems Manager on computer software and hardware agreements.
  - 4. Analysts are required to stay current on County Purchasing's procedures for competitive bidding and contract preparation. A draft agreement shall be prepared in accordance with County Purchasing's procedures. Contract drafts shall be approved by the contractor and budget manager.
  - 5. The Analysts shall consult with County Purchasing, County Counsel, and Risk Management as needed.
  - 6. The final draft of a contract shall be submitted to the chain of command for review prior to the contract being submitted to the Sheriff for execution.

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7. All signatures should be obtained prior to the Sheriff, Purchasing Agent, or Board of Supervisors signing. If a rare exception is needed, the Analyst should consult with the Administrative Services Officer, Director, or Chief.
  8. Once a contract is ready for the Sheriff's signature, the Analyst shall submit the contract package with a completed coversheet to the Administrative Services Officer, Director, or Chief with all supporting documents, including Board Agenda package if applicable. The package shall include all related documents and saved in the Sheriff's Office intranet designated shared (S) drive.
  9. All requests made by any party for changes to Board Agenda items after submission to the Administrative Services Officer will be referred to the Analyst for action. In the absence of the Analyst, the Administrative Services Officer, Director, or Chief will make needed revisions and email the final copy to the Analyst.
- (b) The Administrative Services Officer/Administrative Services Director will perform the following:
1. Receive and review contract package submitted by the Analyst for completeness and compliance with Sheriff's Office and County contracting procedures.
  2. Assist Analyst with contract issues.
  3. Forward contract package to Chief of Financial and Administrative Services, Sheriff or authorized designee for final review and signatures.
- (c) The Chief, Sheriff or authorized designee will perform the following:
1. Receive and review contract package and refer unresolved issues to Administrative Services Officer.
  2. Sign contract documents and Board Agenda item, and return to Sheriff's Secretary.
- (d) The Sheriff's Secretary will maintain the Office contract filing system consisting of all contracts, Board Items, and supporting documents and specifically perform the following duties:
1. Monitor the Office contract database for expiration dates and send out reminders to the Analysts, Administrative Service Officers, and Administrative Services Director, every three months.
  2. Receive, remediate, and forward contract copies, Board Items, and related documents as indicated on the contract package coversheet.
  3. Receive approved contract from authorized signer (Sheriff, Purchasing Agent, Clerk of the Board) and distribute contract copies according to Analyst's coversheet. If contract is not approved, forward contract and supporting documents to Administrative Services Officer or Administrative Services Director for further action.

## **Chapter 10 - Personnel**

## Recruitment and Selection

### 1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Sonoma County Sheriff's Office and that are promulgated and maintained by the Personnel Bureau.

### 1000.2 POLICY

In accordance with applicable federal, state, and local law, the Sonoma County Sheriff's Office provides equal opportunities for applicants and employees, regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, or any other protected class or status. The Office does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Office will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

### 1000.3 RECRUITMENT

The Administration Captain should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

- (a) Establishment of a written recruitment plan.
  - 1. The plan shall include an outline of steps for recruiting candidates who are representative of the community. This should include candidates who live in or are from the community, if appropriate and consistent with applicable laws and memorandums of understanding or collective bargaining agreements.
- (b) Identification of racially and culturally diverse target markets.
- (c) Use of marketing strategies to target diverse applicant pools.
- (d) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive office website and the use of office-managed social networking sites, if resources permit.
- (e) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.
- (f) Employee referral and recruitment incentive programs.

The Administration Captain shall avoid advertising, recruiting, and screening practices that tend to stereotype, focus on homogeneous applicant pools, or screen applicants in a discriminatory manner.

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The Office should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of their status in the recruiting process.

#### **1000.4 SELECTION PROCESS**

The Office shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Office shall employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
  - 1. The personnel records of any applicant with prior peace officer experience in this state shall be requested from the appropriate law enforcement agency and reviewed prior to extending an offer of employment (Penal Code § 832.12).
  - 2. This includes review of prior law enforcement employment information maintained by POST (Penal Code § 13510.9).
- (b) Driving record
- (c) Personal and professional reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
  - 1. This review should include the identification of any activity that promotes or supports unlawful violence or unlawful bias against persons based on protected characteristics (e.g., race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, disability).
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state, and federal criminal history record checks
- (h) Lie detector test (when legally permissible) (Labor Code § 432.2)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
  - 1. The Medical Suitability Declaration (POST form 2-363) provided by the evaluating physician shall be maintained in the candidate's background investigation file (11 CCR 1954).
  - 2. The Psychological Suitability Declaration (POST form 2-364) provided by the evaluator shall be maintained in the candidate's background investigation file (11 CCR 1955).
- (j) Review board or selection committee assessment

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- (k) Relevant national and state decertification records, if available
- (l) Any relevant information in the National Law Enforcement Accountability Database

#### **1000.5 BACKGROUND INVESTIGATION**

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Sonoma County Sheriff's Office (11 CCR 1953).

The narrative report and any other relevant background information shall be shared with the psychological evaluator. Information shall also be shared with others involved in the hiring process if it is relevant to their respective evaluations (11 CCR 1953).

##### 1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the California Investigative Consumer Reporting Agencies Act (15 USC § 1681d; Civil Code § 1786.16).

##### 1000.5.2 STATE NOTICES

If information disclosed in a candidate's criminal offender record information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided to the applicant (Penal Code § 11105).

##### 1000.5.3 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a narrative report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall include sections that summarize relevant Background Investigation Dimensions and include any findings of behaviors, traits, and/or attributes relevant to bias per the Bias Assessment Framework as described in the POST Background Investigation Manual. The report shall identify the data sources reviewed for the findings, regardless of weight given. The report shall include narrative information in the format described in 11 CCR 1953(g)(1). The report shall also include whether the candidate has engaged or is engaging in membership in a hate group, participation in hate group activity, or advocacy or public expressions of hate, pursuant to Penal Code § 13680 et seq. (11 CCR 1953).

The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation including relevant documentation of bias-related findings and documentation obtained through the social media search shall be included in the candidate's background investigation file (11 CCR 1953).

The background investigator shall document proof of verification of qualification for peace officer appointment on the Verification of Qualification for Peace Officer Appointment form and forward to the Administration Captain for final review and submission to POST (11 CCR 1953).

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The background investigation file shall be made available during POST compliance inspections (11 CCR 1953).

#### 1000.5.4 RECORDS RETENTION

The background report and all supporting documentation shall be maintained according to the established records retention schedule and at a minimum as follows (Government Code § 12946; 11 CCR 1953):

- (a) Reports and documentation for candidates hired by the Office shall be retained for the entire term of employment and a for a minimum of four years after separation from the Office.
- (b) Reports and documentation for candidates not hired by the Office for a minimum of four years.

#### 1000.5.5 BACKGROUND INVESTIGATION UPDATE

A background investigation update may, at the discretion of the Sheriff, be conducted in lieu of a complete new background investigation on a peace officer candidate who is reappointed within 180 days of voluntary separation from the Sonoma County Sheriff's Office or is transferred to a different department within the County as provided in 11 CCR 1953(f).

#### 1000.5.6 INVESTIGATOR TRAINING

Background investigators shall complete POST-certified background investigation training prior to conducting investigations (11 CCR 1953; 11 CCR 1959).

#### 1000.5.7 CONFIDENTIAL POST RECORDS

Records released to the Office from POST that were previously withheld from the candidate by POST shall be kept confidential as provided in Penal Code § 13510.9.

### **1000.6 DISQUALIFICATION GUIDELINES**

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

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A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

### **1000.7 EMPLOYMENT STANDARDS**

All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; Penal Code § 13510.1; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Office and the community. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Personnel Bureau should maintain validated standards for all positions.

#### **1000.7.1 STANDARDS FOR DEPUTIES**

Candidates shall meet the minimum standards established by POST or required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

- (a) Free of any felony convictions
- (b) Deputy Sheriff: Citizen of the United States, or permanent resident eligible for and has applied for citizenship; and at least 21 years of age except as provided by Government Code §1031.4.
- (c) Correctional Deputy: Be legally authorized to work in the United States under federal law; at least 18 years of age at the time of appointment.
- (d) Fingerprinted for local, state, and national fingerprint check
- (e) Good moral character as determined by a thorough background investigation (11 CCR 1953)
- (f) High school graduate, passed the GED or other high school equivalency test, or obtained a two-year, four-year, or advanced degree from an accredited or approved institution
- (g) Free from any physical, emotional, or mental condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)
- (h) Free of hate group memberships, participation in hate group activities, or advocacy of public expressions of hate within the previous seven years, and since 18 years of age, as determined by a background investigation (Penal Code § 13681)
- (i) Candidates must also satisfy the POST selection requirements, including (11 CCR 1950 et seq.):
  1. Reading and writing ability assessment (11 CCR 1951)

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2. Oral interview to determine suitability for law enforcement service (11 CCR 1952)
  - (j) POST certification that has not been revoked, denied, or voluntarily surrendered pursuant to Penal Code § 13510.8(f)
  - (k) Not identified in the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or similar federal government database that reflects revoked certification for misconduct or reflects misconduct that would result in a revoked certification in California.

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Office (Penal Code § 13510(d)).

### **1000.7.2 STANDARDS FOR DISPATCHER**

Candidates shall satisfy the POST selection requirements, including (11 CCR 1956):

- (a) A verbal, reasoning, memory and perceptual abilities assessment (11 CCR 1957)
- (b) An oral communication assessment (11 CCR 1958)
- (c) A medical evaluation (11 CCR 1960)

### **1000.8 PROBATIONARY PERIODS**

The Administration Captain should coordinate with the Personnel Bureau to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

## Evaluation of Employees

### 1001.1 PURPOSE AND SCOPE

The Office's employee performance evaluation system is designed to record work performance for both the Office and the employee, providing recognition for good work and developing a guide for improvement.

### 1001.2 POLICY

The Sonoma County Sheriff's Office utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion, and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Office evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

### 1001.3 EVALUATION PROCESS

The Payroll Unit maintains files of all members that are required to be evaluated. the Payroll Unit will prepare a memorandum to the member's Manager identifying the type of evaluation needed (off probation, merit increase, etc.) and the due date.

The Payroll Unit will send a reminder to the Manager and Supervisor 30 days prior to the due date.

The responsible Manager shall review the Payroll Unit's memorandum, assign the evaluation to the member's immediate Supervisor and notify the Payroll Unit of the responsible Supervisor.

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and Professional Staff supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

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Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

### 1001.3.1 RESERVE DEPUTY EVALUATIONS

Reserve deputy evaluations are covered under the Reserve Deputies Policy.

### 1001.4 FULL TIME PROBATIONARY PERSONNEL

Professional Staff personnel are on probation for six months before being eligible for certification as permanent employees. An evaluation is completed monthly for all full-time Professional Staff personnel during the probationary period.

Sworn personnel are on probation, dependent on position, before being eligible for certification as permanent employees.

### 1001.5 FULL-TIME PERMANENT STATUS PERSONNEL

Permanent employees are subject to three types of performance evaluations:

**Regular** - An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor on a pre-determined date, except for employees who have been promoted in which case a Supplemental Evaluation shall be completed. If the deputy holds a specialty or collateral assignment, the Supervisor in charge of the assignment shall complete a supplemental evaluation and attached it to the primary evaluation when submitted.

**Transfer** - If an employee is transferred from one assignment to another in the middle of an evaluation period and more than six months has transpired prior to the transfer, then an evaluation shall be completed by the previous supervisor at the time of the transfer.

**Special** - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (action plan, remedial training, retraining, etc.). The evaluation form and the attached documentation shall be submitted as one package.

#### 1001.5.1 RATINGS

When completing the Employee Performance Evaluation, the rater will place a check mark in the column that best describes the employee's performance. The definition of each rating category is as follows:

**Outstanding** - Is actual performance well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

**Exceeds Standards** - Represents performance that is better than expected of a fully competent employee. It is superior to what is expected, but is not of such rare nature to warrant outstanding.

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**Meets Standards** - Is the performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

**Needs Improvement** - Is a level of performance less than that expected of a fully competent employee and less than standards required of the position. A needs improvement rating must be thoroughly discussed with the employee.

**Unsatisfactory** - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated.

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses, and suggestions for improvement. Any rating under any job dimension marked unsatisfactory or outstanding shall be substantiated in the rater comments section.

### 1001.5.2 OVERALL RATING

Once all of the appropriate sections have been completed, the evaluator will select an overall rating for the employee. In addition to the previously listed categories, the evaluator will have two additional categories to choose from. The definition of these two additional rating categories are as follows:

**Outstanding** - The actual performance is well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

**Needs Improvement** - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated. A Performance Improvement Plan (PIP) shall be prepared when an overall rating of "Needs Improvement" is given.

Any overall rating of "outstanding" or "needs improvement" shall be substantiated in the comment box.

### 1001.6 EVALUATION INTERVIEW

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the just completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Permanent employees may also write comments in the Employee Comments section of the performance evaluation report.

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### **1001.7 APPEALS/REBUTTALS**

Pursuant to Government Code § 3306, peace officers shall have 30 days within which to file a written response to any adverse comment entered in his/her personnel file. Such written response shall be attached to, and shall accompany, the adverse comment.

Non peace officer members shall also have 30 days within which to file a written response to any adverse comment entered in his/her personnel file. Such written response shall be attached to, and shall accompany, the adverse comment.

Members should consult their appropriate MOU for appeal procedures, if any.

### **1001.8 EVALUATION DISTRIBUTION**

The Supervisor shall prepare a final evaluation and present it to the member for signature. The signed evaluation is then forwarded to the Manager.

The responsible Manager shall review, sign, date, and add any comments to the evaluation and forward to the appropriate Section Captain or the Administrative Services Director.

The Section Captain shall forward the evaluation to the Division Assistant Sheriff who shall review, sign, date and authorize merit increase requests and/or approve the removal from probation status. The original evaluation will then be forwarded to the Payroll Unit.

If sent to the Administrative Services Director, he/she shall review, sign, date and authorize merit increase requests and/or approve the removal from probation status. The original evaluation will then be forwarded to the Payroll Unit.

The Payroll Unit will complete a County Change of Status form and forward it to the County Human Resources Department. The original evaluation is forwarded to the Sheriff's Personnel Bureau.

The Personnel Bureau shall print the completed signed off evaluation and file it in the member's personnel file.

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Sheriff for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to the Sheriff Personnel Unit.

## **\*Promotional, Transfer and Specialty Assignments\***

### **1002.1 PURPOSE AND SCOPE**

The purpose of this policy is to establish policy and procedures for internal Sheriff's Office transfers, specialty assignments and promotional processes.

### **1002.2 POLICY**

Consistent with the Deputy Sheriff's Association (DSA) MOU, Sonoma County Law Enforcement Association (SCLEA) MOU, Deputy Sheriff Law Enforcement Management (DSLEM), and Sonoma County Law Enforcement Managers (SCLEMA) MOU, special assignments are deemed temporary. Length of service to each assignment will be in accordance with the respective MOU, and other factors which contribute to the overall effectiveness of the Office.

- (a) The establishment of this policy does not alter the management authority of the Sheriff to determine the organization of work and work units. Specialty assignments are considered transfers since they are not promotional and do not alter a members job classification.
- (b) Regular administration of sworn promotional recruitments is at the discretion of the Sheriff or authorized designee, in accordance with County Civil Service Rules.
- (c) Fair and job-related standards and processes will be used for the selection of personnel for all transfers, specialty assignments, and promotions.

### **1002.3 SPECIALTY ASSIGNMENT REQUIREMENTS FOR SWORN STAFF**

#### **1002.3.1 UNIT SUPERVISOR/MANAGER RESPONSIBILITIES**

The Supervisor/Manager of the specialty unit with the anticipated vacancy will:

- (a) Provide the Personnel Bureau ASO or their designee an accurate and updated job description should there not be one available or on file with Personnel.
- (b) Provide a list of necessary qualifications for the assignment.
- (c) Provide a list of job related "desirable qualifications" for the assignment.
- (d) Provide the Personnel ASO interview questions and any selection process material for review and approval at least one week prior to the interview process.

#### **1002.3.2 PERSONNEL BUREAU RESPONSIBILITIES**

- (a) The Personnel Bureau ASO or authorized designee will post notification of upcoming promotional and transfer openings to each respective division via email notification (SHF-LE-SWORN and DETENTION -STAFF), which will include the following:
  - 1. The assignment description.
  - 2. The application procedure, which will typically be a letter of interest, but may include work sample submissions.

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3. The closing date for the application.
  4. The desirable qualifications.
  5. The testing process, which may include anticipated testing dates.
  6. The eligibility requirements (all applicants meeting the listed qualifications at the time of application shall be eligible to apply and participate in the specialty assignment testing process).
  7. Application period will be open for a minimum of ten (10) business days.
- (b) The Personnel Bureau is responsible for attaching the two recent performance evaluations to each letter of interest, or application to the specialty assignment within 24 hours of the specialty assignment recruitment closing date. Furthermore, the Personnel Bureau ASO or their designee is responsible for:
1. Providing the Unit Supervisor/Manager with the application material received from the applicant within 24 hours of the closing deadline.
  2. Collecting all testing related material for retention in accordance with Sonoma County Administrative Policy 6-0 within 30 days of the conclusion of the testing process.

#### 1002.3.3 APPLICANT RESPONSIBILITIES

The following is the responsibility of the applicant for consideration of specialty assignments:

- (a) Submit the required documentation for application, which will typically be a letter of interest, by the closing date. Late submission of application material will not be accepted.

#### 1002.3.4 ELIGIBILITY REQUIREMENTS

In addition to the applicable MOU, applicants:

- (a) Non supervisory members must be off County probation at the time of appointment.
- (b) May not be on any type of performance improvement plan.
- (c) Must be able to physically participate in all portions of the testing process.
- (d) Unavailable for full-duty must provide medical certification to the Personnel Bureau ASO or their designee by the closing date of the recruitment in order to participate in any portion of the testing process. Medical certifications not received by the closing date will be considered late, and therefore not accepted.

#### 1002.3.5 SPECIALTY ASSIGNMENT LIST TIME LIMITS

Specialty and collateral assignment lists will generally have a minimum life of one year. Exceptions are subject to change at the discretion of the Unit Manager and/or the Sheriff.

#### 1002.4 PROMOTIONAL TESTING FOR SWORN STAFF

All promotional testing processes shall be in accordance with Civil Service Rules as well as standards, policy and practices established by the Office.

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### 1002.4.1 PROMOTIONAL ELIGIBILITY REQUIREMENTS FOR SWORN STAFF

The requirements for applying and qualifying for the sworn promotional testing process are conducted by the Sonoma County Human Resources Department in accordance with Civil Service Rules. Applicants must meet the minimum qualifications for consideration of promotion into the Sergeant, Lieutenant, and Captains job classification.

### 1002.4.2 PROMOTIONAL LIST TIME LIMITS

Sworn promotional lists will generally have a minimum life of one year, unless there are less than three available applicants on the list. The promotional list is subject to cancellation at the discretion of the Sheriff.

## **1002.5 TRANSFER REQUIREMENTS FOR CIVILIAN STAFF**

- (a) Civilian staff who want to be considered for transfer to a vacant position within their job classification, in a different unit, shall submit a letter of interest to the Personnel Bureau ASO. The ASO will provide the letter of interest, along with the last two performance evaluations to the hiring manager for consideration as well as feedback from supervisors and/or peers. It is at the discretion of the hiring manager to provide an interview.
- (b) Civilian staff who want to be considered for transfer to a “closely related” job classification, must contact the Personnel Bureau ASO to determine eligibility within the scope of the Civil Service Rules. The criteria for transferring to different positions is defined in Section 8.7 of the Sonoma County Civil Service Rules.

### 1002.5.1 PROMOTIONAL TESTING FOR CIVILIAN STAFF

All promotional testing processes shall be in accordance with Civil Service Rules as well as standards, policy and practices established by the Office.

## **\*Automated External Defibrillator (AED)\***

### **1003.1 PURPOSE AND SCOPE**

This policy provides general guidelines for the use, location, training and deployment of an Automated External Defibrillator (AED).

#### **1003.1.1 DEFINITIONS**

Definitions related to this policy include:

**AED** - Automated External Defibrillator

**AED Coordinator** - Liaison between the Law Enforcement and Detention Division's AED program and the Contract Service Provider

**Site Contacts** - Designated staff members responsible for monitoring the AED program

**Contract Service Provider** - A company that works with the AED Coordinator to monitor, manage, and maintain the AED Program

### **1003.2 POLICY**

It is the policy of the Sonoma County Sheriff's Office to maintain an Automated External Defibrillator (AED) program, which provides access to AED's for use by trained and qualified agency members.

### **1003.3 GENERAL GUIDELINES**

- (a) AED's will be tracked by serial numbers and location.
- (b) Only AED's approved by the AED Coordinator/Contract Service Provider will be used in the facilities.
- (c) The AED Coordinator will work with the Contract Service Provider to facilitate the Sheriff's Office AED Program.
- (d) If requested, the Contract Service Provider, may assign a prescribing Physician to be responsible to review an AED after it has been deployed.
- (e) Staff members who have successfully completed an approved CPR/AED training course may deploy an AED.
- (f) When an AED is deployed, every attempt will be made to video the incident.

### **1003.4 AED LOCATIONS**

- (a) At the Sonoma County Sheriff's Main Office, AED's will be located in the following locations:
  1. Gym between the Men's and Women's locker room
  2. Second floor Break Room/Kitchen
- (b) At the River Substation, an AED will be located at the front desk reception area.

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- (c) At the Sonoma Valley Substation an AED will be located at the front desk reception area.
- (d) At the Windsor Police Department, an AED will be located in the hallway near the front desk reception area.
- (e) At the Sonoma Police Department, an AED will be located in the public lobby. (The City of Sonoma has their own policy on AED's in City owned facilities.)
- (f) An AED will be located in the defensive tactics room located at Los Guillicos.
- (g) All resident coast deputies have AED's in their assigned patrol vehicles.
- (h) At the Lake Sonoma Substation, a portable AED will be located at the Substation or within a vessel.
- (i) Main Adult Detention Facility, AED's will be stored at the following locations:
  - 1. Medic Four nurse's station
  - 2. First floor hallway located near the Detention Records Office
  - 3. R-Module medical exam room
  - 4. Hallway located next to the Administrative Sally port
  - 5. Outside the J-Module sally port on the third floor
  - 6. Second floor Administration hallway outside staff gym
- (j) North County Detention Facility, AED's will be stored in the following locations:
  - 1. 400 building Main Hallway across from the Medical Offices
  - 2. 101 Unit Medical Exam room
  - 3. 502 Unit Medical Exam room
  - 4. 202 Unit Medical Exam room

#### **1003.5 INSPECTION AND MAINTENANCE**

- (a) Site Contacts will:
  - 1. Conduct inspections on a monthly basis
  - 2. Document the inspection results in the monthly AED log
  - 3. Maintenance will be completed and documented per the manufacturer's instructions
- (b) The AED Coordinator will:
  - 1. Maintain the AED program and ensure its compliance with current standards
  - 2. Ensure information is entered into the online tracking system software as required

#### **1003.6 REPORTING**

- (a) A designated staff member will complete an incident report anytime an AED is used.

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1. Incidents which result in the Critical Incident Protocol being invoked shall not be documented in an incident report
- (b) The AED will be secured as evidence.
  1. In incidents which result in the Critical Incident Protocol being invoked, the AED will be secured as evidence by the investigating agency
  2. The spare AED will be placed into service, temporarily replacing the deployed AED
- (c) The AED Coordinator or his designee will notify the Contract Service Provider of an AED deployment by the next business day following an AED deployment.
- (d) The AED Coordinator will decide whether or not to complete the online event report within the Contract Service Provider's website.
- (e) The investigating agency will take possession of the deployed AED. Once the event data is downloaded, the AED will be returned into service and the spare AED will be returned to the Watch Commander's Office.

## **\*Anti-Retaliation\***

### **1004.1 PURPOSE AND SCOPE**

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or memorandum of understanding.

### **1004.2 POLICY**

The Sonoma County Sheriff's Office has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

### **1004.3 RETALIATION PROHIBITED**

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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### 1004.3.1 RETALIATION PROHIBITED FOR REPORTING VIOLATIONS

A deputy shall not be retaliated against for reporting a suspected violation of a law or regulation of another deputy to a supervisor or other person in the Office who has the authority to investigate the violation (Government Code § 7286(b)).

### 1004.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Sheriff or the Personnel Lieutenant.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

### 1004.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Sheriff via the chain of command and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (h) Not interfering with or denying the right of a member to make any complaint.

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- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

### **1004.6 COMMAND STAFF RESPONSIBILITIES**

The Sheriff should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

### **1004.7 WHISTLE-BLOWING**

California law protects members who (Labor Code § 1102.5; Government Code § 53296 et seq.):

- (a) Report a violation of a state or federal statute or regulation to a government or law enforcement agency, including the member's supervisor or any other member with the authority to investigate the reported violation.
- (b) Provide information or testify before a public body if the member has reasonable cause to believe a violation of law occurred.
- (c) Refuse to participate in an activity that would result in a violation of a state or federal statute or regulation.
- (d) File a complaint with a local agency about gross mismanagement or a significant waste of funds, abuse of authority or a substantial and specific danger to public health or safety. Members shall exhaust all available administrative remedies prior to filing a formal complaint.
- (e) Are family members who have engaged in any protected acts described above.

Members are encouraged to report any legal violations through the chain of command (Labor Code § 1102.5).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Internal Affairs Unit for investigation pursuant to the Personnel Complaints Policy.

#### **1004.7.1 DISPLAY OF WHISTLE-BLOWER LAWS**

The Office shall display a notice to members regarding their rights and responsibilities under the whistle-blower laws, including the whistle-blower hotline maintained by the Office of the Attorney General (Labor Code § 1102.8).

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## **1004.8 RECORDS RETENTION AND RELEASE**

The CIB Manager shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

## **1004.9 TRAINING**

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

# Reporting of Arrests, Convictions, and Court Orders

## 1005.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that members must follow when certain arrests, convictions, and court orders restrict their ability to perform the official duties and responsibilities of the Sonoma County Sheriff's Office. This policy will also describe the notification requirements and procedures that certain retired deputies must follow when an arrest, conviction, or court order disqualifies them from possessing a firearm.

## 1005.2 DOMESTIC VIOLENCE CONVICTIONS AND COURT ORDERS

Federal and California law prohibit individuals convicted of, or having an outstanding warrant for, certain offenses and individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing firearms. Such convictions and court orders often involve allegations of the use or attempted use of force, or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All members and retired deputies with identification cards issued by the Office are responsible for ensuring that they have not been disqualified from possessing firearms by any such conviction or court order, and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

## 1005.3 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty, or nolo contendere plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on a member's ability to fully perform the duties of the job.

Outstanding warrants as provided in Penal Code § 29805 also place restrictions on a member's ability to possess a firearm.

While legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this office may be inherently in conflict with law enforcement duties and the public trust, and shall be reported as provided in this policy.

## 1005.4 REPORTING

All members and all retired deputies with an identification card issued by the Office shall immediately notify their supervisors (retired deputies should immediately notify the Watch Commander or the Sheriff) in writing of any past or current criminal detention, arrest, charge, or conviction in any state or foreign country, regardless of whether or not the matter was dropped or rejected, is currently pending or is on appeal, and regardless of the penalty or sentence, if any.

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## *Reporting of Arrests, Convictions, and Court Orders*

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All members and all retired deputies with an identification card issued by the Office shall further promptly notify their supervisors (retired deputies should immediately notify the Watch Commander or the Sheriff) in writing if they become the subject of a domestic violence-related order or any court order that prevents the member or retired deputy from possessing a firearm or requires suspension or revocation of applicable POST certification.

Any member whose criminal arrest, conviction, or court order restricts or prohibits that member from fully and properly performing their duties, including carrying a firearm, may be disciplined. This includes but is not limited to being placed on administrative leave, reassignment, and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member, on the member's own time and expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline, up to and including termination.

Retired deputies may have their identification cards rescinded or modified, as may be appropriate (see the Retiree Concealed Firearms Policy).

### 1005.4.1 NOTIFICATION REQUIREMENTS

The Administration Captain shall submit within 10 days of final disposition a notice to POST of a conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this office or any former peace officer if this office was responsible for the investigation (11 CCR 1003).

### **1005.5 POLICY**

The Sonoma County Sheriff's Office requires disclosure of member arrests, convictions, and certain court orders to maintain the high standards, ethics, and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Office.

## **\*Drug- and Alcohol-Free Workplace\***

### **1006.1 PURPOSE AND SCOPE**

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

### **1006.2 POLICY**

It is the policy of this office to provide a drug- and alcohol-free workplace for all members.

### **1006.3 GENERAL GUIDELINES**

Alcohol and drug use in the workplace or on office time can endanger the health and safety of office members and the public. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Watch Commander or appropriate supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner.

#### **1006.3.1 USE OF MEDICATIONS**

Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Office while taking any medication that has impaired his/her abilities to do so.

### **1006.4 MEMBER RESPONSIBILITIES**

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on office premises or on office time (41 USC § 8103).

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe articulable, objective behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

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## *\*Drug- and Alcohol-Free Workplace\**

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### **1006.5 EMPLOYEE ASSISTANCE PROGRAM**

There is an available voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Employees should contact the Personnel Bureau, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

### **1006.6 WORK RESTRICTIONS**

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on articulable and objective facts, that a member is impaired by the consumption of alcohol and/or other drugs, the supervisor shall notify the Watch Commander and prevent the member from continuing work. The supervisor and Watch Commander shall determine the appropriate action to be taken.

### **1006.7 REQUESTING SCREENING TESTS**

The supervisor may request an employee to submit to a screening test under the following circumstances:

- (a) The supervisor reasonably believes, based upon articulable and objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.

#### **1006.7.1 SUPERVISOR RESPONSIBILITY**

The supervisor shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.
- (d) The employee may request a second test sample be collected for additional testing by an agreed upon, independent, 3rd party testing facility. The sample will be sealed and stored at the Office until such time as is needed, or the action about the employee has ended.

#### **1006.7.2 SCREENING TEST**

An employee may be subject to disciplinary action if he/she:

- (a) Fails or refuses to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 5 business days after being requested, that he/she took the

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controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.

- (c) Violates any provisions of this policy.

### **1006.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT**

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Office will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

### **1006.9 CONFIDENTIALITY**

The Office recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately from the employee's other personnel files.

## **\*Sick Leave\***

### **1007.1 PURPOSE AND SCOPE**

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the County personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.) and the California Family Rights Act, and leave related to domestic violence, sexual assault, stalking or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 230.1; Labor Code § 1510).

### **1007.2 POLICY**

It is the policy of the Sonoma County Sheriff's Office to provide eligible employees with a sick leave benefit.

### **1007.3 USE OF SICK LEAVE**

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see Outside Employment Policy).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

#### **1007.3.1 NOTIFICATION**

All members should notify the Watch Commander or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (Labor Code § 246 ).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Office with no less than 30 days' notice of the impending absence (Labor Code § 246).

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

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### **1007.4 EXTENDED ABSENCE**

Members absent from duty for more than 48 hours or number of hours equal to six (6) days in the annual period (consecutive or non-consecutive), may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return. Reasonable medical certification of incapacity shall be required for sick leave use lasting more than forty-eight (48) consecutive work hours duration, and as required by law under CFRA eligible events.

### **1007.5 REQUIRED NOTICES**

The Personnel Bureau Manager shall ensure:

- (a) Written notice of the amount of paid sick leave available is provided to employees as provided in Labor Code § 246.
- (b) A poster is displayed in a conspicuous place for employees to review that contains information on paid sick leave as provided in Labor Code § 247.

### **1007.6 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors include, but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Personnel as appropriate.
- (c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
  - 1. Negatively affected the member's performance or ability to complete assigned duties.
  - 2. Negatively affected office operations.
- (d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible members to an available employee assistance program when appropriate.

## \*Communicable Diseases\*

### 1008.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of office members contracting and/or spreading communicable diseases.

#### 1008.1.1 DEFINITIONS

Definitions related to this policy include:

**Communicable disease** - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

**Exposure** - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Sonoma County Sheriff's Office. (See the attached exposure control plan for further details to assist in identifying whether an exposure has occurred.)

Bloodborne Pathogen Exposure Control Plan: See Sheriff's Office Intranet

### 1008.2 POLICY

The Sonoma County Sheriff's Office is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

### 1008.3 EXPOSURE CONTROL OFFICER

The Sheriff will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

- (a) Exposure-prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that office members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them (15 CCR 1051; 15 CCR 1207).
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
  1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).

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2. Bloodborne pathogen mandates including (8 CCR 5193):
    - (a) Sharps injury log.
    - (b) Needleless systems and sharps injury protection.
  3. Airborne transmissible disease mandates including (8 CCR 5199):
    - (a) Engineering and work practice controls related to airborne transmissible diseases.
    - (b) Distribution of appropriate personal protective equipment to minimize exposure to airborne disease.
  4. Promptly notifying the county health officer regarding member exposures (Penal Code § 7510).
  5. Establishing procedures to ensure that members request exposure notification from health facilities when transporting a person that may have a communicable disease and that the member is notified of any exposure as required by Health and Safety Code § 1797.188.
  6. Informing members of the provisions of Health and Safety Code § 1797.188 (exposure to communicable diseases and notification).
- (f) Provisions for acting as the designated officer liaison with health care facilities regarding communicable disease or condition exposure notification. The designated officer should coordinate with other office members to fulfill the role when not available. The designated officer shall ensure that the name, title, and telephone number of the designated officer is posted on the Office website (Health and Safety Code § 1797.188).
- (g) Coordination with the Personnel to provide required notices to members regarding COVID-19 exposures (Labor Code § 6409.6).

The ECO should also act as the liaison with the Division of Occupational Safety and Health (Cal/OSHA) and may request voluntary compliance inspections. The ECO shall annually review and update the exposure control plan and review implementation of the plan (8 CCR 5193).

#### **1008.4 EXPOSURE PREVENTION AND MITIGATION**

##### **1008.4.1 GENERAL PRECAUTIONS**

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (8 CCR 5193):

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or office vehicles, as applicable.
- (b) Wearing office-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.

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- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.
  - 1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

#### 1008.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (8 CCR 5193).

#### **1008.5 POST EXPOSURE**

##### 1008.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practicable.

##### 1008.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (8 CCR 5193):

- (a) Name and Social Security number of the member exposed
- (b) Date and time of the incident

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- (c) Location of the incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

#### 1008.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Office members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (8 CCR 5193).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

- (a) Whether the member has been informed of the results of the evaluation.
- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

#### 1008.5.4 COUNSELING

The Office shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (8 CCR 5193).

#### 1008.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate (8 CCR 5193). Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Complying with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.

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- (c) Testing the exposed member for evidence of a communicable disease and seeking consent from the source individual to either access existing blood samples for testing or for the source to submit to testing (Health and Safety Code § 120262).
- (d) Taking reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).
- (e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing a person when the exposed member qualifies as a crime victim (Penal Code § 1524.1).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the County Counsel to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

#### **1008.6 CONFIDENTIALITY OF REPORTS**

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

#### **1008.7 TRAINING**

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (8 CCR 5193):

- (a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

## **\*Smoking and Tobacco Use\***

### **1009.1 PURPOSE AND SCOPE**

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Sonoma County Sheriff's Office facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

### **1009.2 POLICY**

The Sonoma County Sheriff's Office recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Office and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all office facilities, buildings and vehicles, and as is further outlined in this policy (Government Code § 7597; Labor Code § 6404.5).

### **1009.3 SMOKING AND TOBACCO USE**

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Sonoma County Sheriff's Office.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside County facilities and vehicles.

### **1009.4 ADDITIONAL PROHIBITIONS**

No person shall use tobacco products within 20 feet of a main entrance, exit or operable window of any public building (including any department facility), or buildings on the campuses of the University of California, California State University and California community colleges, whether present for training, enforcement or any other purpose (Government Code § 7596 et seq.).

#### **1009.4.1 NOTICE**

The Sheriff or the authorized designee should ensure that proper signage is posted at each entrance to the Office facility (Labor Code § 6404.5).

## Personnel Complaints

### 1010.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Sonoma County Sheriff's Office. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

### 1010.2 POLICY

The Sonoma County Sheriff's Office takes seriously all complaints regarding the service provided by the Office and the conduct of its members.

The Office will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

#### 1010.2.1 RETALIATION

It is also the policy of this office to ensure that the community can report misconduct without concern for reprisal or retaliation. Therefore, retaliation by any member of this office for the filing of a complaint will not be tolerated. Any allegations of retaliation will be investigated pursuant to this policy.

### 1010.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of office policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate office policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures, or the response to specific incidents by the Office.

#### 1010.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

**Formal** - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member, an authorized designee of the Sheriff, or referred to the Internal Affairs Unit, depending on the seriousness and complexity of the investigation.

**Incomplete** - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Internal Affairs Unit, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

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##### 1010.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any office member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

##### **1010.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS**

###### 1010.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the sheriff's facility and be accessible through the office website. Forms may also be available at other County facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

###### 1010.4.2 ACCEPTANCE

All complaints will be courteously accepted by any office member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

The following should be considered upon receipt of a complaint:

- (a) When an uninvolved supervisor or the Watch Commander determines that the reporting person is satisfied that his/her complaint required nothing more than an explanation regarding the proper/improper implementation of Sheriff's Office policy or procedure, a written complaint need not be taken. Ensure that the supervisor of the involved member is notified of the circumstances surrounding the complaint.
- (b) When the complainant is intoxicated to the point where their credibility appears to be unreliable, information shall nevertheless be documented and identifying information should be obtained and the person should be provided with a Citizen Complaint form.

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- (c) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles shall be taken, however, their parents and/or guardians shall be advised of the circumstances prompting the complaint after taking the juvenile's information.
- (d) Sheriff's Office members becoming aware of alleged misconduct shall immediately notify a supervisor.

A complainant shall be provided with a copy of his/her statement at the time it is filed with the Office (Penal Code § 832.7).

#### **1010.4.3 INDEPENDENT CONTRACTED INVESTIGATIONS**

The Sheriff or authorized designee has the authority to contract with an outside investigator whenever they see fit. This may include cases that are determined to be a conflict of interest, hostile work environment, unlawful harassment, or any other subject matter that would benefit from an outside investigator. All investigations into members of the Executive Management shall be conducted by an outside investigator.

#### **1010.4.4 AVAILABILITY OF WRITTEN PROCEDURES**

The Office shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5).

#### **1010.4.5 HATE COMPLAINTS AGAINST PEACE OFFICERS**

Internal complaints or complaints from the public shall be accepted and investigated in accordance with this policy where it is alleged that a deputy has in the previous seven years, and since 18 years of age, engaged in membership in a hate group, participated in a hate group activity, or advocated any public expression of hate (Penal Code § 13682).

#### **1010.5 DOCUMENTATION**

Supervisors shall ensure that all formal and informal complaints are documented. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

#### **1010.6 ADMINISTRATIVE INVESTIGATIONS**

Allegations of misconduct will be administratively investigated as follows.

##### **1010.6.1 SUPERVISOR RESPONSIBILITIES**

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Sheriff or the authorized designee may direct that another supervisor investigate any complaint.

Supervisors should not be assigned to investigate employee misconduct when there could be a conflict of interest such as supervision of, or participation in, the alleged misconduct.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

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The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a memorandum is completed.
  - (a) The memorandum will be directed to the Professional Standards Lieutenant who will determine who will have responsibility for the investigation.
  - (b) In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the Watch Commander, who will initiate appropriate action.
- (b) Responding to all complainants in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Watch Commander and the Professional Standards Lieutenant are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the Watch Commander for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the Watch Commander, who will determine whether to contact the complainant or forward the complaint to the Professional Standards Unit.
- (g) Investigating a complaint as follows:
  - 1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
  - 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (h) Ensuring that the procedural rights of the accused member are followed (Government Code § 3303 et seq.).
- (i) Ensuring interviews of the complainant are generally conducted during reasonable hours.

#### 1010.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Internal Affairs Unit, the following applies to members covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Government Code § 3303):

- (a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, he/she shall be compensated.
- (b) Unless waived by the member, interviews of an accused member shall be at the Sonoma County Sheriff's Office or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused member.

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- (d) Prior to any interview, a member shall be informed of the nature of the investigation, the name, rank and command of the deputy in charge of the investigation, the interviewing officers and all other persons to be present during the interview.
- (e) All interviews shall be for a reasonable period and the member's personal needs should be accommodated.
- (f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.
- (g) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
  - 1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Lybarger* advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
  - 2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) The interviewer should record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview.
- (i) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (j) All members shall provide complete and truthful responses to questions posed during interviews.
- (k) No member may be requested or compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

No investigation shall be undertaken against any deputy solely because the deputy has been placed on a prosecutor's *Brady* list or the name of the deputy may otherwise be subject to disclosure pursuant to *Brady v. Maryland*. However, an investigation may be based on the underlying acts or omissions for which the deputy has been placed on a *Brady* list or may otherwise be subject to disclosure pursuant to *Brady v. Maryland* (Government Code § 3305.5).

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### 1010.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

**Background Summary:** Provide a very brief summary of the facts giving rise to the investigation.

**Complaint and Authorities:** List the allegations separately (including applicable policy sections).

**Investigation:** A thorough investigation shall be completed considering all relevant information is chronicled, including comprehensive summaries of member and witness statements.

**Conclusions and Findings:** Each allegation should be set forth with the details of the evidence applicable to each allegation provided. Other evidence related to each allegation should also be detailed in this section. A recommendation regarding further action or disposition should be provided. Discipline should not be recommended or specified.

**Exhibits:** A separate list of exhibits (BWC videos, audio recordings, photos, documents, chronological log, etc.) should be attached to the report.

**Informal Investigations:** May be documented in a memorandum.

The memorandum shall document the steps taken to investigate the complaint (including all attempts to contact the complainant), and a finding of any alleged or noted policy violations.

This format may be used with Policy/Procedure and Citizen Concern investigations that do not reasonable appear to rise to the level of a Formal Investigation.

This format may also be used to document certain uncomplicated Policy/Procedure investigations, even though the violation may result in discipline beyond a Supervisor's Note. Examples include vehicle accidents, negligent firearms discharges, or other cases authorized by a Captain.

### 1010.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

**Unfounded** - When the investigation discloses that the alleged acts did not occur or did not involve office members. Complaints that are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.5).

**Exonerated** - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

**Not sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

**Sustained** - A final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Government Code § 3304 and Government Code § 3304.5 that the actions of a deputy were found to violate law or office policy (Penal Code § 832.5).

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If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

### 1010.6.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation (Government Code § 3304).

In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1.

### 1010.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

### 1010.7 ADMINISTRATIVE SEARCHES

Any member exhibiting objective symptoms of intoxication who is involved in a shooting, death from police action or injury/fatal traffic collision, may be administratively ordered to submit to a blood, breath or urine test. The results of such compelled testing shall be restricted to the administrative investigation.

Members that appear to be under the influence of drugs or alcohol may be tested pursuant to CAO policy 8-02 (located on the County Intranet site under the CAO).

Members shall have no expectation of privacy when using telephones, computers, radios, or other communications provided by the Sheriff's Office.

Assigned lockers and storage spaces may only be administratively searched:

- In the member's presence, or;
- With the member's consent, or;
- With a valid search warrant, or;
- Where the member has been given reasonable notice that the search will take place (GC § 3309)

All other Sheriff's Office assigned areas (e.g. desks, office space, and assigned vehicles) may be administratively searched by a supervisor, in the presence of an uninvolved witness, for non investigative purposes (e.g. obtaining a needed report or radio). An investigative search of such areas shall only be conducted upon a reasonable suspicion that official misconduct is involved and under the same conditions as listed above (GC § 3309).

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### 1010.7.1 DISCLOSURE OF FINANCIAL INFORMATION

An employee may be compelled to disclose personal financial information under the following circumstances (Government Code § 3308):

- (a) Pursuant to a state law or proper legal process
- (b) Information exists that tends to indicate a conflict of interest with official duties
- (c) If the employee is assigned to or being considered for a special assignment with a potential for bribes or other improper inducements

### 1010.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Office, the Sheriff or the authorized designee may temporarily assign an accused employee to administrative leave pursuant to Sonoma County Civil Service Rule 12. Any employee placed on administrative leave:

- (a) Will continue to receive regular pay and benefits pending the outcome of the investigation;
- (b) May be required by the Sheriff or authorized designee to relinquish any badge, Sheriff's Office identification, assigned weapon(s) and any other Sheriff's Office equipment. Will temporarily be assigned to the Personnel Bureau for monitoring, although the member will continue to be paid out of their normal budget index;
- (c) May be ordered to refrain from taking any action as a Sheriff's Office member or in an official capacity, or from carrying a firearm as an on or off duty peace officer. The member shall be required to continue to comply with all policies and lawful orders of a supervisor;
- (d) May be temporarily reassigned to a different shift (generally normal business hours) during the investigation and may be required to remain available for contact at all times during such shift and report as ordered.

### 1010.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Sheriff shall be notified as soon as practicable when a member is accused of criminal conduct. The Sheriff may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be advised of his/her constitutional rights (Government Code § 3303(h)). The member should not be administratively ordered to provide any information in the criminal investigation unless dictated by law.

Any law enforcement agency is authorized to release information concerning the arrest or detention of a peace officer, which has not led to a conviction (LC § 432.7(b)). However, no disciplinary action shall be taken against the accused member base solely on an arrest or crime

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report. An independent administrative investigation may be conducted base upon the allegations in the report in accordance with Sheriff's Office policy.

### **1010.10 RESPONSIBILITIES**

#### 1010.10.1 DIVISION COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Captain of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Captain may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Sheriff, the Captain may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Sheriff, the Captain shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

#### 1010.10.2 SHERIFF RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Sheriff shall review the recommendation and all accompanying materials. the Sheriff may modify any recommendation and/or return the file to the Captain for further investigation or action.

Once the Sheriff is satisfied that no further investigation or action is required by staff, the Sheriff shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Sheriff shall provide the member with a pre-disciplinary procedural due process hearing (Skelly) by providing written notice of the charges, proposed action and reasons for the proposed action. Written notice shall be provided within one year from the date of discovery of the misconduct (Government Code § 3304(d)). the Sheriff or authorized designee shall also provide the member with:

- (a) Access to all of the materials considered by the Sheriff in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Sheriff within five days of receiving the notice.
  - 1. Upon a showing of good cause by the member, the Sheriff may grant a reasonable extension of time for the member to respond.
  - 2. If the member elects to respond orally, the presentation may be recorded by the Office. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Sheriff shall consider all information received in regard to the recommended discipline. Th Sheriff shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Sheriff has issued a written decision, the discipline shall become effective.

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### 1010.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Sheriff or authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint (Penal Code § 832.7(e)).

### 1010.10.4 NOTICE REQUIREMENTS

The disposition of any civilian's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall not include what discipline, if any, was imposed (Penal Code § 832.7(e)).

### **1010.11 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE**

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline (Penal Code § 13510.8).

### **1010.12 POST-DISCIPLINE APPEAL RIGHTS**

Non-probationary employees have the right to appeal a Letter of Reprimand, suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement, Memorandum of Understanding and/or personnel rules.

In the event of punitive action against an employee covered by the POBR, the appeal process shall be in compliance with Government Code § 3304 and Government Code § 3304.5.

During any administrative appeal, evidence that a deputy has been placed on a *Brady* list or is otherwise subject to *Brady* restrictions may not be introduced unless the underlying allegations of misconduct have been independently established. Thereafter, such *Brady* evidence shall be limited to determining the appropriateness of the penalty (Government Code § 3305.5).

### **1010.13 PROBATIONARY EMPLOYEES AND OTHER MEMBERS**

At-will and probationary employees and those members other than non-probationary employees may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) without adherence to the procedures set forth in this policy or any right to appeal. However, any probationary deputy subjected to an investigation into allegations of misconduct shall be entitled to those procedural rights, as applicable, set forth in the POBR (Government Code § 3303; Government Code § 3304).

At-will, probationary employees and those other than non-probationary employees subjected to discipline or termination as a result of allegations of misconduct shall not be deemed to have acquired a property interest in their position, but shall be given the opportunity to appear before the Sheriff or authorized designee for a non-evidentiary hearing for the sole purpose of attempting to clear their name or liberty interest. There shall be no further opportunity for appeal beyond the liberty interest hearing and the decision of the Sheriff shall be final.

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### **1010.14 CONFIDENTIALITY OF PERSONNEL FILES**

All investigations of personnel complaints shall be considered confidential. The contents of such files shall not be revealed to anyone other than the accused member or authorized personnel, except pursuant to lawful process (PC § 832.7).

In the event that an accused member (or the representative of such member) knowingly makes false representations regarding any internal investigation and such false representations are communicated to any media source, the Sheriff's Office may disclose sufficient information from the member's personnel file to refute such false representations (PC § 832.5).

All personnel complaints and investigations shall be maintained for a period of no less than five (5) years, or fifteen (15) years for sustained findings of misconduct (PC § 832.5).

Personnel complaints and investigations shall be destroyed pursuant to the Sheriff's Office's Record Retention Schedule.

Investigations that result in other than a "Sustained" finding may be maintained pursuant to the Sheriff's Office's Record Retention Schedule, but may not be used by the Sheriff's Office to adversely affect a member's career (PC § 832.5(c)).

Complaints shall be maintained by the Internal Affairs Unit apart from the member's personnel file. Any discipline shall be maintained in the member's personnel file for the minimum of fifteen (15) years from the date the Sheriff's Office becomes aware of the misconduct and then destroyed (PC § 832.5). Comments from Supervisor Notes may be used in an employee's annual evaluation and then destroyed.

### **1010.15 REQUIRED REPORTING TO POST**

The Sheriff or the authorized designee shall notify POST on the appropriate POST form within 10 days of certain deputy personnel events, including but not limited to (Penal Code § 13510.9):

- (a) Termination or separation from employment or appointment. Separation from employment or appointment includes any involuntary termination, resignation, or retirement.
  - 1. A POST affidavit-of-separation form shall be executed and maintained by the Office and submitted to POST as required by Penal Code § 13510.9 and 11 CCR 1003.
- (b) Events that could affect a deputy's POST certification, such as:
  - 1. Complaints, charges, or allegations of serious misconduct (as defined by Penal Code § 13510.8).
  - 2. Findings of civilian review boards.
  - 3. Final dispositions of any investigations.
  - 4. Civil judgments or court findings based on conduct, or settlement of a civil claim against a deputy or the Sonoma County Sheriff's Office based on allegations of conduct by a deputy.

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The Sheriff or the authorized designee shall be responsible for providing POST access to or duplication of investigation documentation (e.g., physical or documentary evidence, witness statements, analysis, conclusions) within the applicable timeframe provided in Penal Code § 13510.9.

### 1010.15.1 NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

The Sheriff or the authorized designee shall report allegations of serious misconduct by a deputy to POST and the report shall include the following (11 CCR 1207):

- (a) Name of the Office
- (b) Administrative case number
- (c) Name, current address, and phone number of the complainant, if available
- (d) Name, POST ID, current address, and phone number of the involved deputy
- (e) A summary of the alleged misconduct including:
  - 1. A narrative of the allegations
  - 2. Date and time of incidents
  - 3. Location of occurrence
  - 4. Any witness information, if available
  - 5. Summary of arrest or indictment of involved deputy
- (f) A change in employment status of the involved deputy (e.g., administrative leave, suspension, termination)
- (g) Name and contact information of the assigned investigator

The Sheriff or the authorized designee shall provide updates of the investigation to POST every 90 days until the final disposition in the method designated by POST (11 CCR 1207).

Upon completion of the investigation, the Sheriff or the authorized designee shall submit to POST the final disposition of the investigation as well as investigation materials and the deputy's service record as provided by 11 CCR 1207.

### 1010.15.2 ADDITIONAL NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

Additional notification shall be made to POST (11 CCR 1207):

- (a) If the imposed disciplinary action is pending appeal or other review through an administrative or judicial proceeding:
  - 1. The Office shall provide the name of the body conducting the proceeding.
  - 2. The status of the proceeding, if known.
- (b) If criminal charges are pending:
  - 1. The name of the court having jurisdiction over the criminal charges against the deputy.
  - 2. The status of the criminal case, if known.

## Seat Belts

### 1011.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in office vehicles (Vehicle Code § 27315.5).

#### 1011.1.1 DEFINITIONS

Definitions related to this policy include:

**Child restraint system** - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213.

### 1011.2 POLICY

It is the policy of the Sonoma County Sheriff's Office that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

### 1011.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this office while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

### 1011.4 TRANSPORTING CHILDREN

Children under the age of 8 shall be transported in compliance with California's child restraint system requirements (Vehicle Code § 27360; Vehicle Code § 27363).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible. A child shall not be transported in a rear-facing child restraint system in the front seat in a vehicle that is equipped with an active frontal passenger airbag (Vehicle Code § 27363).

### 1011.5 TRANSPORTING PERSONS IN CUSTODY

Persons who are in custody should be in a seated position and secured in the rear seat of any office vehicle with a restraint system or, when a restraint system is not available, by seat belts

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provided by the vehicle manufacturer. The restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

An incarcerated person in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

### **1011.6 INOPERABLE SEAT BELTS**

Office vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Office vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Sheriff.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

### **1011.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS**

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

### **1011.8 VEHICLE AIRBAGS**

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

## Body Armor

### 1012.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

### 1012.2 POLICY

It is the policy of the Sonoma County Sheriff's Office to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

### 1012.3 ISSUANCE OF BODY ARMOR

The Personnel supervisor shall ensure that body armor is issued to all deputies when the deputy begins service at the Sonoma County Sheriff's Office and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice. Extra Help deputies will be issued body armor upon request.

The Purchasing supervisor shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

#### 1012.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

- (a) Deputies shall only wear agency-approved body armor.
- (b) Deputies may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.
- (c) Body armor shall be worn when a deputy is working in uniform.
- (d) A deputy may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

#### 1012.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness, and signs of damage, abuse and wear.

#### 1012.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

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Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

### **1012.4 FIREARMS SERGEANT RESPONSIBILITIES**

The Firearms Instructor should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to Office approved body armor.
- (b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
- (c) Provide training that educates deputies about the safety benefits of wearing body armor.

## **\*Personnel Records\***

### **1013.1 PURPOSE AND SCOPE**

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

### **1013.2 POLICY**

It is the policy of this office to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of California (Penal Code § 832.7).

### **1013.3 OFFICE FILE**

The office file shall be maintained as a record of a person's employment/appointment with this office. The office file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status.
- (d) Original performance evaluations.
- (e) Discipline records, including copies of sustained personnel complaints (see the Personnel Complaints Policy).
  - (a) Disciplinary action resulting from a sustained complaint involving misconduct shall be maintained pursuant to the established records retention schedule and at least 15 years (Penal Code § 832.5).
  - (b) A complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and at least five years (Penal Code § 832.5).
- (f) Adverse comments such as supervisor notes or memos may be retained in the office file after the member has had the opportunity to read and initial the comment (Government Code § 3305).
  1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment within 30 days (Government Code § 3306).
  2. Any member response shall be attached to and retained with the original adverse comment (Government Code § 3306).
  3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment and the member should sign or initial the noted refusal. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file (Government Code § 3305).

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- (g) Commendations and awards.
- (h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

#### **1013.4 SUPERVISOR FILE**

Supervisor files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Supervisor file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

All materials intended for this interim file shall be provided to the employee prior to being placed in the file in accordance with Government Code § 3305 and Government Code § 3306.

#### **1013.5 TRAINING FILE**

An individual training file shall be maintained by the Training Coordinator for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The involved member is responsible for providing the Training Coordinator or immediate supervisor with evidence of completed outside training/education in a timely manner.
- (b) The Training Coordinator or supervisor shall ensure that copies of such training records are placed in the member's training file.

#### **1013.6 INTERNAL AFFAIRS FILE**

Internal affairs files shall be maintained under the exclusive control of the Internal Affairs Unit in conjunction with the office of the Sheriff. Access to these files may only be approved by the Sheriff or the Professional Standards Lieutenant.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition (Penal Code § 832.12). Investigations of complaints that result in the following findings shall not be placed in the member's file but will be maintained in the internal affairs file:

- (a) Not sustained
- (b) Unfounded
- (c) Exonerated

Investigation files arising out of sustained complaints involving misconduct shall be maintained pursuant to the established records retention schedule and for a period of at least 15 years. Investigations that resulted in other than a sustained finding may not be used by the Office to adversely affect an employee's career (Penal Code § 832.5).

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Investigation files arising out of internally generated complaints shall be maintained pursuant to the established records retention schedule and for at least five years (Government Code § 12946).

Investigation files arising out of a civilian complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and for at least five years (Penal Code § 832.5).

### **1013.7 MEDICAL FILE**

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.
- (e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

### **1013.8 SECURITY**

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the Sheriff, County Counsel or other attorneys or representatives of the County in connection with official business.

#### **1013.8.1 REQUESTS FOR DISCLOSURE**

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made (Evidence Code § 1043).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

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All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

### 1013.8.2 RELEASE OF PERSONNEL INFORMATION

Personnel records shall not be disclosed except as allowed by law (Penal Code § 832.7; Evidence Code § 1043) (See also Records Maintenance and Release Policy).

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this office may be guilty of a misdemeanor (Penal Code § 146e).

The Office may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7).

### 1013.8.3 RELEASE OF LAW ENFORCEMENT GANG INFORMATION

Information relating to the termination of a deputy from this office for participation in a law enforcement gang shall be disclosed to another law enforcement agency that is conducting a pre-employment background investigation except where specifically prohibited by law (Penal Code § 13670).

### 1013.8.4 RELEASE OF PEACE OFFICER RECORDS RELATING TO HATE COMPLAINTS

Records relating to a deputy for an investigation of a hate complaint described in Penal Code § 13682 with a sustained finding that the deputy engaged in membership in a hate group, participated in a hate group activity, or advocacy of public expressions of hate are not confidential and shall be made available for public inspection through a public records request (Penal Code § 13683).

Records disclosed may be redacted as provided in Penal Code § 13683.

### **1013.9 MEMBERS' ACCESS TO THEIR PERSONNEL RECORDS**

Any member may request access to the member's own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from the member's personnel records shall file a written request to the Sheriff through the chain of command. The Office shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Office shall be retained with the contested item in the member's corresponding personnel record (Government Code § 3306.5).

Members may be restricted from accessing files containing any of the following information:

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- (a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.
- (b) Confidential portions of internal affairs files that have not been sustained against the member.
- (c) Criminal investigations involving the member.
- (d) Letters of reference concerning employment/appointment, licensing, or issuance of permits regarding the member.
- (e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.
- (f) Materials used by the Office for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments, or other comments or ratings used for department planning purposes.
- (g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- (h) Records relevant to any other pending claim between the Office and the member that may be discovered in a judicial proceeding.

#### **1013.10 RETENTION AND PURGING**

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

- (a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the Professional Standards Lieutenant.
- (c) If, in the opinion of the Professional Standards Lieutenant, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

#### **1013.11 RELEASE OF PERSONNEL RECORDS AND RECORDS RELATED TO CERTAIN INCIDENTS, COMPLAINTS, AND INVESTIGATIONS OF DEPUTIES**

Personnel records and records related to certain incidents, complaints, and investigations of deputies shall be released pursuant to a proper request under the Public Records Act and subject to redaction and delayed release as provided by law.

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The Custodian of Records should work as appropriate with the Sheriff or the Professional Standards Lieutenant in determining what records may qualify for disclosure when a request for records is received and if the requested record is subject to redaction or delay from disclosure.

For purposes of this section, a record includes (Penal Code § 832.7(b)(3):

- All investigation reports.
- Photographic, audio, and video evidence.
- Transcripts or recordings of interviews.
- Autopsy reports.
- All materials compiled and presented for review to the District Attorney or to any person or body charged with determining whether to file criminal charges against a deputy in connection with an incident, whether the deputy's action was consistent with law and office policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take.
- Documents setting forth findings or recommending findings.
- Copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the *Skelly* or grievance process, and letters indicating final imposition of discipline or other documentation reflecting the implementation of corrective action.

Unless a record or information is confidential or qualifies for delayed disclosure as provided by Penal Code § 832.7(b)(8) or other law, the following records (hereinafter qualifying records) shall be made available for public inspection no later than 45 days from the date of a request (Penal Code § 832.7(b)(1)):

- (a) Records relating to the report, investigation, or findings of:
  1. The discharge of a firearm at another person by a deputy.
  2. The use of force against a person resulting in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) by a deputy.
  3. A sustained finding involving a complaint that alleges unreasonable or excessive force.
  4. A sustained finding that a deputy failed to intervene against another deputy using force that is clearly unreasonable or excessive.
- (b) Records relating to an incident where a sustained finding was made by the Office or oversight agency regarding:
  1. A deputy engaged in sexual assault of a member of the public (as defined by Penal Code § 832.7(b)).
  2. Dishonesty of a deputy relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another deputy, including but not limited to any false statements, filing false reports, destruction, falsifying, or concealing of evidence, or perjury.

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3. A deputy engaged in conduct including but not limited to verbal statements, writings, online posts, recordings, and gestures involving prejudice or discrimination against a person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.
4. A deputy made an unlawful arrest or conducted an unlawful search.

Qualifying records will be made available regardless of whether the deputy resigns before the Office or an oversight agency concludes its investigation (Penal Code § 832.7(b)(3)).

A record from a separate and prior investigation or assessment of a separate incident shall not be released unless it is independently subject to disclosure (Penal Code § 832.7(b)(4)).

When an investigation involves multiple deputies, the Office shall not release information about allegations of misconduct or the analysis or disposition of an investigation of a deputy unless it relates to a sustained finding of a qualified allegation as provided by Penal Code § 832.7(b)(5). However, factual information about the action of the deputy during an incident or the statements of a deputy shall be released if the statements are relevant to a finding of the qualified allegation against another deputy that is subject to release (Penal Code § 832.7(b)(5)).

#### 1013.11.1 REDACTION

The Custodian of Records, in consultation with the Sheriff or authorized designee, shall redact the following portions of qualifying records made available for release (Penal Code § 832.7(b)(6)):

- (a) Personal data or information (e.g., home address, telephone number, identities of family members) other than the names and work-related information of deputies
- (b) Information that would compromise the anonymity of whistleblowers, complainants, victims, and witnesses
- (c) Confidential medical, financial, or other information where disclosure is prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about possible misconduct and use of force
- (d) Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the deputy or another person

Additionally, a record may be redacted, including redacting personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosing it (Penal Code § 832.7(b)(7)).

#### 1013.11.2 DELAY OF RELEASE

Unless otherwise directed by the Sheriff, the Custodian of Records should consult with a supervisor familiar with the underlying investigation to determine whether to delay disclosure of qualifying records due to any of the following conditions (Penal Code § 832.7):

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- (a) Active criminal investigations
  - 1. Disclosure may be delayed 60 days from the date the misconduct or use of force occurred or until the District Attorney determines whether to file criminal charges, whichever occurs sooner.
  - 2. After the initial 60 days, delay of disclosure may be continued if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against a deputy or against someone other than a deputy who engaged in misconduct or used the force.
- (b) Filed criminal charges
  - 1. When charges are filed related to an incident in which misconduct occurred or force was used, disclosure may be delayed until a verdict on those charges is returned at trial or, if a plea of guilty or no contest is entered, the time to withdraw the plea has passed.
- (c) Administrative investigations
  - 1. Disclosure may be delayed until:
    - (a) There is a determination from the investigation whether the misconduct or use of force violated law or office policy, but no longer than 180 days after the date of the office's discovery of the misconduct or use of force or allegation of misconduct or use of force

#### 1013.11.3 NOTICE OF DELAY OF RECORDS

When there is justification for delay of disclosure of qualifying records, the Custodian of Records shall provide written notice of the reason for any delay to a requester as follows (Penal Code § 832.7):

- (a) Provide the specific basis for the determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure. The notice shall also include the estimated date for the disclosure of the withheld information.
- (b) When delay is continued beyond the initial 60 days because of criminal enforcement proceedings against anyone, at 180-day intervals provide the specific basis that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding and the estimated date for disclosure.
  - 1. Information withheld shall be disclosed when the specific basis for withholding the information is resolved, the investigation or proceeding is no longer active, or no later than 18 months after the date of the incident, whichever occurs sooner, unless:
    - (a) When the criminal proceeding is against someone other than a deputy and there are extraordinary circumstances to warrant a continued delay due to the ongoing criminal investigation or proceeding, then the Office must show by clear and convincing evidence that the interest in preventing prejudice to the active and ongoing criminal investigation or proceeding outweighs the public interest for prompt disclosure of records about misconduct or use of force by deputies.

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In cases where an action to compel disclosure is brought pursuant to Government Code § 7923.000, the Office may justify delay by filing an application to seal the basis for withholding if disclosure of the written basis itself would impact a privilege or compromise a pending investigation (Penal Code § 832.7(b)(8)).

#### 1013.11.4 RECORDS NOT TO BE RELEASED

- (a) Investigations or proceedings concerning the conduct of peace officers or custodial officers, or an agency or department that employs those officers, conducted by a grand jury, a district attorney's office, or the Attorney General's Office.
- (b) A record of a civilian complaint, or the investigations, findings, or dispositions of that complaint, if the complaint was frivolous as defined in the Code of Civil Procedure § 128.5, or if the complaint is unfounded.
  - 1. "Unfounded" means that an investigation clearly establishes that the allegation is not true.
- (c) A record from a separate and prior investigation or assessment of a separate incident shall not be released unless it is independently subject to disclosure pursuant to this policy.

#### 1013.11.5 MEMBER NOTIFICATION OF RECORDS OR BWC VIDEO RELEASE

Releases of investigative personnel records and/or BWC video records may have a significant impact on current or former members of the Sheriff's Office and their families. In order to give affected current and former members and their family's adequate time to prepare for such releases, the Office will use the following employee notification procedure:

- (a) When preparing for the release of a current or former member's personnel file or video record, the Office will determine the approximate date of the release and make a reasonable effort to provide written email notice of the release and targeted release date to any current or former members at their last known email address on record with the Office, the DSA, or SCLEA.
- (b) Upon notification of the release, any current or former member may request to view a copy of the releasable materials prior to the material being released. If such a request is made by the member, the Office will allow the member a reasonable amount of time, to be determined by the Office, to review the materials prior to their release.
- (c) The Office agrees to conduct a threat assessment for the member and/or their family, to assess if further action is warranted to protect the member and their family from the risk of physical harm.

## \*Facility Access Control\*

### 1014.1 PURPOSE AND SCOPE

This policy provides for strict control procedures to be followed to ensure security of all Sheriff's Office facilities are maintained at all times.

#### 1014.1.1 DEFINITIONS

**Sheriff's Identification Card** - Photo identification card signed by the Sheriff issued to members by the Sheriff's Personnel Bureau when hired.

**Proxy Card** - The card issued to members and approved non-members which, after activated, allows access through the security system or access to non-public areas of the Sheriff's facilities.

For non-members who belong to a County department that utilizes the same security system, their General Services access card will be entered into our system and used as their proxy cards.

**Site Code** - The following security cards (site codes are compatible with the Sheriff's security system are as follows):

- 1600 - Sheriff's Office issued proximity cards
- 1055 - General Services issued proximity cards
- 1649 - Department of Human Services issued proximity cards

**Access Card/Pass** - The card issued to non-members after a security background, which allows access into the non-public areas of Sheriff's facilities.

- **A-Card:** The wearer has access to the secure area of all Sheriff's facilities
- **D-Card:** The wearer has access to the secure area of Sheriff's Detention facilities only
- **L-Card:** The wearer has access to secure areas of the Law Enforcement/ Administration Division facilities only
- **E-Pass:** No proxy card is issued for this level of security background. This level allows electronic access to Sheriff's data without physical access to any facility

**Security System Administrators (SSA)** - The individuals in the Personnel Bureau who are assigned the responsibility for maintaining facility access using facility access security system.

**Security System** - Door/Gate access control and video monitoring system.

**Change of Status Notice (COSN)** - Personnel/Payroll/Security Change of Status Notice (COSN) is the form that authorizes initial, or changes in, security settings.

**Visitor** - Any individual whom has not passed a Sheriff's Office security background and requires access to the secure perimeter.

**Visitor/Temporary Pass** - Paper label issued to persons entering the secure perimeter showing the date. This is issued at the time of entry into the Sheriff's Office on a temporary basis only.

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### **1014.2 GENERAL GUIDELINES**

Access to Sheriff's facilities shall be controlled by electronic or key access.

- (a) Responsibility for the Sheriff's Office (other than Detention facilities) security program lies with the Administration Division Captain. The Administration Division Captain or designee shall assign or the authorized member may pick a numeric pin code to areas within the Sheriff's Office that require higher security (e.g., Property Evidence, SWAT, etc.).
- (b) A security background, conducted by the Personnel Bureau, must be passed prior to granting unescorted access to the secure areas of any Sheriff facility.
- (c) All persons inside the secure perimeter of the Sheriff's Building shall have identification visible at all times. Identification shall be clearly visible at or above the waist for easy identification. Acceptable forms of identification are as follows:
  - 1. Sheriff's Office uniform
  - 2. Sheriff's Office Badge
  - 3. Sheriff's Office issued Sheriff's Identification Card or Proxy Card
  - 4. Sheriff's Office issued non-member identification Access Card
  - 5. Temporary visitor's pass with date
- (d) All individuals with temporary visitor's pass shall be escorted at all times while within the secure perimeter.
- (e) Visitors shall check in and sign a visitor log before entering the secure perimeter. This visitor log shall be retained for 1 year and contain the following information:
  - 1. Name of individual
  - 2. Agency
  - 3. Signature
  - 4. Form of identification presented
  - 5. Date
  - 6. Time of entry
  - 7. Time of departure
  - 8. Purpose of visit
  - 9. Name of person visited
- (f) Any member who observes violations of this policy, like an unescorted visitor or a visitor without identification, shall determine the visitor's identity and escort the person to the appropriate location to obtain the proper pass.
- (g) The Information Technology Unit shall be responsible for managing the technical aspects of Security System.
- (h) The Personnel Bureau shall be responsible for printing Sheriff's Identification Cards, Access Cards, and Proxy Cards.

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- (i) The SSA shall activate all proximity cards within regular business hours.
- (j) Members will be issued general access to areas in the existing access template set up for their specific assignment.
- (k) Access templates are reviewed and approved by Administrative Division Captain or Personnel Manager.
- (l) Personnel Bureau Sergeant or Manager shall grant proxy access to non-member recipients of Access Cards based on background level and business need.
- (m) Central Information Bureau or Purchasing personnel shall have the responsibility for allowing escorted Visitor access to the Main Office secure area. A substation Lieutenant, Sergeant, Deputy, or Community Service Officer shall have the responsibility for allowing escorted visitor access within substations or report writing locations and recording the visitor in the Visitor Log.
- (n) The Security System controls and monitors access to the Sheriff's Office by computer controlled door/gate locks, alarms and video monitoring. Alarm panels are located in the Central Information Bureau and the Dispatch Center.
- (o) Video and access reports, such as a list of who has used a particular door, can be generated from the system by the Information Technology Unit at the request of the Personnel Bureau Manager, IA Lieutenant, Field Services Captain, Special Services Captain, Administration Division Captain, Administrative Services Director, Assistant Sheriff or Sheriff.
- (p) The Personnel Bureau Manager shall be responsible for issuing and auditing of keys for all Sheriff's facilities except for MADF and NCDF. Audits of keys may occur at any time. Key log required to be maintained for 1 year.
- (q) It is imperative that the Dispatch Center performs with a minimum of disruption. To minimize disruption of the Dispatch Center, all unauthorized personnel are restricted from entering the area. The following is a list of authorized personnel:
  - 1. Sheriff's Dispatch members
  - 2. Sheriff sworn staff members
  - 3. Technical Support Team (IT Unit person, pre-designated CAD service technicians, Sheriff Radio technicians)
- (r) Tours of the Dispatch Center shall be conducted in the hallway outside the Dispatch Center. The Dispatch Manager or designee may, with prior approval, allow tours inside the Center.
- (s) All spaces in the secured parking area at the Sheriff's main office are assigned to specific work units within the Sheriff's Office. The dirt parking area located on the southeast side of the parking area may be used to park pool cars or other County vehicles as needed.
  - 1. No private vehicles shall be allowed in the secure parking area unless the member has an assigned parking space or as approved by the Sheriff

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2. Members not assigned to a parking space in the secure parking area shall park in the parking areas open to the general public and shall obey all parking restrictions

### **1014.3 PROXY CARDS**

#### 1014.3.1 ACCESS FOR MEMBERS

- (a) Initial access for new members shall be assigned when the Personnel Bureau sends the COSN including Person Name (Member Chosen Name is only allowed for display purposes of the proxy and identification card), Member ID, Card ID, Job Title, to the SSA.
- (b) The SSA shall create an access record for the new member using predetermined access template for member's classification.
- (c) When a member changes assignment that results in a modification of access, SSA shall be notified, using the COSN prepared by a supervisor or manager of the new unit.

#### 1014.3.2 ACCESS FOR NON-MEMBERS

- (a) Requests for access shall be made to the Personnel Bureau Sergeant or Manager.
- (b) The Personnel Bureau shall conduct a security background on all non-member requests.
- (c) Once appropriate authorization has been granted, an email shall be completed and sent to the SSA.

#### 1014.3.3 LOST PROXY CARD

Card Members and non-members shall report the loss of a proxy card at the earliest possible time to the Personnel Bureau.

- (a) Personnel shall email the SSA upon notice of a lost proxy card for deactivation.
- (b) Personnel shall issue a new proxy card or access card, if applicable, following the procedures outlined in this policy.

#### 1014.3.4 DAMAGED PROXY CARD

- (a) Damaged cards shall be returned to the Personnel Bureau.
- (b) Personnel shall email the SSA upon notice of damaged proxy card for deactivation.
- (c) Personnel shall issue new proxy card or access card, if applicable, following procedures outlined in this policy.

#### 1014.3.5 REMOVAL OF ACCESS

- (a) Access shall be removed when a member, non-member, or a vendor, no longer has privileges to enter Sheriff's facilities. For members of the Sheriff's Office, the Personnel Bureau shall complete and distribute a COSN. For non-members, the Personnel Bureau shall notify the SSA via an email.

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##### 1014.3.6 CHANGE OF ACCESS

- (a) When a member changes assignment that results in a modification of access, the SSA shall be notified using the COSN prepared by a supervisor or manager of the new unit.

##### **1014.4 SECURITY SYSTEM**

###### 1014.4.1 AUDIT

- (a) The SSA and Information Technology Unit shall conduct an audit of the access rights each January and present the information to the Personnel Manager and Administrative Division Captain.

###### 1014.4.2 MODIFICATIONS

- (a) The Information Technology Unit can modify some features of the system alarms, door unlock times and camera settings with approval from the Personnel Manager or Administrative Division Captain.

##### **1014.5 KEY ISSUANCE**

- (a) The Personnel Bureau Manager shall issue keys to new members assigned to the Administration or Law Enforcement Divisions as needed by their assignment. The Detention Services Research and Planning Lieutenant will issue keys for members in the Detention Division.
- (b) Keys shall be returned to the Personnel Bureau Manager or the Detention Services Research and Planning Lieutenant when a member terminates employment or changes assignments where access is no longer required.
- (c) Managers and supervisors shall notify the Personnel Bureau Manager if keys are issued to non-Sheriff's Office members (e.g. task force members from other agencies).
- (d) A facility master key shall be kept in a secure box in the Watch Commander's Office and in the Central Information Bureau for the Sheriff's Headquarters building to be used in emergencies. When the key is used, the following shall occur:
  1. The member, as soon as practical, shall contact his immediate supervisor and inform the supervisor of the circumstances necessitating the use of the key. The member shall write a memorandum or email to his supervisor, which shall be forwarded via the Chain of Command to the Administration Division Captain. A copy of memorandum or email shall also be sent to the Personnel Bureau Manager.
  2. An emergency key, emergency key card and combination for the Property/Evidence room will be kept in the secure "break glass" type lockbox in the Central Information Bureau. Any time the glass is broken and keys removed, it must be reported as directed above. The Central Information Bureau Manager or Watch Commanders are responsible for the key to the lockbox and for having the broken glass replaced in their respective area.

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- (e) The Personnel Bureau Manager and the Sheriff's Executive Secretary shall maintain individual keys for conference rooms, 2A, 2B, 2C, 2D, 2E and 2F. Keys may be checked out on an as needed basis.
- (f) Re-key or additional key requests shall be made to the Personnel Bureau Manager for all Sheriff Facilities other than the Detention Division. Requests for the Detention Division shall be made to the Detention Services Research and Planning Lieutenant. Requests shall be made via email from a Manager.

## **\*Commendations and Awards\***

### **1015.1 PURPOSE AND SCOPE**

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Sonoma County Sheriff's Office and individuals from the community.

### **1015.2 POLICY**

It is the policy of the Sonoma County Sheriff's Office to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

### **1015.3 COMMENDATIONS**

Commendations for members of the Office or for individuals from the community may be initiated by any office member or by any person from the community.

### **1015.4 CRITERIA**

A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond typical duties.

#### **1015.4.1 OFFICE MEMBER DOCUMENTATION**

Members of the Office should document meritorious or commendable acts. The documentation should contain:

- (a) Identifying information:
  1. For members of the Office - name, bureau and assignment at the date and time of the meritorious or commendable act
  2. For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
- (c) The signature of the member submitting the documentation.

#### **1015.4.2 COMMUNITY MEMBER DOCUMENTATION**

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Office members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

- (a) Identifying information:
  1. For members of the Office - name, bureau and assignment at the date and time of the meritorious or commendable act

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2. For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
- (c) The signature of the person submitting the documentation.

### 1015.4.3 PROCESSING DOCUMENTATION

Documentation regarding the meritorious or commendable act of a member of the Office should be forwarded to the appropriate Captain for his/her review. The Captain should sign and forward the documentation to the Sheriff for his/her review.

The documentation will be returned to the Personnel Bureau for entry into the member's personnel file.

Documentation regarding the meritorious or commendable act of an individual from the community should be forwarded to the Administration Captain. The documentation will be signed by the Captain and forwarded to the Sheriff for his/her review. Documentation of the commendation shall be maintained in the employee's personnel file.

### 1015.5 AWARDS EVALUATION COMMITTEE

Annually, the Administration Division Captain will appoint the Awards Evaluation Committee, which is charged with evaluating award nominations and making award selections. Members may indicate their desire to serve on this Committee to the Administration Division Captain. The Committee should consist of eleven (11) members.

- The Administration Division Captain
- 1 Patrol Sergeant
- 1 Deputy Sheriff
- 2 Correctional Sergeants
- 2 Correctional Deputies
- 1 Detective Sergeant
- 1 Deputy Detective
- 1 Dispatch member
- 1 Professional Staff member

The Administration Division Captain or authorized designee shall be designated as chairperson, and serve as facilitator only. Additionally, in the case of a tie vote, the Administration Division Captain or authorized designee shall serve as the tiebreaker.

### 1015.6 AWARDS

- (a) **Medal of Honor:** This medal is presented to the family of a member whose life was given during the performance of his/her duties.

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- (b) **Medal of Valor:** This medal is awarded to any member who distinguishes oneself by conspicuous bravery in the performance of their duties under unusual, complicated, or hazardous conditions where the member used excellent judgment in accomplishing an assigned mission, including sustaining life.
- (c) **Medal of Merit:** This medal is awarded to those members who distinguish themselves by commendable service to the Sheriff's Office in a duty of great responsibility. The duty may either be assigned or self-initiated. Superior performance of the normal duties of the position will not alone justify the award.
- (d) **Life Saving Award:** To be awarded to any member who performs an exceptional act under emergency conditions, not involving bravery, wherein a service is rendered that results directly in sustaining a human life.
- (e) **Distinguished Service Award:** This award is presented to those members who have distinguished themselves either through:
  - 1. Outstanding service in the line of duty;
  - 2. Action not in the line of duty which brought honor or distinction to the Sheriff's Office; or
  - 3. Outstanding performance of general duties over an extended period of time
- (f) **Citizen's Certificate of Appreciation:** This certificate shall be awarded to individuals whose actions, in cooperation with the Sonoma County Sheriff's Office, resulted in the apprehension of criminals and the solution of crime, or any action on the part of a civilian that is of service to the Sheriff's Office. The following are illustrative examples of worthy citizen actions that would be suitable for consideration:
  - 1. The apprehension of a person who has committed a criminal act, either by making or aiding in the arrest, or by providing information that leads to an arrest.
  - 2. Assistance to the Sheriff' Office in the prevention of criminal acts.
  - 3. Directly aiding a deputy in any duties in which the end result is beneficial to the Sheriff's Office.
  - 4. Any action not describe above which assists the Sheriff's Office in providing superior law enforcement service, and which is beyond that normally expected of a good citizen.
- (g) **Certificate of Appreciation:** This certificate shall be awarded to correctional, probation, or law enforcement officers from agencies whose actions, in cooperation with the Sonoma County Sheriff's Office, resulted in the apprehension of criminals and the solution of crime, or any distinguishable action on the part of a law enforcement officer that is of service to the Sheriff's Office.
- (h) **Excellence Award:** The Sheriff selects a group of Sheriff's Office members who have a positive office wide impact and have demonstrated superior performance.

#### 1015.6.1 PRESENTATION OF AWARDS AND CERTIFICATES OF APPRECIATION

- (a) All awards, with the exception of citizen's awards, will be presented at an annual ceremony.

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- (b) The Sheriff or authorized designee must approve all ceremony arrangements.
- (c) No limitation is placed on the number of medals and certificates that may be awarded to an individual. Only one award will be given to a member for any act, achievement, or period of meritorious service.
- (d) The next of kin shall be invited to the annual awards ceremony to receive an award given to a deceased member of the Sheriff's Office.
- (e) When a member receives a medal or award, appropriate documentation will be placed in the individual's personnel file as an official record of the recognition bestowed.

The Sheriff will present citizen's Certificates of Appreciation to recipients.

### 1015.6.2 PROCEDURES

- (a) Nominations for Sheriff's Office Awards
  1. To make a nomination, the staff member shall complete the "Valor and Service Award Nomination Form".
  2. The nomination shall be forwarded by the staff member to the Administration Division Captain.
  3. The Administration Division Captain or authorized designee shall review and present all nominations to the Executive Management Group (EMG). All approved nominations from EMG will be assigned to the Awards Evaluation Committee for follow up.
  4. The Awards Evaluation Committee shall conduct an investigation into the incident following the guidelines within the Nomination Investigation Form. Supporting documentation, including written reports, will be attached to the form.
  5. The Administrative Division Captain shall:
    - (a) Maintain a file of Valor and Service Award Nomination Form and accompanying documentation.
    - (b) Arrange for a meeting of the Awards Evaluation Committee.
  6. The Committee shall:
    - (a) Review each award nomination and shall have the responsibility to assign an award of commendation classification to the nomination being considered, unless it is determined that an award is not appropriate.
    - (b) Make recommendations to the Sheriff.
  7. Once a decision has been made, the Administrative Division Captain shall prepare a letter for the Sheriff's signature for each nominee who is to receive an award.

## **\*Fitness for Duty\***

### **1016.1 PURPOSE AND SCOPE**

The Sonoma County Sheriff's Office is committed to promoting a safe and healthy environment for its members and the public. Such environment is possible only when each member is able to perform their job duties in a safe, secure, and effective manner, and remains able to do so throughout the entire time they are working. Members who are not fit for duty may present a safety risk to themselves and others.

This policy is intended to provide a mechanism for the assessment of a member's mental and emotional ability to perform the essential functions of their position when the member's conduct, behavior, and circumstances indicate to a reasonable person that continued service by the member may be a threat to public safety, the safety of other members, the safety of the particular member, the public, or may interfere with the Sheriff's Office ability to deliver effective law enforcement services.

All Deputy Sheriff's and Correctional Deputies are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers (Government Code § 1031). The purpose of this policy is to ensure that all members of this office remain fit for duty and able to perform their job functions in a safe and efficient manner.

### **1016.2 EMPLOYEE RESPONSIBILITIES**

- (a) It shall be the responsibility of each member of this office to maintain good physical and mental condition sufficient to safely and properly perform essential duties of their position, with or without accommodation.
- (b) During working hours, all employees are required to be alert, attentive, and capable of performing his/her assigned responsibilities.
- (c) Any member who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that a member believes that another member is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

### **1016.3 SUPERVISOR RESPONSIBILITIES**

- (a) A supervisor observing a member, or receiving a report of a member who appears to be, unable to safely perform his/her duties due to a physical or mental condition shall document such report or observation; speak with the member regarding the observed behaviors; and take prompt and appropriate action in an effort to resolve the situation. The Personnel Bureau Manager and the Special Services Captain shall be notified of such situation within 24 hours.
- (b) Whenever feasible, and to the extent inquiry is legally permissible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the member to perform his/her duties.

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- (c) A member is not required to disclose a disability to a supervisor, and a supervisor shall not inquire as to the same, however, a supervisor may inquire regarding the conduct, behavior or circumstance that give rise to their concerns. Where appropriate, a supervisor and member, in conjunction with personnel, may also discuss reasonable accommodations that may enable the employee to perform the essential functions of their position.
- (d) In the event the member appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to promptly obtain such care. In circumstances when a member's conduct immediately and directly threatens safety, a supervisor may immediately relieve the member of duty pending further evaluation.
- (e) In the event the member is displaying behaviors on the job that may lead the supervisor to believe the member is under the influence of drugs or alcohol, County Administrative Policy 8-2 Reasonable Suspicion shall be followed.
- (f) In conjunction with the Watch Commander or member's available Captain, a determination should be made whether or not the member should be temporarily relieved from his/her duties.
- (g) The Sheriff and Human Resources Disability Management shall be promptly notified in the event that any employee is relieved from duty.

#### **1016.4 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS**

- (a) Whenever facts give rise to reasonable questions about a member's ability to perform his/her job and circumstances reasonably indicate that a member is unfit for duty, and the evaluation is job-related and consistent with business necessity, the Sheriff or authorized designee may serve that member with a written order to undergo a physical and/or psychological examination in cooperation with Personnel to determine the level of the member's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) Criteria for considering whether a fitness for duty exam is warranted under the circumstances include, but are not limited to, observations of job performance difficulties that appear to be related to psychological or physical conditions; indications of safety or health risks to the employee or others; and/or dramatic or sudden changes in a member's customary behavior. Factors to consider in making such an assessment include such things as complaints against the member indication an inability to exercise self-control; an inability to perform essential functions of the position; irrational verbal conduct or behavior; expressions of mental instability; a pattern of conduct indicating an inability to defuse tense situations or to escalate such situations; and any other factor that causes a supervisor to reasonably suspect that a fitness for duty is necessary and appropriate. Written documentation of the circumstances justifying the fitness for duty exam shall be provided to the Human Resources Disability Management Unit Manager.
- (c) the scope of the fitness for duty exam should be narrowed to those conditions reasonably linked to the problem behavior or other objective evidence giving rise to the referral.

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- (d) Upon execution of a Release of Medical Records/Release of Information Form, in order to facilitate the examination of any member, the Office will provide all appropriate documents and available information to assist in the evaluation.
- (e) Any member ordered to receive a fitness for duty examination shall comply with the terms of the order, answer all questions truthfully and honestly, and cooperated fully with the examining physician, surgeon or psychologist regarding any clinical interview, tests administered other procedures, as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician, surgeon or psychologist may be deemed insubordination and shall be subject to discipline up to and including termination.
- (f) If a member is unable to continue working their regular job during the period of time the fitness for duty evaluation is conducted, the member may be placed on modified duty or placed on administrative leave, pending results of the evaluation. Generally, such leaves of absence are unpaid, but in certain circumstances, disability leave, paid administrative leave, or sick pay may be appropriate. In instances where a member's conduct immediately threatens safety, the member may be immediately relieved of their job duties pending further evaluation, and ordered not to exercise police powers.
- (g) Medical information pertaining to members is strictly confidential, and any information generated by a fitness for duty evaluation shall be restricted. The results of the fitness for duty examination shall be retained by Human Resources Disability Management; a Memo of the Findings is then kept in the member's confidential medical file. Information shall be released only on a need-to-know basis. The evaluator shall only release such information that is permissible under applicable law (i.e. a conclusion regarding the determination of fitness for duty, a description of the functional limitations of the member, and whether the conduct that leads to the functional limitations is industrial or non-industrial in nature).
- (h) The examining physician, surgeon or psychologist will provide the Human Resources Disability Management Unit with a report indicating that the member is either fit for duty or not, and if not, listing any functional limitations that limit the member's ability to perform job duties. If the member places their condition at issue in any subsequent or related administrative action/grievance, the examining physician, surgeon or psychologist may be required to disclose any and all information that is relevant to such proceeding (Civil Code § 56.10(c)(8)).
- (i) Options, depending upon the results of the evaluation and recommendation of the evaluator include, but are not limited to, return the member to full duty (if the member has been deemed fit for duty); place the member on temporary light or modified duty; remove the member from any duties pending treatment and re-evaluation; conditionally allow full or modified duty upon receipt of treatment; when appropriate, offer an alternative position for which the member may be qualified.
- (j) For those members who are found unfit or fit but with reasonable accommodations or restrictions, any employment decisions should take place after engaging in the interactive process and determining whether the member can perform the essential functions of the job, with or without accommodation.

## \*Member Information - Change Notice\*

### 1017.1 PURPOSE AND SCOPE

All Sheriff's Office members will comply with the reporting and dissemination requirements of this policy to ensure appropriate data and security access are assigned and payroll status and contact information is current.

#### 1017.1.1 DEFINITIONS

**CADDBM:** Computer Aided Dispatch Data Base Manager-The starting point of member database records.

**Email Distribution Group:** An email list of recipients containing selected members depending on purpose. These groups are created by ISD and managed by the IT Unit. Sheriff-Admin-Notify is comprised of staff authorized by the Personnel ASO to receive sensitive employee personal information like addresses, phone numbers, and emergency contacts. The Sheriff-Le-Staff email distribution group contains members of the Administrative and Law Enforcement Divisions. The Detention-Staff email distribution group contains members of the Detention Division.

**Emergency Contact:** Person(s) whom the member wants contacted in case of an emergency. A report is available to managers via a restricted file on the network.

**Member Phone Report:** Lists work, home and mobil/pager numbers for all members. It is located on the Sheriff's Office Intranet.

**HR Request Number:** County issued unique employee number. The number is assigned by County Human Resources.

**ID #:** Sheriff's Office issued unique employee identification number assigned by the Personnel Bureau. Sometimes referred to as badge number for sworn staff.

**ID Card:** Official member photo identification card with Sheriff's signature (sworn staff only).

**AIM:** Administrative Investigations Management (AIM) system is the name of the database that is used and contains all personnel records. This system is separate from the County's Human Resource Management Systems (HRMS). This system requires some upkeep by Payroll and Personnel Units.

**ISD:** County Information Systems Department.

**IT:** Staff assigned the responsibility for maintaining technology and access for the Sheriff's Office. Includes staff assigned to the Sheriff's Office Information Technology Unit.

**Change Notice Form (COSN):** The form used to collect and disseminate information relative to both new members and existing members. Form topics include: classification, assignment, type of change action (new appointment, promotion, separation, etc.), specialty, shift, days off, and change of address, change of phone, and change of an emergency contact. The Change Noticeform (COSN) is electronically available from the "forms" page of the Sheriff's Office Intranet.

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## *\*Member Information - Change Notice\**

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**Member Legal Name:** Full name of member, as currently on file with the Social Security Administration.

**Member Chosen Name:** The first name/nickname that member prefers and is commonly known by, plus the member's legal last name that is currently on file with the Social Security Administration.

**Proxy Card:** The Radio Frequency Identification (RFID) card. Once recorded in the security system, a member may pass through electronically controlled doors allowed under their security access.

**Security Access:** Access controls in the Sheriff's Office physical security system that allows access via software security settings and RFID information. Refer to the Facilities Access Control policy.

**SSA:** Security System Administrator - IT Unit staff members responsible for making changes to the physical security system.

### **1017.2 GENERAL GUIDELINES**

- (a) The Change Notice (COSN) shall be used to collect and communicate personnel related information on both new and existing members.
- (b) COSN's shall be sent via email to all members (Sheriff-Le-Staff and Detention-Staff email distribution groups) for all member movement (e.g., new hires, terminations, shift changes, promotions, change of budgets codes, etc.).
- (c) COSN'S involving any change of address, phone number (work, home, cellular/pager) and emergency contact changes (address and/or phone number) shall be sent via email to the Professional Standards Administrative Aide and the Sheriff's IT Unit.
- (d) Audits of personnel information, data access and security will be conducted by Information Technology Unit under the direction of the Personnel Bureau Administrative Services Officer (ASO).
- (e) The Sheriff's IT Unit shall update the Member Telephone reports on a weekly basis.
- (f) The Professional Standards Bureau Administrative Aide shall update the Emergency Contact List as changes are made.

#### **1017.2.1 PROCEDURES**

- (a) Various office resources manage and facilitate the smooth flow of member information and assignments. All members are required to ensure that their information is current and accurately filed with the Office.
- (b) Chosen Member Names must be pre-approved by the Personnel ASO and may only be used for:
  - 1. Display name on physical Proxy card
  - 2. Display name on physical Identification card
  - 3. Display name on uniform name tag

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#### *\*Member Information - Change Notice\**

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4. Display name in the County's email Global Address List (if available and unique)
  5. Alias email account added to the legal name email address (if available and unique)
- (c) All previous Legal Names and Member Chosen Names must be recorded in the Personnel's database once approved by the Personnel ASO.

#### **1017.3 NEW MEMBER INFORMATION**

- (a) New hiring manager will provide Personnel with the following information for inclusion on the COSN:
1. Start date
  2. Member's full identity to include legal name and if approved the chosen name clearly identified and pre-approved by the Personnel ASO prior to the COSN being sent
  3. Work location and work telephone(s) numbers
    - If a telephone line is not currently available, the IT Unit will coordinate the assignment of the work phone number with the hiring manager and County ISD, otherwise it will be listed on the COSN
  4. Budget index code (must be on COSN in order to set up network accounts, and compute access)
  5. Unpaid/paid salary step
  6. Shift/schedule
  7. Specialty premium
  8. Security (building access) and computer access
- (b) The Personnel Bureau shall complete and distribute the Change Notice form for all new members, to include information provided by the hiring manager, the proxy card number, prior law enforcement agency affiliation, and wage based premiums, a minimum of seven (7) days prior to the member's start date.
1. The Personnel Bureau will create the ID Cards (sworn staff only) and Proxy Cards. The Personnel Bureau shall email Facilities Operations (FACOPS-Prox-Card) and Fleet Management with the name and Proxy Card number of all new members who will be driving County vehicles. The Personnel Bureau shall enter all fields for the new member into the database.
- (c) After being notified of a new member, the Sheriff's IT Unit shall as soon as possible, subject to County ISD Service Level Agreements (SLA):
1. Request a network logon, email access (with legal name, and chosen name if pre-approved by the Personnel ASO and is not already in use) and other data access from ISD and provide work phone number to ISD.
  2. Create a personnel record in CADDDBM and the AIM system.

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3. One day prior to start date, the SSA shall add the proxy access information to the security system using name provided on COSN.
- (d) Payroll to provide the Personnel Unit with all personal contact information, including home and/or personal cellular phone, addresses and any emergency contact numbers.
- (e) The Personnel Bureau shall enter all initial personal information into the AIM personnel system including, but not limited to, name, (Legal and Member Chosen Name), ID#, all phone numbers (home and cellular/pager), rank, division, bureau/unit, location, date hired, supervisor checkbox, and emergency contact information. Process for entering new member information shall take place within 10 business days from receipt of Payroll Unit provided personal information.
- (f) The Sheriff's Training Unit or the Detention Division Training Unit shall create the appropriate training records.
- (g) The Payroll Unit shall create all payroll records.

### **1017.4 EXISTING MEMBER INFORMATION**

- (a) Each member shall keep the Sheriff's Office informed of personal address, telephone, emergency contact information and/or name changes.
  1. The member will notify the Payroll Unit of any change; however, if change is a Member Chosen Name, the member will seek approval from the Personnel ASO prior to going to Payroll. Once approved, Personnel will record legal name and member chosen name into their database. If there is a last name change, member must provide Payroll with new social security card showing legal name in order for Payroll to process. The Personnel ASO will approve chosen last name changes in all systems other than the payroll system once it has been approved.
  2. The Payroll Unit will update the payroll system and the AIM personnel system. This process shall take place within 10 business days.
  3. The Payroll Unit will create and distribute a Change Notice via Sheriff-Le-Staff and Detention-Staff email distribution group.
- (b) Transfers, shift change, work location, the swapping of shifts that last for more than one pay period, specialty/premium assignment, and volunteer or contract employee separations.
  1. The manager where the member is moving to or the manager of the specialty/premium assignment is responsible for assuring completion and dissemination of the COSN to all members (Sheriff-Le-Staff and Detention-Staff email distribution groups) indicating the date, location, budget index, physical security access changes, changes in computer system access, and work phone number, and any other applicable information.
    - If a change in work phone number is required for the employee, prior to the dissemination of the COSN, IT Unit will coordinate the assignment of the work phone number with the manager and County Communications.

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2. The Personnel Bureau will update information in AIM personnel system including but not limited to status/type, division, bureau/unit, location, shift, separation date, separation reason, rank, and based on the COSN disseminated by the responsible manager within 10 business days.
  3. The Personnel Bureau will create new ID/Proxy cards if necessary. If new Proxy card is created, Personnel Bureau will follow Facilities Access Control Policy notification.
  4. The Training Unit will update training files when appropriate.
  5. The Payroll Unit will update payroll records when appropriate.
  6. The IT Unit will make modifications to all Sheriff related accounts and request modifications to ISD controlled accounts.
    - Enter employee work phone number in AIM based on COSN.
  7. The SSA will update proxy access information in the system with legal name. (Member Chosen Name is only allowed for display purposes of the proxy and identification card).
- (c) Promotions, separations, dual fills, retirements and terminations
1. The Personnel Bureau shall determine what specialty pay/collateral assignments shall be added or deleted. Additionally, upon promotion, shall recommend what pay step the promoted member shall be placed in. Once all of this is determined, the Personnel Bureau shall create a Change Notice and send to all members (Sheriff-LE-Staff and Detention-Staff email groups).
  2. The Personnel Bureau shall update AIM personnel system including but not limited to Status/Type, separation date, separation reason, rank, personal email contact if provided based on the COSN disseminated, within 10 business days.
  3. The SSA will modify or disable security access based on the COSN disseminated within four business days.
  4. The Payroll Unit will update payroll system. Additionally, upon promotion, shall determine what pay step the promoted member shall be placed in.
  5. The IT Unit will make modifications to all Sheriff related accounts and request modifications to ISD controlled accounts, and remove work number in AIM personnel system upon separation.
- (d) Demotions
1. The Personnel Bureau shall complete and distribute the Change Notice form for all demotions.
  2. The Personnel Bureau will create the ID Cards and Proxy Cards. The Personnel Bureau shall email Facilities Operations (FACOPS-Prox-Card) and Fleet Management with the name and Proxy Card number of all members who will be driving a County vehicle.

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3. The Personnel Bureau shall update AIM personnel system including but not limited to Status/Type, rank, based on the COSN disseminated within 10 business days.
4. The Training Unit will update training files when appropriate.
5. The Payroll Unit will update payroll records when appropriate.
6. The IT Unit will make modifications to all Sheriff related accounts and request modifications to ISD controlled accounts, and enter work telephone number provided on COSN.
7. The SSA will update proxy access information in the security system.

## Lactation Break Policy

### 1018.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to members desiring to express breast milk for the member's infant child (Labor Code § 1034).

### 1018.2 POLICY

It is the policy of this office to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any member desiring to express breast milk for the member's nursing infant child (29 USC § 218d; Labor Code § 1030).

### 1018.3 LACTATION BREAK TIME

A rest period should be permitted each time the member has the need to express breast milk (29 USC § 218d; Labor Code § 1030). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Members desiring to take a lactation break shall notify Dispatch or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt office operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

### 1018.4 PRIVATE LOCATION

The Office will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 218d; Labor Code § 1031).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

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## *Lactation Break Policy*

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### **1018.5 STORAGE OF EXPRESSED MILK**

Any member storing expressed milk in any authorized refrigerated area within the Office shall clearly label it as such and shall remove it when the member ends their shift.

#### 1018.5.1 STATE REQUIREMENTS

Members have the right to request lactation accommodations. If a break time or location accommodation cannot be provided, the supervisor shall provide the member with a written response regarding the reasons for the determination (Labor Code § 1034).

Lactation rooms or other locations should comply with the prescribed feature and access requirements of Labor Code § 1031.

Members who believe that their rights have been violated under this policy or have been the subject of discrimination or retaliation for exercising or attempting to exercise their rights under this policy, are encouraged to follow the chain of command in reporting a violation, but may also file a complaint directly with the Labor Commissioner (Labor Code § 1033).

## **\*Payroll Record Procedures\***

### **1019.1 PURPOSE AND SCOPE**

This policy provides the guidelines for completing and submitting payroll records of office members who are eligible for the payment of wages.

#### **1019.1.1 TIME REQUIREMENTS**

All employees are paid on a bi-weekly basis usually on Wednesday with certain exceptions such as holidays. Payroll records shall be completed and submitted to Administration no later than 8:00 a.m. on the Tuesday morning following the end of the pay period, unless specified otherwise.

- (a) If a member is sick on the day time cards must be submitted, his/her supervisor will complete and approve the employee's time card. The Payroll Clerk will return a copy of the time card for signature by the member after posting the hours into the payroll system.
- (b) If time cards will be due during the period that a member is scheduled to be on vacation, or other planned leave, the member is responsible for submitting a completed and approved time card.

### **1019.2 POLICY**

The Sonoma County Sheriff's Office maintains timely and accurate payroll records.

### **1019.3 RESPONSIBILITIES**

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

## **\*Overtime Compensation Requests\***

### **1020.1 PURPOSE AND SCOPE**

It is the policy of the Office to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Memorandum of Understanding (MOU), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete a timecard as soon as practical after overtime is worked.

#### **1020.1.1 OFFICE POLICY**

Because of the nature of police work, and the specific needs of the Office, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Office. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete a form for such a period, the employee shall comply.

The individual employee may request compensatory time in lieu of receiving overtime payment, as defined in the MOU.

Exception: Employees filling a vacancy created by the use of compensatory time must receive overtime payment, they may not submit requests for compensatory time.

#### **1020.1.2 DEFINITIONS**

**Overtime:** Either hours worked in excess of 40 hours in pay status in a seven (7) day period or in excess of 80 hours in pay status in a fourteen (14) day period or hours worked in excess of a normal full time daily work schedule established by the appointing authority on a regular working day, as per the applicable Memorandum of Understanding.

### **1020.2 SUPERVISORS RESPONSIBILITY**

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approval.

### **1020.3 ACCOUNTING FOR OVERTIME WORKED**

Employees are to record the actual time worked in an overtime status. In some cases, the Memorandum of Understanding (MOU) provides that a minimum number of hours will be paid, (e.g., two hours for Court callback and Court cancellation, four hours for Court appearance). The employee will enter the actual time worked.

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## *\*Overtime Compensation Requests\**

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Overtime for special events, court subpoenas, (attach subpoena) and grants must be authorized and reported to Payroll utilizing Form ADMN-011, Authorization for Overtime. This form must be submitted to Payroll on the first day after the last day of the pay period.

### 1020.3.1 VARIATION IN TIME REPORTED

Where two or more employees are assigned to the same activity, case, or court trial and the amount of time for which payment is requested varies from that reported by the other deputy. The Watch Commander or other approving supervisor may require each employee to include the reason for the variation on the back of the overtime payment request.

## **\*Outside Employment\***

### **1021.1 PURPOSE AND SCOPE**

In order to avoid actual or perceived conflicts of interest for office members engaging in outside employment, all members shall obtain written approval from the Sheriff or authorized designee, prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Sheriff or authorized designee in accordance with the provisions of this policy.

#### **1021.1.1 DEFINITIONS**

**Outside Employment** - Any member of this office who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this office for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those members who are self-employed and not affiliated directly with this office for services, product(s) or benefits rendered.

**Outside Overtime** - Any member of this office who performs contracted duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this office so that the Office may be reimbursed for the cost of wages and benefits.

### **1021.2 OBTAINING APPROVAL**

No member of this office may engage in any outside employment without first obtaining prior written approval of the Sheriff or authorized designee. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the member must complete an Outside Employment Application which shall be submitted to the member's immediate supervisor. The application will then be forwarded through channels to the Sheriff or authorized designee for consideration.

If approved, the member will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid for five years from the date of issuance. Any member seeking to renew a permit shall submit a new Outside Employment Application in a timely manner.

Any member seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial (Penal Code § 70(e)(3)).

#### **1021.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT**

If a member's Outside Employment Application is denied or withdrawn by the Office, the member may file a written notice of appeal to the Sheriff within ten days of the date of denial.

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If the member's appeal is denied, the member may be able to file a grievance pursuant to the procedure set forth in the current Memorandum of Understanding (MOU).

#### **1021.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS**

Any outside employment permit may be revoked or suspended under the following circumstances:

- (a) Should a member's performance at this office decline, due to their secondary employment, to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Sheriff or authorized designee may, at his/her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the member's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit.
- (b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline. This may occur if the outside employment is deemed to be the cause of deficiency.
- (c) If, at any time during the term of a valid outside employment permit, a member's conduct or outside employment conflicts with the provisions of office policy, the permit may be suspended or revoked.
- (d) When a member is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment permit may be subject to similar restrictions as those applicable to the member's full time duties until the member has returned to a full duty status.

#### **1021.3 PROHIBITED OUTSIDE EMPLOYMENT**

Consistent with the provisions of Government Code § 1126, the Office expressly reserves the right to deny any Outside Employment Application submitted by a member seeking to engage in any activity which:

- (a) Involves the member's use of office time, facilities, equipment or supplies, the use of the Office badge, uniform, prestige or influence for private gain or advantage
- (b) Involves the member's receipt or acceptance of any money or other consideration from anyone other than this office for the performance of an act which the member, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the member's duties as a member of this office
- (c) Involves the performance of an act in other than the member's capacity as a member of this office that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other member of this office
- (d) Involves time demands that would render performance of the member's duties for this office less efficient
- (e) Involves services performed in connection with bail bonds agencies, private detective services, or process serving agencies
- (f) Involves the practice of law, or have a business partner an attorney (however, members who are attorneys shall be permitted to represent persons, provided that the

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member shall not represent any person in a criminal matter, in any matter concerning an event or transaction if the member has performed or has reason to know he/she will perform any act relating to such event or transaction in the performance of his/her duties, or in any matter adverse to the Sheriff's Office or County)

- (g) Involves services performed for any collection agency
- (h) Involves serving as a bartender at a bar, or providing security at a bar or nightclub

#### 1021.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Consistent with the provisions of Penal Code § 70, this prohibits public officials, to include peace officers, from seeking gratuities or monetary gains while employed by the Sheriff's Office in their official capacity. Penal Code §70 also offers protections and guidelines for deputies working secondary employment in their official capacity approved by the Sheriff or authorized designee, in which the deputy has been granted permission to wear their primary issued uniform and duty gear.

Any private organization, entity or individual seeking special services for security or traffic control from members of this office, while working in their official capacity, must submit a written request to the Sheriff or authorized designee in advance of the desired service. Such outside extra duty overtime assignments will be assigned, monitored and paid through the Office.

- (a) The applicant will be required to enter into an indemnification agreement prior to approval.
- (b) The applicant will further be required to provide for the compensation and full benefits of all members requested for such outside security services.
- (c) Should such a request be approved, any member working outside overtime shall be subject to the following conditions:
  1. The deputy(s) shall wear the office uniform/identification.
  2. The deputy(s) shall be subject to the rules and regulations of this office.
  3. No deputy may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
  4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
  5. No deputy may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Sheriff.

#### 1021.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any member making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to office policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

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### 1021.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Commander, undercover deputies or deputies assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the deputy's law enforcement status.

### 1021.4 DEPARTMENT RESOURCES

Members are prohibited from using any office equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this office or other agencies through the use of the member's position with this office.

#### 1021.4.1 PROCEDURES AND CONDITIONS FOR PRIVATE SECURITY EMPLOYMENT

- (a) **Special Conditions for Private Security Employment:** All applications for outside employment which involve private security work shall, if approved, be conditioned on receipt of a formal contract of employment between the outside employer and the member, as well as a valid and current certificate or declaration of insurance. The contract must include and incorporate within it the following separate terms covering "Indemnification" and "Insurance:"
1. **Indemnification:** (Outside Employer) agrees to accept all responsibility for loss or damage to any person or entity, and to defend, indemnify, hold harmless and release the County of Sonoma, its officers, agents, and members, from and against any and all actions, claims, damages, disabilities, or expenses that may be asserted by any person or entity, including (Outside Employer), arising out of or in connection with the performance of (Outside Employer) or (Member) hereunder. This indemnification obligation is not limited in any way by any limitation on the amount or type of damages or compensation payable to or for Contractor or its agents under workers' compensation acts, or other employee benefit acts.
  2. **Insurance:** (Outside Employer) shall maintain a policy of public liability insurance, insuring it for claims of injury or damages, with minimum policy limits of one million dollars (\$1,000,000) per claim, three million dollars (\$3,000,000) per occurrence, and three million dollars (\$3,000,000) aggregate. The insuring provisions of such policy shall provide coverage for the (Member) within the course and scope of his/her employment with the (Outside Employer). (Outside Employer) shall provide a declaration or certification page of such policy to the Sonoma County Sheriff's Office prior to any employment activities of (Member) on behalf of (Outside Employer).
- (b) **Current Insurance Certificate Required at All Times:** Members engaged in private security outside employment are responsible for ensuring that the Sheriff's Office has received a current, updated insurance certificate or declaration for the outside employer at all times. Such documents must demonstrate that the outside employer has adequate insurance that meets the requirements set forth above. Failure to satisfy such requirements shall result in the automatic revocation of the member's approval to engage in outside employment.

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### **1021.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS**

If a member terminates his or her outside employment during the period of a valid permit, the member shall promptly submit written notification of such termination to the Sheriff through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Members shall also promptly submit in writing to the Sheriff any material changes in outside employment including type of duties, or demands of any approved outside employment. Members who are uncertain whether a change in outside employment is material are advised to report the change.

### **1021.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY**

Office members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The Administrative Captain shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Sheriff whether such outside employment should continue.

In the event the Sheriff or authorized designee determines that the outside employment should be discontinued or if the member fails to promptly notify his/her supervisor of his/her intentions regarding their work permit, a notice of revocation of the member's permit will be forwarded to the involved member, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the County's professional medical advisors.
- (b) The outside employment would conflict with the physical work restrictions placed by the member's physician.
- (c) The member's failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the Sonoma County Sheriff's Office, a request (in writing) may be made to the Sheriff to restore the permit.

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## **\*Occupational Disease and Work-Related Injury Reporting\***

### **1022.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, psychiatric injuries, and work-related injuries.

#### **1022.1.1 DEFINITIONS**

Definitions related to this policy include:

**Occupational disease or work-related injury** - An injury, disease or psychiatric injury arising out of employment (Labor Code § 3208; Labor Code § 3208.3; Labor Code § 3212 et seq.).

### **1022.2 POLICY**

The Sonoma County Sheriff's Office will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (Labor Code § 3200 et seq.).

### **1022.3 RESPONSIBILITIES**

#### **1022.3.1 MEMBER RESPONSIBILITIES**

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate (8 CCR 14300.35).

#### **1022.3.2 SUPERVISOR RESPONSIBILITIES**

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related Countywide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

#### **1022.3.3 MANAGER RESPONSIBILITIES**

The Manager who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Special Services Lieutenant and the County's risk management entity, to ensure any required Division of Occupational Health and Safety Administration (Cal/OSHA) reporting is made as required in the illness and injury prevention plan identified in the Illness and Injury Prevention Policy.

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## *\*Occupational Disease and Work-Related Injury Reporting\**

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### **1022.4 OTHER DISEASE OR INJURY**

Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Manager through the chain of command and a copy sent to the Administration Captain.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

### **1022.5 SETTLEMENT OFFERS**

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

#### **1022.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL**

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Sheriff with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Sheriff. The purpose of such notice is to permit the County to determine whether the offered settlement will affect any claim the County may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the County's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

## **\*Personal Appearance Standards\***

### **1023.1 PURPOSE AND SCOPE**

In order to project uniformity and neutrality toward the public and other members of the office, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this office and for their assignment. All members shall present a professional appearance while on duty.

### **1023.2 GROOMING STANDARDS**

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Sheriff has granted exception.

#### **1023.2.1 HAIR**

Hairstyles of all members shall be neat in appearance. All members are expected to be professional in appearance. Hair shall be clean and cut at sufficiently frequent intervals as to present a neat appearance at all times.

(a) Male Members:

1. Hair shall be trimmed in such a manner so as to not drop below the top of the collar. Hair on necklines shall be trimmed with no indications of raggedness. Hair that is styled or combed forward will not extend over the ear to the ear lobe. Hair color and style shall not be strikingly out of the ordinary. Ponytails are not permitted (male Search and Rescue (SAR) members are exempt).

(b) Female Members:

1. Hair shall present a well-groomed appearance. The bulk or length of hair shall not interfere with the proper fit of any headgear or safety equipment. Hair color and style shall not be strikingly out of the ordinary.
2. While in uniform, the hair shall be styled or secured to prevent it from interfering with peripheral vision when the individual is in an erect or forward leaning position.
3. While in uniform, no decorations shall be worn in the hair. Hair clips, barrettes, bands or pins that closely resemble the color of the hair or uniform may be worn.

#### **1023.2.2 MUSTACHES**

Males in uniform shall be clean-shaven when reporting for duty. A short and neatly trimmed mustache may be worn. The portion of the mustache above the upper lip shall not fall beneath the top of the upper lip. No portion shall extend more than 3/4 inch beyond, nor 1/4 inch below the corners of the mouth.

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##### 1023.2.3 SIDEBURNS

Sideburns shall be kept neatly trimmed and shall not be over 1 1/2 inch in width. The base of the sideburn shall be a clean-shaven horizontal line, not to exceed below the bottom of the ear lobe.

##### 1023.2.4 FACIAL HAIR

Facial hair, other than sideburns, mustaches, and eyebrows, may be worn in the following manner:

- (a) Beards
- (b) Goatees

Facial hair must have a natural human color in appearance and be neatly trimmed with no exotic patterns or designs. No portion of the beard or goatee shall be exceptionally longer than the rest and hair length shall not exceed one-quarter (1/4) of an inch. The neck and the area above the cheekbones must remain cleanly shaven and the perimeter lines of the beard and goatee must be neatly trimmed and defined. Beards and goatees shall not extend beyond the jawline where the neck naturally begins. Goatees must be contiguous with mustaches. If only a mustache is worn, the requirements remain as defined in 1023.2.2.

No facial hair is authorized for members who are in the field training program.

Sworn personnel must ensure during their assigned duties and/or training that any facial hair does not interfere with the proper use of fitting of any departmental safety equipment (gas mask, N95 mask, etc.) or otherwise create an officer safety issue. All members with facial hair must ensure they have appropriate items on hand and readily available if required to remove facial hair at any time as necessary to properly use any required safety equipment.

The wearing and appropriateness of facial hair as defined by this policy shall remain at the sole discretion of the Sheriff or authorized designee. This policy may be rescinded or modified at any time by the Sheriff.

##### 1023.2.5 FINGERNAILS

While in uniform, fingernails are to be clean and trimmed to 1/4 inch beyond the fingertip. Fingernail polish shall be subdued. No decals, inlaid rings, stones or other adornment or designs are permitted.

##### 1023.2.6 JEWELRY AND ACCESSORIES

No jewelry, except for medical alert bracelets shall be worn with a uniform.

Neck chains, except for medical alert chains, shall not be visible while in uniform.

While in uniform, only two rings may be worn. For the purpose of this order, a set of wedding rings shall be considered one ring.

Earrings:

- (a) Male: No earrings may be worn while on duty.
- (b) Female: Earrings worn by uniformed members are limited to two sets, 1/4 inch diameter, with yellow or white metal posts.

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#### **1023.3 TATTOOS**

The presence of tattoos, brandings, or intentional scarring, also known as "body art", on the hands, head, face, or neck, visible while on duty and/or in uniform, is prohibited. This standard applies to all Office members. Permanent cosmetic tattoos and medical tattoos are exempt from this policy.

Cosmetic tattoos are applied as make-up. Examples may include eyebrows, lipstick, eyeliner, eyelashes, etc.

Medical tattoos are applied for health purposes. Examples may include a warning that the patient suffers from a chronic disease or as a "marker" to aid medical personnel in performing a medical procedure.

Members may display tattoos in the workplace, except for:

- (a) On the hands, face, or neck
- (b) Tattoos of objectionable content may not be displayed in the workplace. Such objectionable content includes, but is not limited to:
  - 1. Vulgar or inappropriate language or images;
  - 2. Language or images considered demeaning to any protected class (race, religion, or sex);
  - 3. Nudity or sexual language, and;
  - 4. Discriminatory or gang-related.

Members having the above-mentioned "body art" visible on a prohibited area or which has been deemed objectionable visible on an allowable area of their body, shall cover or conceal it with a bandage or concealing make-up that blends as closely as possible with their skin tone.

The Sheriff or authorized designee has the final decision on any questionable "body art".

#### **1023.4 BODY PIERCING OR ALTERATION**

Except for pierced earrings worn by female members, in the lobe of each ear, no body piercing or body alteration, which is not medically required, shall be visible while any member is on duty or representing the Sheriff's Office in any official capacity without prior authorization from the Sheriff. Such body alteration includes, but is not limited to:

- (a) Tongue splitting or piercing
- (b) The complete or transdermal implantation of any material other than hair replacement
- (c) Abnormal shaping of the ears, eyes, nose or teeth
- (d) Branding or scarification

#### **1023.5 COSMETICS AND FRAGRANCE**

Cosmetics: If cosmetics are worn, they shall be subdued.

Frangrance: The application or spraying of a scented substance in the workplace is prohibited. Members are requested to avoid wearing excessive scent in the workplace.

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### **1023.6 EXEMPTIONS**

Members who seek cultural (e.g., culturally protected hairstyles) or other exemptions to this policy that are protected by law should generally be accommodated (Government Code § 12926). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Sheriff should be advised any time a request for such an accommodation is denied or when a member with a cultural or other exemption is denied an assignment based on a safety or security risk.

## **\*Uniform Regulations\***

### **1024.1 PURPOSE AND SCOPE**

The uniform policy of the Sonoma County Sheriff's Office is established to ensure that uniformed members will be readily identifiable to the public through the proper use and wearing of Office uniforms. Members should also refer to the following associated policies:

Office Owned and Personal Property

Body Armor

Personal Appearance Standards

The Uniform and Equipment Specifications worksheet is maintained and periodically updated by the Sheriff or his/her designee. Worksheets should be consulted regarding authorized equipment and uniform specifications.

The Sonoma County Sheriff's Office will provide uniforms for all members required to wear them in the manner, quantity, and frequency agreed upon in the respective member group's collective bargaining agreement.

### **1024.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT**

Sheriff's members wear the uniform to be identified as a law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis, or other time of need.

- (a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.
- (b) All uniformed members of this Office shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Members shall wear only the uniform specified for their rank and assignment.
- (d) The uniform is to be worn in compliance with the specifications set forth in the Office's uniform specifications worksheets that are maintained separately from this policy.
- (e) All supervisors will perform periodic inspections of their members to ensure conformance to these regulations.
- (f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.
- (g) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official Office functions or events.
- (h) If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the member while he/she is off-duty.
- (i) Members are not to purchase or drink alcoholic beverages while wearing any part of the Office uniform, including the uniform pants.

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- (j) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Sheriff or the authorized designee.
  - 1. Wrist watch
  - 2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand
  - 3. Medical alert bracelet

#### 1024.2.1 OFFICE ISSUED IDENTIFICATION

The Office issues each member an official Office identification card bearing the members name, identifying information, and photo likeness. All members shall be in possession of their Office issued identification card at all times while on duty or when carrying a concealed weapon.

- (a) Whenever on duty or acting in an official capacity representing the Office, members shall display their Office issued identification in a courteous manner to any person upon request and as soon as practical.
- (b) Deputies working specialized assignments may be excused from the possession and display requirements when directed by their supervisor.

#### 1024.3 UNIFORM CLASSES

##### 1024.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Class A uniform is required for all sworn members. The Class A uniform includes the standard issue uniform and metal badge, with:

- (a) Long sleeve shirt with tie
- (b) Polished shoes

Boots with pointed toes are not permitted.

##### 1024.3.2 CLASS B UNIFORM

All deputies will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

- (a) Tan long or short sleeve shirt may be worn with the collar open. No tie is required.
- (b) A white crew neck t-shirt must be worn with the uniform. A white cotton mock turtleneck or dickey is optional; sleeves shall not show beneath the uniform shirt sleeves.
- (c) All shirt buttons must remain buttoned except for the last button at the neck.
- (d) Shoes for the Class B uniform may be as described in the Class A uniform.
- (e) Black shoes or boots with black laces.
- (f) Boots with pointed toes are not permitted.

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##### 1024.3.3 CLASS C UNIFORM

The Class C uniform is the standard issued BDU shirt with cloth or metal badge and BDU pants.

##### 1024.3.4 SPECIALIZED UNIT UNIFORMS

The Sheriff or authorized designee may authorize special uniforms to be worn by deputies in specialized units such as Canine Team, SWAT, Motor Deputies, FTO and other specialized assignments.

##### 1024.3.5 FOUL WEATHER GEAR

The Uniform and Equipment Specifications Worksheets describe the authorized uniform jacket and rain gear.

#### **1024.4 INSIGNIA AND PATCHES**

- (a) Shoulder Patches - The authorized shoulder patch supplied by the Office shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve.
- (b) Service stripes for length of service may be worn on long sleeved shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one-half inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only and centered on the outside bottom half of the sleeve.
- (c) Correctional Deputies and Deputy Sheriffs (including Reserves) may wear one service stripe for each five years of full time law enforcement or detention service.
  - (a) Years of service in each profession are non-transferrable (e.g., if a Reserve Deputy or Correctional Deputy becomes a full time Deputy Sheriff, any Reserve or Correctional Deputy time does not count for service time as a Deputy Sheriff). Years of service from multiple agencies are transferrable. Service stripes will be worn centered on the outside bottom half of the left sleeve.
  - (b) Stripes will be placed at an angle of 45 degrees, with the lower end toward the inside seam of the sleeve, 1/4 inch above the cuff braid.
- (d) The regulation nameplate, or an authorized sewn on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the members first and last name. If a members first and last names are too long to fit on the nameplate, then the initial of the first name will accompany the last name. If the member desires other than the legal first name, the member must receive approval from the Sheriff or authorized designee. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.
- (e) When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.
- (f) Assignment Insignias - Assignment insignias, (SWAT, FTO, etc.) may be worn as designated by the Sheriff or authorized designee as outlined in the Uniform and Equipment Specifications Worksheet.

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- (g) Badge - The Sheriff's Office issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.
- (h) Rank Insignia - The designated insignia indicating the members rank must be worn at all times while in uniform. The Sheriff or authorized designee may authorize exceptions.
- (i) Flag Pin/Merit Ribbons - A flag pin or merit ribbon may be worn, centered above the nameplate. Only two ribbons or a combination of one pin and one ribbon shall be worn.

#### 1024.4.1 MOURNING BADGE

Uniformed members shall wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

- (a) A deputy of this Office- From the time of death until midnight on the 14th day after the death.
- (b) A deputy from this or an adjacent county - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of an out of region fallen officer.
- (d) National Peace Officers Memorial Week.
- (e) As directed by the Sheriff.

#### 1024.5 CIVILIAN ATTIRE

There are assignments within the Office that do not require the wearing of a uniform because law enforcement recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

- (a) All members shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.
- (b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks, or suits that are moderate in style.
- (c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, skirts, blouses, or suits which are moderate in style.
- (d) The following items shall not be worn on duty:
  - 1. T-shirt alone
  - 2. Open toed sandals or thongs
  - 3. Swimsuit, tube tops, or halter-tops
  - 4. Spandex type pants or see-through clothing
  - 5. Distasteful printed slogans, buttons or pins

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- (e) Variations from this order are allowed at the discretion of the Sheriff or authorized designee when the members assignment or current task is not conducive to the wearing of such clothing.
- (f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Sonoma County Sheriff's Office or the morale of the members.

#### **1024.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS**

Sonoma County Sheriff's Office members shall not wear any part of the uniform, be photographed wearing any part of the uniform, utilize an office badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another member, or identify himself/herself as a member of the Sonoma County Sheriff's Office to do any of the following (Government Code §§ 3206 and 3302):

- (a) Endorse, support, oppose, or contradict any political campaign or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause, or religion.
- (c) Endorse, support, or oppose, any product, service, company or other commercial entity.
- (d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast, or any website.

#### **1024.7 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT**

- (a) Any of the items listed in the Uniform and Equipment Specifications Worksheets as optional shall be purchased totally at the expense of the member. No part of the purchase cost shall be offset by the Office.
- (b) Maintenance of optional items shall be the financial responsibility of the purchasing member. For example, repairs due to normal wear and tear.
- (c) Replacement of items listed in this order as optional shall be done as follows:
  - 1. When the item is no longer functional because of normal wear and tear, the member bears the full cost of replacement.
  - 2. When the item is no longer functional because of damage in the course of the members duties, it shall be replaced following the procedures for the replacement of damaged personal property (see the Office Owned and Personal Property Policy).

##### **1024.7.1 RETIREE BADGES**

The Sheriff may issue identification in the form of a badge, insignia, emblem, device, label, certificate, card or writing that clearly states the person has honorably retired from the Sonoma County Sheriff's Office. This identification is separate and distinct from the identification authorized by Penal Code § 25455 and referenced in the Retired Deputy CCW Endorsement Policy in this manual.

A badge issued to an honorably retired deputy that is not affixed to a plaque or other memento will have the words "Retired" clearly visible on its face. A retiree shall be instructed that any such

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badge will remain the property of the Sonoma County Sheriff's Office and will be revoked in the event of misuse or abuse (Penal Code § 538d).

### **1024.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES**

Sonoma County Sheriff's Office members may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications Worksheets or by the Sheriff or authorized designee.

Sonoma County Sheriff's Office members may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications Worksheets or by the Sheriff or authorized designee.

## Sheriff's Explorers

### **1025.1 PURPOSE AND SCOPE**

Explorers are a group of young men and women interested in exploring a career in law enforcement. Explorers receive a combination of classroom training and hands on experience that teaches them about the field of law enforcement. The contract cities of Sonoma and Windsor also maintain Law Enforcement Explorer Posts.

The Explorers is a program jointly sponsored by the Sheriff's Office and the Boy Scouts of America Learning for Life Program. It is open to young men and women between the ages of 14 and 21, and have completed the 8th grade.

### **1025.2 EDUCATION REQUIREMENTS**

Explorers are required to maintain a minimum grade point average of 2.0 ("C" grade) for all courses taken. There is no grade requirement for Explorers that have completed High School.

### **1025.3 PROGRAM COORDINATOR**

A Lieutenant will serve as the Program Coordinator. He/she will assign a Sergeant as the Explorer Post Advisor.

#### **1025.3.1 POST ADVISORS**

The Program Coordinator may select a Sergeant to serve as the Post Advisor for the Explorer Program. The Post Advisor will serve as a mentor for the Explorers and be responsible for the supervision of the Explorer Post. The Sergeant may select several deputies or members of the professional staff to assist them as Advisors. Advisors are responsible for leading scheduled meetings, trainings, and operations of the Explorer Post.

### **1025.4 EXPLORER DUTIES AND REQUIREMENTS**

Explorers are required to attend all regularly scheduled meetings. This may include assisting in Sheriff's Office sponsored activities, community events, and parades. Additionally, Explorers may participate in the Sheriff's Office Ride-Along Program with the approval of the Post Advisor.

Explorers are required to conduct themselves in such a manner so as to meet the goals of the Sheriff's Office and the communities it serves. Explorers are required to obey all rules and regulations of the Sheriff's Office.

### **1025.5 EXPLORER UNIFORMS**

Each Explorer will be provided one uniform, meeting the specifications described in the Uniform Manual for Explorers.

### **1025.6 RIDE-ALONG PROCEDURES**

All Explorers are authorized to participate in the Ride-Along Program on their own time and as approved by their Post Advisor and the appropriate Watch Commander. Applicable waivers must

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be signed in advance of the ride-along. Explorers shall wear their uniform while participating on a ride-along.

## **\*Nepotism and Conflicting Relationships\***

### **1026.1 PURPOSE AND SCOPE**

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or actual or potential conflicts of interest by or between members of this office. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

#### **1026.1.1 DEFINITIONS**

**Business relationship** - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture or other transaction, where the Office employee's annual interest, compensation, investment or obligation is greater than \$250.

**Conflict of interest** - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

**Nepotism** - The practice of showing favoritism to relatives over others in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

**Personal relationship** - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

**Public official** - A supervisor, officer or employee vested with authority by law, rule or regulation or to whom authority has been delegated.

**Relative** - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

**Subordinate** - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

**Supervisor** - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

### **1026.2 RESTRICTED DUTIES AND ASSIGNMENTS**

The Office will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (Government Code § 12940):

- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

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1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
2. When personnel and circumstances permit, the Office will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Office, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.
  - (b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
  - (c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.
  - (d) To avoid actual or perceived conflicts of interest, members of this office shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.
  - (e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive or registered sex offender or who engages in serious violations of state or federal laws.

#### 1026.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

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### 1026.2.2 SUPERVISOR'S RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Sheriff of such actual or potential violations through the chain of command.

## **\*Office Badges\***

### **1027.1 PURPOSE AND SCOPE**

The Sonoma County Sheriff's Office badge and uniform patch as well as the likeness of these items and the name of the Sonoma County Sheriff's Office are property of the Office and their use shall be restricted as set forth in this policy.

### **1027.2 POLICY**

The uniform badge shall be issued to office members as a symbol of authority and the use and display of office badges shall be in strict compliance with this policy. Only authorized badges issued by this office shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

#### **1027.2.1 FLAT BADGE**

Sworn deputies, with the written approval of the Sheriff may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of office policy as the uniform badge.

- (a) A deputy may sell, exchange, or transfer the flat badge he/she purchased to another deputy within the Sonoma County Sheriff's Office with the written approval of the Sheriff.
- (b) Should the flat badge become lost, damaged, or otherwise removed from the deputy's control, he/she shall make the proper notifications as outlined in the Office Owned and Personal Property Policy.
- (c) An honorably retired deputy may keep his/her flat badge upon retirement.
- (d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

#### **1027.2.2 PROFESSIONAL STAFF PERSONNEL**

Badges and office identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Control, Dispatcher).

- (a) Non-sworn personnel shall not display any office badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.
- (b) Non-sworn personnel shall not display any office badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

#### **1027.2.3 RETIREE UNIFORM BADGE**

Upon honorable retirement employees may purchase his/her assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

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## *\*Office Badges\**

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### **1027.3 UNAUTHORIZED USE**

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Office badges are issued to all sworn employees and Professional Staff uniformed employees for official use only. The office badge, shoulder patch or the likeness thereof, or the office name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and office name for all material (printed matter, products or other items) developed for office use shall be subject to approval by the Sheriff.

Employees shall not loan his/her office badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

### **1027.4 PERMITTED USE BY EMPLOYEE GROUPS**

The likeness of the office badge shall not be used without the expressed authorization of the Sheriff and shall be subject to the following:

- (a) The employee associations may use the likeness of the office badge for merchandise and official association business provided they are used in a clear representation of the association and not the Sonoma County Sheriff's Office. The following modifications shall be included:
  - 1. The text on the upper and lower ribbons is replaced with the name of the employee association.
  - 2. The badge number portion displays the acronym of the employee association.
- (b) The likeness of the office badge for endorsement of political candidates shall not be used without the expressed approval of the Sheriff.

### **1027.5 COMMEMORATIVE BADGES**

Commemorative badges can be worn with approval of the Sheriff or authorized designee. Currently, the Fire Badge is authorized to be worn during the month of October.

## **\*Temporary Transitional-Duty Assignments\***

### **1028.1 PURPOSE AND SCOPE**

This policy in conjunction with the County Administrator's Temporary Transitional Duty Policy 6-3, establishes procedures for providing temporary transitional-duty assignments. This policy is not intended to affect the rights or benefits of members under federal or state law, County rules, current memorandums of understanding or collective bargaining agreements. For example, nothing in this policy affects the obligation of the Office to engage in a good faith, interactive process to consider reasonable accommodations for any member with a temporary or permanent disability that is protected under federal or state law.

See attachment: [Policy-6-3-Temporary-Transitional-Duty-Program.pdf](#)

### **1028.2 POLICY**

A temporary assignment allows the member to work, within the scope of their temporary work restrictions in order to transition back to their regular job duties. Temporary Transitional Duty is distinguished from Permanent Accommodations in that the effects from the injury or illness are temporary, and are expected to result in a full recovery.

The Temporary Transitional Duty Program has been established in an effort to retain our qualified work force and to promote early return to work while supporting the member recovering from an injury or illness. Temporary transitional duty is designed to encourage the Office and the member to work cooperatively toward the goal of transitioning the member with temporary medical restrictions back into the work environment. The member will be paid at their regular rate of pay for a specified period of time. This allows the member to continue to develop and utilize work skills and abilities that are not limited by the injury or illness, while transitioning back to their regular assignment. It also allows the office to retain a valuable member.

### **1028.3 ELIGIBILITY AND REQUIREMENTS**

All non-probationary permanent members, including those who are probationary within their original job class series for the purpose of promotion will be considered for a temporary transitional duty assignment based on their medical restrictions.

A medical provider's note, detailing the member's temporary work restrictions, is required to be eligible for a temporary transitional duty assignment. Work restrictions are defined as physician specified work activities that are limited due to an occupational or non-occupational illness or injury, regardless of whether the member has lost time from work or not (e.g., limited hours, limited functions, need for equipment, etc.).

### **1028.4 GENERAL INFORMATION**

- (a) There are no permanent temporary transitional duty assignments in the Sonoma County Sheriff's Office. The Sheriff's Office seeks to temporarily modify assignments of members who have sustained an illness or injury (either on or off duty) and are expected to fully recover. The modifications are meant to keep members productive,

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skilled, and oriented in the workplace, and transition them back into their regular job assignments.

- (b) The Sheriff or authorized designee, or the Bureau Manager of a member, may grant transitional duty assignments. The Personnel Bureau shall approve and monitor all members on transitional duty.
- (c) The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Office. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the members' ability to perform in a modified-duty assignment. If transitional duty assignments are limited, members who have sustained an occupational illness or injury shall have priority over members with non-occupational injuries or illnesses.
- (d) Assignments are determined based upon the individual's work restrictions, the skills of the member, and the needs of the Office.
  - 1. As medical restrictions change, the temporary transitional duty assignment may also change.
  - 2. A members refusal to accept or act in accordance with the medically approved duties assigned in a temporary transitional duty assignment may result in the loss of Workers' Compensation wage replacement benefits in accordance with State law, or long-term disability benefits. Members will be entitled to any applicable state or federal leave as required by law.
  - 3. In the case of disputes regarding the denial of a temporary transitional duty assignment or the denial of an extension of a transitional duty assignment, the County Administrative Policy 6-2 Dispute Resolution shall be followed.

#### **1028.5 DURATION**

##### **1028.5.1 OCCUPATIONAL ILLNESS OR INJURY**

The duration of the temporary transitional duty assignment for occupational injuries or illnesses will typically be up to 90 days, as the needs of the Office allow. An extension beyond 90 days may be granted by the Sheriff or authorized designee. In no event shall temporary transitional duty assignments exceed 365 days for industrial injuries or illnesses.

##### **1028.5.2 NON-OCCUPATIONAL ILLNESS OR INJURY**

The duration of the temporary transitional duty assignment for non-occupational injuries or illnesses will typically be up to 90 days, as the needs of the Sheriff's Office allow. Extensions beyond 90 days may be granted with approval of the Sheriff or authorized designee. In no event will temporary transitional duty assignments for non-occupational conditions be allowed beyond 180 days without the review and approval of the Human Resources Director. Extensions past 180 days will only be considered by the Human Resources Director when:

- (a) The Sheriff's Office and the member both request an extension.
- (b) The member has made progress in transitioning back to the regular assignment during their 180-day transitional duty assignment.

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- (c) The extension is for a specific, short period of time with a date certain for return; and the member's medical provider indicates that the member will be cleared to return to work in their regular assignment on the date the extension will end.
- (d) The member, when requesting an extension, must give the Sheriff's Office a two week notice before the end of their agreed upon assignment whenever possible.

## **1028.6 ROLES AND RESPONSIBILITIES**

### **1028.6.1 MEMBER RESPONSIBILITIES**

The responsibilities of members are:

- (a) Notify Personnel immediately of any work related or non-work related injury or illness that may relate to, or impacts their medical eligibility for temporary transitional duty.
- (b) Notify Personnel immediately of any changes to their medical restrictions identified or changed by their physician.
- (c) Provide timely medical notes in accordance with the County's medical leave policy.
- (d) Work within their established medical restrictions and provide written medical documentation, prior to being returned to full duty.
- (e) Return to their normal duties as soon as they are able.

### **1028.6.2 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors are:

- (a) Deliver any medical restrictions to Personnel within 24 hours of receipt.
- (b) Communicate any potential temporary transitional duty assignments.

### **1028.6.3 PERSONNEL BUREAU RESPONSIBILITIES**

The responsibilities of the Sheriff's Personnel Bureau are:

- (a) Review the description of the member's medical restrictions and identify potential temporary transitional duty assignments.
- (b) Serve as the primary point of contact with Risk Management throughout the process of identifying and monitoring temporary transitional duty assignments.
- (c) Strive to assign members to the same work schedule with the same days off and hours as their regular full duty assignment. However, the Office reserves the right to modify any work schedule, and/or work hours based on the needs of the Office and applicable MOUs.
- (d) Ensure a Letter of Temporary Transitional Duty Assignment specifying the parameters of the temporary transitional duty assignment is sent to the member.
- (e) Monitor work assignments to ensure the member is working within the established medical restrictions.

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### **1028.7 TRANSITIONAL DUTY ASSIGNMENTS FOR SWORN STAFF**

- (a) To prevent creating an expectation of action by the public, Deputies/Correctional Deputies shall not be in uniform or have their badges and/or gun visible while assigned to transitional duty. Members in transitional duty assignments shall make every reasonable effort not to get involved in any law enforcement activity while on temporary transitional duty.
- (b) Firearms shall not be carried if the injury is such that the member cannot safely operate the weapon.
  - 1. Exception: Those members whose restrictions only preclude them from working over a set number of hours (e.g. temporary overtime restriction) but are cleared for full duty otherwise, are allowed to be in uniform.
- (c) Deputy Sheriff's shall not drive a marked patrol vehicle unless there is an "out of service" placard on the vehicle.
- (d) If any member is on temporary transitional duty and not available for on call response due to their restrictions, then they are restricted from the use of a take home vehicles.
- (e) All members on transitional duty shall conform to the Uniform Regulations and Personal Appearance Standards Policies.

### **1028.8 DRIVING A COUNTY VEHICLE**

Members on temporary transitional duty may drive a county vehicle within their medical restrictions.

### **1028.9 TERMINATION OF ASSIGNMENT**

- (a) The temporary transitional duty assignment will terminate at any time if the needs of the Sheriff's Office change, or when the Sheriff's Office determines that the member is not acting in accordance with the stated restrictions or is unable to perform the duties as assigned within the stated restrictions.
- (b) The temporary transitional duty assignment will terminate at any time if the medical provider:
  - 1. Releases the member to full duty without restrictions
  - 2. Removes the member from work
  - 3. Indicates the member has permanent restrictions
- (c) Where restrictions are permanent, the Sheriff's Office should refer to, and follow, the County's Disability Guidelines. For more information, contact the Risk Management Division.
- (d) The temporary transitional duty assignment automatically terminates at the end of the approved assignment unless an extension has been requested and approved per the policy.
- (e) If the Sheriff's Office is terminating the temporary transitional duty assignment prior to the agreed upon end date, they shall give the member as much notice as possible; however, in all cases, a minimum of seven (7) days notice to the member is required.

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- (f) The Sheriff's Office should consult with Risk Management regarding any early cancellation of the member's temporary transitional duty assignment prior to notifying the member. County Counsel's staff will be consulted as needed.

### **1028.10 MAINTENANCE OF CERTIFICATION AND TRAINING**

Members assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Members who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

## **\*Facilities Maintenance, Housekeeping, and Operational Requirements\***

### **1029.1 PURPOSE AND SCOPE**

This policy establishes guidelines for the maintenance and appearance of Sheriff's Office facilities, which directly reflects upon the professionalism of the members that occupy and utilize them. The facilities, grounds, and parking areas of the Sheriff's Office shall be maintained in optimum condition in keeping with or image of a professional law enforcement agency.

#### **1029.1.1 DEFINITIONS**

**Tobacco Products** - Tobacco products include cigarettes, cigars, snuff, chewing tobacco and any other products resembling chewing tobacco (whether or not made of tobacco).

### **1029.2 GENERAL REQUIREMENTS**

All members of the Sheriff's Office are responsible for the safety, well-being, maintenance, and appearance of the Sheriff's Office facilities.

#### **1029.2.1 MEMBER RESPONSIBILITIES**

- (a) Members shall immediately report any condition that threatens the safety of a member to a supervisor or manager.
- (b) Use of any tobacco product by any person in any Sheriff's Office facility is prohibited. Members shall direct visitors to extinguish or dispose of their tobacco products as necessary to enforce this policy. Visitors who refuse to comply shall be escorted out of Sheriff's Office facilities.
- (c) Members are encouraged to individualize and personalize their immediate workspace. However, employee work areas will maintain the appearance of a professional work environment, suitable to conduct the public's business in a clean, neat, uncluttered setting.
- (d) Members shall not paint, carpet or permanently modify any portion of their work area. Further, members will not modify any portion of their workspace, including the addition or deletion of data, phone or TV cabling, without obtaining the approval from their Division Assistant Sheriff.
- (e) All approved modifications will be performed by Facility Operations and/or Information Systems Department.
- (f) Maintenance work orders should be reported through the Maintenance Liaison to Facilities Operations.
- (g) Appearance issues should be directed to the appropriate Division Assistant Sheriff.
- (h) The following will not be allowed in the public areas, general employee areas, or individual offices or work areas unless approved by the Bureau/Unit Manager:
  1. Personal refrigerators (refrigerators will be available for member use in the employee break room), microwave ovens, coffee makers, and heaters

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2. Unframed pictures, paintings or written communication (i.e., memos, shift schedules, etc.) displayed on walls, doors or other surfaces. These items may be hung on a corkboard or other display framework
  3. Live animals (other than approved service animals)
  4. Displays on assigned lockers other than Sheriff's Office provided occupant information
- (i) Individual use stereos, CD's, radios, and other audio equipment are allowed at workstations with approval of a manager, provided they do not interfere with those in the surrounding work area.

#### 1029.2.2 MANAGER/SUPERVISOR RESPONSIBILITIES

- (a) The manager/supervisor of a work area is responsible for the identification and reporting of facility, grounds, or parking conditions that threaten the safety, maintenance and/or appearance of Sheriff's Office facilities.
- (b) Areas of non-compliance reported to the manager/supervisor will be corrected by the manager/supervisor or may be reported to the appropriate Division Assistant Sheriff for resolution.

#### 1029.2.3 FACILITY HOUSEKEEPING

- (a) There is an expectation that spills or messes made by members will be cleaned up by the member responsible for the mess or spill.
- (b) Cleaning equipment is available in the Patrol area storeroom at the Main Office and specific locations in other facilities.
- (c) If the member is unable to adequately clean up a spill or mess, a work order should be completed through the Maintenance Liaison to allow janitorial services to focus on the problem.

#### 1029.2.4 SEASONAL DISPLAYS

Display of seasonal decorations will be allowed within a reasonable time period surrounding the holiday (to be taken down within seven days after the holiday is over). The seasonal decorations will be of good taste and approved by the area supervisor/manager.

#### 1029.2.5 ARTWORK

- (a) The number, size, style, mounting and frame for any such artwork must be in good taste and consistent with the décor of Sheriff's Office facilities.
- (b) Art posted in general use areas (both public and staff) must be approved by the appropriate Division Assistant Sheriff.
- (c) Hanging material (picture hangers, etc.) will be available in the Purchasing Unit.

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##### 1029.2.6 PLANT MATERIAL

- (a) No container or hanger for plant material, which is personal property, will be permanently affixed to Sheriff's Office facilities.
- (b) All plant material must be in proper containers which are consistent with the Sheriff's Office facilities' décor.
- (c) Potted plants must have water basins under the containers they are planted in to protect carpet/furnishings from water damage.

##### 1029.2.7 TRAINING ROOM AND CONFERENCE ROOM SCHEDULING

- (a) Members will utilize the Sheriff's Office Outlook calendar to schedule the conference rooms.
- (b) Members of the Sheriff's Office, approved users, or other County Departments shall contact the Personnel Bureau or Sheriff's Training Unit to seek approval and to schedule use of the Training Room. Sheriff's Office managers may schedule the use of the rooms at any time.
- (c) After use, rooms are to be left in a neat and orderly fashion.

# Employee Speech, Expression and Social Networking

## 1030.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Office.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or deputy associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

### 1030.1.1 APPLICABILITY

This policy applies to all forms of communication including, but not limited to, film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

## 1030.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this office. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this office be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Sonoma County Sheriff's Office will carefully balance the individual employee's rights against the Office's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

## 1030.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of the Sonoma County Sheriff's Office employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

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- Disclosing a photograph and name or address of a deputy who is working undercover.
- Disclosing the address of a fellow deputy.
- Otherwise disclosing where another deputy can be located off-duty.

#### **1030.4 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT**

To meet the office's safety, performance, and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or deputy associations, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation, or professionalism of the Sonoma County Sheriff's Office or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Sonoma County Sheriff's Office and tends to compromise or damage the mission, function, reputation, or professionalism of the Sonoma County Sheriff's Office or its employees. Examples may include:
  1. Statements that indicate disregard for the law or the state or U.S. Constitution.
  2. Expression that demonstrates support for criminal activity.
  3. Participating in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination, or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Office. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Sonoma County Sheriff's Office.
- (f) Use or disclosure, through whatever means, of any information, photograph, video, or other recording obtained or accessible as a result of employment with the Office for financial or personal gain, or any disclosure of such materials without the express authorization of the Sheriff or the authorized designee.
- (g) Posting, transmitting, or disseminating any photographs, video or audio recordings, likenesses or images of office logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the Sonoma County Sheriff's Office on any personal or social networking or other website or web page, without the express authorization of the Sheriff.

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Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

##### **1030.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS**

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or deputy associations, employees may not represent the Sonoma County Sheriff's Office or identify themselves in any way that could be reasonably perceived as representing the Sonoma County Sheriff's Office in order to do any of the following, unless specifically authorized by the Sheriff (Government Code § 3206; Government Code § 3302):

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g., bargaining group or deputy associations), is affiliated with this office, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Sonoma County Sheriff's Office.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or deputy associations, on political subjects and candidates at all times while off-duty.

However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

##### **1030.5 PRIVACY EXPECTATION**

Employees forfeit any expectation of privacy with regard to e-mails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook) that is accessed, transmitted, received, or reviewed on any office technology system (see the Information Technology Use Policy for additional guidance).

The Office shall not require an employee to disclose a personal user name or password for accessing personal social media or to open a personal social website; however, the Office may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

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### **1030.6 CONSIDERATIONS**

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Sheriff or authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Office or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Office.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Office.

### **1030.7 TRAINING**

Subject to available resources, the Office should provide training regarding employee speech and the use of social networking to all members of the Office.

## \*Flag Display and Handling\*

### 1031.1 PURPOSE AND SCOPE

This policy establishes guidelines and procedures for the proper display of the flags of the United States of America, the State of California, and the Sonoma County Sheriff's Office. The proper handling and use are found in the Sheriff's Office Flag Handling and Use Guidelines.

[See attachment: Flag Handling and Use Guidelines.pdf](#)

#### 1031.1.1 DEFINITIONS

**Flag of the United States of America** - The Flag of the United States of America, commonly known as the National Flag or American Flag, consists of thirteen equal horizontal stripes of red (top and bottom) alternating with white, with a blue rectangle in the canton, bearing fifty small, white, five-pointed stars, arranged in nine offset horizontal rows of six stars (top and bottom) alternating with rows of five stars. The fifty stars on the flag represent the fifty American states, and the thirteen stripes represent the original thirteen colonies.

**Flag of the State of California** - The modern state flag is white with a wide red strip along the bottom. There is a red star in the upper left corner and a grizzly bear facing left (toward the hoist) in the center, walking on a patch of green grass.

**Flag of the Sonoma County Sheriff's Office** - The flag is designed to specifically identify the Sonoma County Sheriff's Office "Organizational Colors".

**Half Staff** - The term "half-staff" means the position of the flag when it is one-half the distance between the top and bottom of the staff; although any flag not flown at full staff will be considered at half-staff.

### 1031.2 GENERAL GUIDELINES

- (a) The United States and California flags flown at Sheriff's Office facilities shall not be lowered, except those dates listed below, without the approval of the Sheriff, Assistant Sheriff, the Administrative Captain, the Field Services Section Captain, or the on-duty Watch Commander. The approving manager shall be responsible for ensuring the flag is raised when the mourning period is over.
- (b) When the flags are lowered, the manager authorizing shall ensure a Sheriff's Office-wide email is sent notifying all members why the flags were lowered. This email should specify a date when the flags will be returned to full staff.
- (c) The flag should be flown at half-staff on the following dates and circumstances:
  1. By order of the President upon the death of principal figures of the United States Government and the Governor of a State, territory, or possession, as a mark of respect to their memory.
  2. For thirty days from the death of the President or a former President.

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3. For ten days from the day of death of the Vice President, the Chief Justice or a retired Chief Justice of the United States, or the Speaker of the House of Representatives.
  4. From the day of death until interment of an Associate Justice of the Supreme Court, a Secretary of an executive or military department, a former Vice President, or the Governor of a State, territory, or possession.
  5. On the day of death and the following day for a Member of Congress.
  6. After a line-of-duty death of a Deputy Sheriff or Correctional Deputy of the Sonoma County Sheriff's Office, or any law enforcement officer in California. This mourning time shall be from the notification of the death until 2400 hours on the day of the funeral.
  7. On Peace Officers Memorial Day and continuing through Peace Officer Memorial Week.
  8. Memorial Day (until noon), the last Monday in May.
  9. As directed by the Sheriff.
- (d) A Community Service Officer, or any designee, shall be responsible for the lowering and raising the flags at any Sheriff's Office facility on the dates specified above. The manager or sergeant at each Sheriff's Office facility should ensure flags at their location are lowered and raised as specified above.

## Line-of-Duty Deaths

### 1032.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Sonoma County Sheriff's Office in the event of the death of a member occurring in the line of duty and to direct the Office in providing proper support for the member's survivors.

The Sheriff may also apply some or all of this policy for a non-line-of-duty member death, or in situations where members are injured in the line of duty and the injuries are life-threatening.

#### 1032.1.1 DEFINITIONS

Definitions related to this policy include:

**Line-of-duty death** - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a Professional Staff member during the course of performing assigned duties.

For a sworn member, a line-of-duty death includes death that is the direct and proximate result of a personal injury sustained in the line of duty (34 USC § 10281).

**Survivors** - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin, or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

### 1032.2 NOTIFYING OFFICE MEMBERS

Supervisors or members designated by the Sheriff are responsible for notifying office members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shifts. Members reporting for duty from their residences should be instructed to contact their supervisors as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Office regarding the deceased member or the incident.

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### **1032.2 INITIAL ACTIONS BY COMMAND STAFF**

- (a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Watch Commander and Dispatch.
  - 1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).
- (b) The Watch Commander should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.
- (c) If the member has been transported to the hospital, the Watch Commander or the authorized designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.
- (d) The Sheriff or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Office Liaison as soon as practicable (see the Notifying Survivors section and the Office Liaison and Hospital Liaison subsections in this policy).

### **1032.3 POLICY**

It is the policy of the Sonoma County Sheriff's Office to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this office to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

### **1032.7 PUBLIC INFORMATION OFFICER**

In the event of a line-of-duty death, the office's PIO should be the office's contact point for the media. As such, the PIO should coordinate with the Office Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Instruct office members to direct any media inquiries to the PIO.
- (c) Prepare necessary press releases.
  - 1. Coordinate with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
  - 2. Disseminate important public information, such as information on how the public can show support for the office and deceased member's survivors.
- (d) Arrange for community and media briefings by the Sheriff or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.
- (f) If requested, assist the member's survivors with media inquiries.

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1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
  - (g) Release information regarding memorial services and funeral arrangements to office members, other agencies, and the media as appropriate.
  - (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media have obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should notify media when survivor notifications have been made.

#### **1032.8 NOTIFYING SURVIVORS**

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Sheriff or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Sheriff, Watch Commander, or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Office chaplain.

Notifying members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity, and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in office vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital. Notifying members should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities, and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.

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- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.
- (g) Offer to call other survivors, friends, or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting child care or other immediate needs.
- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes, and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Office Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivors' names and contact information, as well as the time and location of notification. This information should be forwarded to the Office Liaison.
- (m) Inform the Sheriff or the authorized designee once survivor notifications have been made so that other Sonoma County Sheriff's Office members may be apprised that survivor notifications are complete.

#### 1032.8.1 OUT-OF-AREA NOTIFICATIONS

The Office Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

- (a) The Office Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the office member that the survivors can call for more information following the notification by the assisting agency.
- (b) The Office Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Office to pay travel expenses without the authorization of the Sheriff.

#### 1032.5 LIAISONS AND COORDINATORS

The Sheriff or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including, but not limited to:

- (a) Office Liaison.
- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Peer Support Liaison.
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.

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- (g) Benefits Liaison.
- (h) Finance coordinator.

Liaisons and coordinators will be directed by the Office Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available office resources. The Office Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

#### 1032.5.1 OFFICE LIAISON

The Office Liaison should be a Special Services Captain or of sufficient rank to effectively coordinate office resources, and should serve as a facilitator between the deceased member's survivors and the Office. The Office Liaison reports directly to the Sheriff. The Office Liaison's responsibilities include but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System.
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
- (d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-staff.
- (g) Reminding office members of appropriate information-sharing restrictions regarding the release of information that could undermine future legal proceedings.
- (h) Coordinating security checks of the member's residence as necessary and reasonable.
- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

#### 1032.5.1 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Establish a command post or incident command system, as appropriate, to facilitate management of the situation and its impact on hospital operations (e.g., influx of people, parking).
- (b) Arrange for appropriate and separate waiting areas for:
  1. The survivors and others whose presence is requested by the survivors.
  2. Office members and friends of the deceased member.

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3. Media personnel.
- (c) Ensure, as practicable, that any suspects who are in the hospital and their families or friends are not in proximity to the member's survivors or Sonoma County Sheriff's Office members (except for members who may be guarding a suspect).
- (d) Arrange for survivors to receive timely updates regarding the member before information is released to others.
- (e) Arrange for survivors to have private time with the member, if requested.
  1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
  2. The Hospital Liaison should accompany the survivors into the room, if requested.
- (f) Stay with survivors and provide them with other assistance as needed at the hospital.
- (g) If applicable, explain to the survivors why an autopsy may be needed.
- (h) Make arrangements for hospital bills to be directed to the Office, that the survivors are not asked to sign as guarantor of payment for any hospital treatment, and that the member's residence address, insurance information, and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting their actions at the conclusion of duties.

#### 1032.5.1 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Office Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term office contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Captain. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- The selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include but are not limited to:

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- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes, and other locations, as appropriate.
- (b) Communicating with the Office Liaison regarding appropriate security measures for the family residence, as needed.
- (c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
- (d) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (e) Returning the deceased member's personal effects from the Office and the hospital to the survivors. The following should be considered when returning the personal effects:
  - 1. Items should not be delivered to the survivors until they are ready to receive the items.
  - 2. Items not retained as evidence should be delivered in a clean, unmarked box.
  - 3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
  - 4. The return of some personal effects may be delayed due to ongoing investigations.
- (f) Assisting with the return of office-issued equipment that may be at the deceased member's residence.
  - 1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (g) Working with the Peer Support Liaison for survivors to have access to available counseling services.
- (h) Coordinating with the office's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).
- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal, and administrative investigations.
- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel, and other involved personnel as appropriate.
- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to office activities, memorial services (e.g., as applicable, the Annual Candlelight Vigil at the National Law Enforcement Officers Memorial), or other functions as appropriate.

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Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Office recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Office to facilitate communications necessary to the assignment. The office-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

#### 1032.5.2 PEER SUPPORT LIAISON

The Peer Support Liaison should work with the office Peer Support coordinator or the authorized designee and other liaisons and coordinators to make peer support and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the Peer Support Liaison include but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for peer support and counseling services, including:
  - 1. Members involved in the incident.
  - 2. Members who witnessed the incident.
  - 3. Members who worked closely with the deceased member but were not involved in the incident.
- (b) Making arrangements for members who were involved in or witnessed the incident to be relieved of office responsibilities until they can receive peer support.
- (c) Making peer support and counseling resources (e.g., peer support, Critical Incident Stress Debriefing) available to members as soon as reasonably practicable following the line-of-duty death.
- (d) Coordinating with the Survivor Support Liaison to inform survivors of available peersupport and counseling services and assisting with arrangements as needed.
- (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional peersupport or counseling services are needed.

#### 1032.5.3 FUNERAL LIAISON

The Funeral Liaison should work with the Office Liaison, Survivor Support Liaison, and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (b) Completing funeral notification to other law enforcement agencies.
- (c) Coordinating the funeral activities of the Office, including but not limited to the following:

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1. Honor Guard
    - (a) Casket watch
    - (b) Color guard
    - (c) Pallbearers
    - (d) Bell/rifle salute
  2. Bagpipers/bugler
  3. Uniform for burial
  4. Flag presentation
  5. Last radio call
- (d) Briefing the Sheriff and command staff concerning funeral arrangements.
  - (e) Assigning a deputy to remain at the family home during the viewing and funeral.
  - (f) Arranging for transportation of the survivors to and from the funeral home and interment site using office vehicles and drivers.
  - (g) Addressing event-related logistical matters (e.g., parking, visitor overflow, public assembly areas).

### 1032.5.7 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Office Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many Sonoma County Sheriff's Office members can attend funeral services as possible.

The mutual aid coordinator should perform duties in accordance with the Outside Agency Assistance Policy.

Where practicable, the Sheriff should appoint a mutual aid coordinator to identify external resources in advance of any need (e.g., regional honor guard teams, county- or state-wide resources).

### 1032.5.8 FINANCE COORDINATOR

The finance coordinator should work with the Sheriff and the Office Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

- (a) Establishing methods for purchasing and monitoring costs related to the incident.
- (b) Providing information on finance-related issues, such as:
  - (a) Paying survivors' travel costs if authorized.

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- (b) Transportation costs for the deceased.
- (c) Funeral and memorial costs.
- (d) Related funding or accounting questions and issues.
- (c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
- (d) Providing accounting and cost information as needed.

#### 1032.5.8 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and will assist them in applying for benefits. Responsibilities of the Benefits Liaison include but are not limited to:

- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the following:
  - (a) Public Safety
  - (b) Officers' Benefits Program, including financial assistance available through the Public Safety Officers' Educational Assistance (PSOEA) Program, as applicable (34 USC § 10281 et seq.).
  - (c) Social Security Administration.
  - (d) Department of Veterans Affairs.
- (c) Researching and assisting survivors with application for state and local government survivor benefits, such as:
  - 1. Education benefits (Education Code § 68120).
  - 2. Health benefits (Labor Code § 4856).
  - 3. Workers' compensation death benefit (Labor Code § 4702).
- (d) Researching and assisting survivors with application for other survivor benefits such as:
  - 1. Private foundation survivor benefits programs.
  - 2. Survivor scholarship programs.
- (e) Researching and informing survivors of support programs sponsored by sheriff's associations and other organizations.
- (f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
  - 1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.

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- (g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.
- (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

#### **1032.10 OFFICE CHAPLAIN**

The Office chaplain may serve a significant role in line-of-duty deaths. Chaplain duties may include but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support, or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting office members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

#### **1032.10 NON-LINE-OF-DUTY DEATH**

The Sheriff may authorize certain support services for the death of a member not occurring in the line of duty.

#### **1032.11 INVESTIGATION OF THE INCIDENT**

The Sheriff should make necessary assignments to conduct thorough investigations of any line-of-duty death and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends, or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved office members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

#### **1032.11 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL**

The Sheriff may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

## **\*Peer Support/Mentoring Program\***

### **1033.1 PURPOSE AND SCOPE**

The Sheriff's Office believes that emotionally and psychologically healthy members are more effective and can create an organization that provides better services to the citizens of Sonoma County.

### **1033.2 DEFINITIONS**

**Peer Support Member:** A member of the Sheriff's Office, of any rank or job classification, who has attended the initial POST Basic Peer Support training and has been accepted into the Sheriff's Office's Peer Support/Mentoring Program.

**Mentor:** A member of the Sheriff's Office, of any rank or job classification, who has attended the mentoring training provided by the Sheriff's Office or who has attended the initial POST Basic Peer Support training and has been accepted into the Sheriff's Office's Peer Support/Mentoring Program.

**Critical Incident:** Any significant event that may result in strong emotional reactions, which have the potential to impact a member's ability to cope. These include, but are not limited to: line-of-duty death or serious injury, other death or serious injury of a co-worker, disasters/multi-casualty incidents, officer-involved shootings, significant incidents involving injury to children, events with excessive negative media coverage, deaths that occur during police operations, cumulative significant events that occur within a short time period, any circumstance that overwhelms a Sheriff's Office member, and deaths in the Detention facilities.

**Critical Incident Defusing:** A peer support contact made with members involved in or affected by a critical incident, offering information, support, venting or reactions, and an assessment of the need for debriefing. Defusing is most useful when conducted at the end of the shift in which the critical incident occurred.

**Critical Incident Debriefing:** A confidential meeting intended to mitigate the impact and adverse effects of a critical incident. It is not an operational critique.

**Mentoring:** A specialized form of peer support that focuses on assisting new members and members in transition (e.g., promotion, transfer to a new assignment, etc.).

### **1033.3 GENERAL GUIDELINES**

- (a) **Peer Support Program Administration:** The Administration Division Captain is responsible for the Peer Support/Mentoring program. There shall be one Management Liaison (from any of the Divisions) and one coordinator from each Division. The Coordinators shall meet on a quarterly basis.
- (b) **Peer Support Program Members:** The Sheriff's Office makes available to its members a Peer Support/Mentoring Program. The program should represent a cross-section of the Sheriff's Office by race, gender, rank and assignment.

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#### *\*Peer Support/Mentoring Program\**

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1. Peer support contacts are voluntary, both for the person seeking support and for the peer support member. Peer support members have the responsibility of understanding their role and its limitations, learning and employing active listening skills, avoiding "solving" or taking on the person's problems and, when appropriate, referring the person supported to professional resources.
  2. Mentoring differs from routine peer support contacts in that the respective Division Coordinator will assign a mentor to each new member. Mentors act as trusted counselors and guides to assist new and probationary members with their transition into the Sheriff's Office (or new role in the Sheriff's Office) and its culture.
- (c) **Confidentiality:** Peer Support members shall maintain confidentiality and not disclose any information discussed in support sessions, except as expressly required below.
1. Peer Support members are required to disclose information revealed by a member during a peer support session under the following circumstances:
    - When the member reveals he has violated or participated in violating a criminal law
    - When there is reason to believe that the member intends to seriously injure himself or another person
    - When, due to substance abuse, the member is a clear and immediate danger to self, citizens or fellow members
  2. Peer Support members shall not disclose violations of civil law or Sheriff's Office policy disclosed by members during peer support/mentoring sessions.
  3. When a member, who is a Peer Support member, is required by rank, assignment, or direction of a superior to report or gather information regarding an incident, that member is required to function in his/her Sheriff's Office role first and peer support role second.
  4. A Peer Support member who is directly involved as a participant or witness in an incident under investigation cannot invoke the confidentiality of the Peer Support/Mentoring Program to avoid responding to the legitimate needs of the investigation. Under such circumstances, the Peer Support member shall so notify his/her supervisor/manager and the Peer Program Coordinator or Liaison.
- (d) **Membership Limitations:** No member shall be accepted or allowed to continue in the Peer Support/Mentoring program who is currently the subject of serious discipline, fitness for duty (depending on the situation), or experiencing any other difficulty which would interfere with his/her ability to perform peer support duties, as determined by the Coordinators.
- (e) **Training Program for Peer Members:** The POST-certified Basic Peer Support for Law Enforcement course is the initial training required for all Peer Support Program members. Update training will be provided as time and the budget allow.
- (f) **Training Program for Mentors:** The Peer Program will, on an as-needed basis, present mentoring training for members.

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- (g) **Training Authorization:** The Management Liaison and Coordinators will work to conduct training with the minimum use of overtime. Prior to training, the Management Liaison must authorize all overtime, which is budgeted in the Administration Budget. Additional training will be required for Peer Support/Mentoring Program members involved in specialized peer support activities (e.g., Critical Incident Stress Debriefing).

### **1033.4 SELECTION PROCESS**

Selection of Peer Members/Mentors:

- (a) The primary concern in the selection of new Peer Support/Mentors is to assure balanced representation across work units, locations, shifts, assignments, gender, ranks and ethnicity.
- (b) Members of the Sheriff's Office wishing to be considered for the Peer Support/Mentoring Program shall submit a memo or email to one of the Coordinators or the Management Liaison. The Liaison and Coordinators will make the final selection based on the needs of the Peer Program.

### **1033.5 RESPONSIBILITIES**

- (a) **Assigning Mentors:** A mentor will be assigned to each new member as early as possible after hiring or promotion, and before training and evaluation commences. The mentor shall be from the new member's work unit (e.g., law enforcement, detention, dispatch, or support) but shall not be an individual who may be in a position of evaluating (FTO) or supervising the new member during the probationary period.
- (b) **Initial Orientation for New Members:** The assigned mentor shall be involved in the orientation period for the new member (e.g., the mentor could be responsible for giving the new member a tour of Sheriff's Office facilities during the orientation period). Release time, back-fill or overtime is authorized for the initial mentor/new member contact only. The Management Liaison or Coordinator(s) will work to keep overtime to a minimum.
- (c) **Mentor Contacts:** The mentor is responsible for initiating weekly contacts with the new member for the duration of the training period. After training, the mentor will reduce initiated contacts to twice monthly and encourage a shift of responsibility for initiating contact to the new member.
  - 1. The mentoring period ends with the completion of the new member's probation.
  - 2. Routine mentoring contacts shall be made during on duty time. No overtime will be allowed.

#### **1033.5.1 PEER SUPPORT MEMBER LISTS**

**Voluntary Contacts:** Members who wish to consult with a Peer Support Program Member on matters of a personal or professional nature can obtain a list of Peer Support Members from the Peer Program Brochure or the list posted on the Sheriff's Office Intranet, or by contacting one of the Coordinators.

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## **\*Locker Issuance/Locker Room Use - Main Office\***

### **1034.1 PURPOSE AND SCOPE**

It is the policy of the Sheriff's Office is to issue lockers in the Main Office, based upon availability, to members who have the most need.

#### **1034.1.1 DEFINITIONS**

**Large Lockers "A":** 18" x 24" x 6' (Male 136/Female 38)

**Medium Lockers "B":** 12" x 21" x 6' (Male 70/Female 70)

**2 Tier Lockers "C":** 12" X 18" x 3' (Male 28/Female 16)

**Modified Lockers "D":** 12" x 21" x 6' (Male 4/Female 5)

### **1034.2 GENERAL GUIDELINES**

(a) Lockers:

1. No hazardous chemicals or contaminated items shall be stored in any locker.
2. The manufacturer's number is posted on the outside of the locker. No other markings, clippings, or paper etc., shall be placed on the outside of the locker.
3. Uniforms, clothing, shoes, equipment, towels, and other personal hygiene items must be kept inside a locker when not in use.
4. Lockers are to be kept closed and locked whenever the member is not immediately present.
5. At the discretion of the Patrol Watch Commander, any item left unattended may be removed and stored in the Patrol Watch Commander's Office for later retrieval by the owner. After thirty (30) days, all unclaimed items will be discarded.

(b) Sleep Rooms:

1. Persons seeking to use the Sleep Rooms shall notify the Patrol Watch Commander prior to their use of the rooms.
2. Persons using the Sleep Rooms shall be responsible for the neatness, cleanliness, and overall condition of the area.

(c) Exercise Room:

1. Instructions for use of specified pieces of equipment will be posted in the exercise room on or near the equipment.
2. Equipment will be used only in the manner prescribed on the posted instructions.
3. Tennis shoes, shorts or sweat pants and shirts are required clothing items.

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4. The exercise room is available for all Sheriff's Office members. Non-members can only use the facilities with the expressed approval of the Sheriff. It shall not be used by any person who is not a County employee.
5. The use of the exercise room is strictly voluntary. The employer (County of Sonoma) or its insurance carrier/claims administrator may not be liable for any injury which arises out of a member's voluntary participation in any off-duty, recreational, social, or other athletic activity which is not part of the member's work related duties.
6. Any member who discovers a piece of equipment which appears to be damaged or malfunctioning will notify the on-duty Patrol Watch Commander who will then notify the Purchasing Unit who will contact the appropriate vendor for repair of the equipment.

#### 1034.2.1 LOCKER ISSUANCE

- (a) Sheriff's Personnel Bureau will make all locker assignments in the Sheriff's Main Office building.
- (b) Deputy Sheriffs assigned to the Main Office Patrol Bureau and those Patrol Deputies assigned to substations who commute from the Main Office shall be issued wide lockers and have priority over all other members. The Sheriff's Personnel Bureau at their discretion may assign wide lockers, as available, to members not assigned to Patrol.
- (c) Deputy Sheriffs assigned to the Administration Division, or to the Investigations Bureau, and all Reserve Deputy Sheriffs shall be assigned narrow lockers.
- (d) Deputy Sheriffs assigned to the Court Security Bureau, the Transportation Bureau and to the Windsor and Sonoma law enforcement contracts shall not be issued lockers in the Sheriff's Main Office building. Except that, Deputy Sheriffs assigned to the Court Security Bureau on a temporary or rotation basis will keep their assigned locker in the Sheriff's Main Office building.
- (e) Based upon availability, Extra Help Deputy Sheriffs, including those assigned to the Court Security, may be issued narrow lockers if no lockers are available at the MADF.
- (f) Uniformed Support Staff shall be issued narrow lockers. Based upon availability, all other Support Staff may be issued half lockers.
- (g) Upon notification to the Sheriff's Personnel Bureau of a transfer of a member, the Sheriff's Personnel Bureau will notify the member of their locker assignment with a final move out date. If the member does not vacate the locker by the date given, the lock and contents will be removed and stored until retrieved by the member.
- (h) Members may use unassigned half lockers without combination locks, while using the exercise room.
- (i) Non-Sheriff's Office members will be considered for approval to use a locker on a case-by-case basis. The Law Enforcement Assistant Sheriff will have responsibility for approval/non-approval and will notify the Personnel Bureau Manager when exceptions are made.

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## **\*Permanent Part Time Positions and Job Shares\***

### **1035.1 PURPOSE AND SCOPE**

It is the policy of the Sheriff's Office to consider requests submitted by members to work as Permanent, Part-Time and/or allow two employees to share one allocated position when approved by the Sheriff or authorized designee. This program will allow members to enjoy a career while still meeting the needs of their family or personal situations and to enhance working conditions for more successful recruitment and retention of members.

#### **1035.1.1 DEFINITIONS**

**Permanent Part-Time (PPT) Member:** A member who holds a permanently allocated position, who is regularly scheduled for less than 80 hours of work in a bi-weekly pay period.

**Shared Position:** One allocated position shared by two permanent, part-time members.

### **1035.2 GENERAL GUIDELINES**

- (a) Members interested in participating in this program must be willing to change their job status from "Permanent Full Time" to "Permanent Part Time" (PPT).
- (b) Any member requesting to become a PPT member and/or share a position with another member is required to submit a written request to the Sheriff, via their chain of command.
- (c) Two PPT members in a Job Share are required to share on existing full time allocation.
- (d) Management positions and members on probation are generally excluded from this program. The Sheriff may recruit and hire PPT positions for certain classifications as deemed necessary and/or preferred that are not part of a Job Share agreement.
- (e) The Sheriff has the sole discretion regarding the ability of the Office to accommodate PPT positions and to accept or reject a request to participate in the Program.
- (f) A request to become a PPT member can be made at any time throughout the fiscal year.
- (g) For seniority purposes, members who are approved for PPT status will retain their original start date and all previously accrued seniority, but seniority after this date will be accrued on a pro-rata basis.
- (h) Members in this program will receive benefits based on their PPT status pursuant to their current M.O.U. and the Salary Resolution.
- (i) The shift bid process will be utilized only for the classifications of Correctional Deputies and Sergeants. Correctional Deputies/Sergeants will shift bid using the seniority of the member with the least seniority. All other classifications of members will have their work assignment assigned according to the needs of the Office.
- (j) PPT members are subject to all conditions that would affect a full-time member in the position.

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1. The Sheriff's Office can transfer members based on their seniority and/or the needs of the Office.
- (k) The needs of the Office may eliminate or reduce a PPT members ability to be selected and/or retain a specialty assignment. Full time members requesting PPT status may be required to resign from any specialty assignment prior to going to PPT.
- (l) All requests for PPT will be received on a first come, first served basis.
- (m) PPT members in uniformed positions will be provided with one half of the annual uniform allowance of what a full-time member would receive.
- (n) All individuals on a restoration list will first be offered any vacancies instead of any PPT member per Civil Service Rule 11. If one half of a job share terminates for any reason the Sheriff must first offer those on a restoration the opportunity to fill the position being vacated.

#### **1035.3 REQUEST PROCEDURES**

- (a) Members interested in becoming a PPT member and/or sharing a position with another PPT member are required to submit a written request to the Sheriff, via their chain of command. Each request will include the following:
  1. Name
  2. Classification
  3. Current Assignment
  4. Date of Hire
  5. Proposed Starting Date
- (b) Two members interested in PPT status through a Job Share are necessary to be considered to share one allocated position.
- (c) Requests will be reviewed and considered for approval by the Sheriff or authorized designee.

#### **1035.4 PROGRAM TERMS AND TERMINATION**

- (a) If deemed necessary by the Sheriff's Office, PPT members may be returned to a full-time schedule with thirty (30) calendar day's written notice. The Sheriff's decision to return a PPT member to full-time status may result in the most junior member in that classification being subject to layoff.
- (b) Members who are approved for PPT and share a position will remain as a PPT member until:
  1. The member terminates employment
  2. The member desires to return to full time duty pending position allocation availability
  3. It is deemed necessary by the Sheriff's Office to return to full time duty

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- (c) If one member sharing a position leaves or desires to return to permanent, full-time status, the Office will take reasonable efforts to find a replacement PPT member to share a position.
  - 1. If a replacement cannot be found, the remaining part-time position may be required to return to full-time status when a full-time allocation becomes available. Filling any vacant allocation(s) is subject to Civil Service Rule 11.
- (d) The return to full-time status is contingent on the availability of a full-time allocation for each PPT member.
- (e) If either party sharing a position is incapacitated or unable to work for more than thirty (30) days, the remaining partner may be required to assume the duties of a full-time allocation until the absent partner returns to work or vacates the position.
- (f) All members approved to job share, will be required to sign a Job Share Agreement (located on the Sheriff's Intranet under Forms, titled "Job Share Agreement") with Sheriff's Personnel before attaining PPT status.

#### **1035.5 VACATION AND OVERTIME**

- (a) Members participating in the PPT program will bid for their vacation based on their personal Sheriff's Office seniority.
  - 1. When one job share partner is on vacation, the remaining partner will continue to work their part-time shift/hours. Vacation coverage may or may not be necessary for the partner who is on vacation based on the needs of the Sheriff's Office.
- (b) Each PPT member is responsible to sign up for 50% of any monthly overtime requirement and a members combined hours will be used when ordering last minute overtime. Overtime rates of compensation will be as defined by the applicable Memorandum of Understanding.

## **\*Travel/Training and Meal Authorization\***

### **1036.1 PURPOSE AND SCOPE**

The Sonoma County Sheriff's Office shall administer a training program that will provide for the professional growth and continued development of its members. By so doing, the Sheriff's Office will ensure its members possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the community.

The Sheriff's Office shall provide a consistent method of authorizing and administering funds for meals, travel and/or training, including Management Benefit Allowance (MBA) and Training and Tuition (TT) funds, and to provide for reimbursement of meal and travel/training expenses.

#### **1036.1.1 DEFINITIONS**

**Travel Expense:** Off worksite travel costs to attend meetings, hearings, or functions for the Sheriff's Office not related to training.

**Training Expense:** Attendance at and/or travel to specific work-related training topics.

**Meal Expense:** Any food or drink items provided to members, trainers, speakers, subject matter experts, advisory committees, oversight groups, volunteers, and others with direct influence or involvement with County progress or services.

### **1036.2 GENERAL GUIDELINES**

- (a) The Sonoma County Sheriff's Office seeks to provide on-going training and encourages all members to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels, and legal mandates. Whenever possible, the Sheriff's Office will use courses certified by the California Commission on Peace Officer Standards and Training (POST) or Corrections Standards Authority (CSA).
- (b) Each fiscal year a training will be developed by Section/Division Managers and the appropriate Training Unit. The plan will address the following areas:
  1. Legislative changes and case law
  2. State mandated training
  3. Critical issues training
  4. Defensive Tactics
  5. Any other training deemed necessary by the Sheriff
- (c) Travel and/or training and meal expenses shall only be authorized for purposes of conducting official Sheriff's Office business, representing the Sheriff's Office in an official capacity, or for training directly beneficial to Sheriff's Office operations. A Travel/Training Authorization Form (ADM-24a) must be submitted 30 days in advance of the training.

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- (d) Members shall use the most economical and reasonable mode of travel available (vehicle or air travel), consistent with the requirements of the Sheriff's Office.
- (e) Actual reasonable and necessary costs of local transportation, including taxi, local buses and shuttle to and from the airport, bridge tolls, and parking costs are eligible for reimbursement when a valid receipt is submitted.
- (f) Private vehicle mileage reimbursement will be paid pursuant to applicable MOUs. Total miles driven are based on the distance between the member's assigned worksite and the travel destination, or between the member's residence and the destination; whichever is least costly. The member shall complete the Mileage Claim Form and submit it to his/her supervisor for reimbursement. The member should use the County's Online Mileage Claim Form. Mileage reimbursement is paid via the normal payroll process and will be reflected on the member's pay check.
- (g) Depending on the time of day of travel, pool cars must be picked up at Fleet Operations either the day before or day of departure. If a pool car is reserved and not used, Fleet Operations will charge the appropriate budget. If the pool car is cancelled prior to the pre-arranged departure date and time, no charge will be made to the account. Members shall cancel pool car reservations prior to the prearranged departure date if the car is not needed.
- (h) The Budget Manager, with input from the Accounting Unit, will determine the least expensive mode of transportation. If the member desires to use a more expensive method, approval must be obtained prior to departure from the person authorizing travel or member can pay the difference.
- (i) Pool cars shall not be used for travel to the airport. The Sonoma County Airport Express bus service or other method of travel shall be used. If the member desires to use his personal vehicle, reimbursement shall be based on the least expensive method of transportation as determined by the Accounting Unit.
- (j) Use of Private Vehicle in Lieu of Air Travel: One or more members may choose to use a private vehicle for personal reasons, even if air travel would normally be the appropriate method of transportation. In this case, reimbursement may not exceed the cost of the airfare the Sheriff's Office would have paid if air travel had been used. The additional cost of meals and lodging while in transit via private vehicle are not reimbursable. Reimbursement shall be calculated using the airfare quote compared with the mileage allowance based on the most direct route from origin to destination. Travel shall be by the most direct route. Any member traveling by an indirect route shall assume any extra expense incurred.
- (k) If more than one authorized member is traveling on Sheriff's Office business in the same personal vehicle, only one member may receive reimbursement for the related mileage allowance. The Budget Manager may authorize car rental for Sheriff's Office travel if there is a valid need. Car rental arrangements will be made by the Accounting Unit following the below listed guidelines:
  - 1. Government rates should always be requested
  - 2. The most reasonably priced rental car should be used

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3. Claims for other than a standard vehicle will require authorization from the Budget Manager
  4. Original paid rental agreement/receipt for all car rentals is required for reimbursement
  5. When it is required by the car rental agency, gas tanks must be full prior to returning the vehicle, whenever practical, to avoid any additional refueling charge
  6. No additional insurance should be requested
  7. All gas receipts must be submitted for reimbursement
  8. If GPS is needed, it shall be noted on the authorization form and approved by the manager
- (l) If meals are provided as part of the registration or by the organization sponsoring the event, no reimbursement may be claimed. Reimbursement for meals including gratuity will be as follows:
1. Breakfast \$14.00: When the member is required to depart from his assigned worksite or home before 7:00 a.m. to a site outside Sonoma County or when required to be away overnight from members normal place of residence or assigned worksite.
  2. Lunch \$16.00: When the member is required to be away from his assigned worksite and out of Sonoma County between the hours of 11:00 a.m. and 1:00 p.m.
  3. Dinner \$30.00: When the member is required to be away from members assigned worksite on business outside Sonoma County and returns home after 7:00 p.m. or the member is required to depart before 5:00 p.m. and be out of Sonoma County and away from home on business overnight.
- (m) Meal receipts are not required to receive the standard allowances. An itemized receipt with an explanation is required if the meal allowances are exceeded. A statement from the sponsor of the conference, workshop, etc., fixing a flat amount for meals, a portion of which relates to the cost of the program, will be accepted as a receipt. Gratuities are reimbursable if the standard allowance is not used and it is noted on the receipt. Alcoholic drinks are not reimbursable.
- (n) Business phone calls required for work are reimbursable. Personal phone calls and non-work-related internet connections are not reimbursable.
- (o) More than two out-of-state travel requests per member per fiscal year require CAO approval. More than three out of state travel requests require a resolution by the Board of Supervisors. However, in certain job assignments, Sheriff Office members are required to travel out-of-state as a regular part of their duties. In these unique and special circumstances, the Sheriff shall have the authority to approve in a fiscal year three or more out-of-state trips per member and the associated cost reimbursements for travel, lodging, and meals. Examples falling under this exemption include the transportation of prisoners out of state (extraditions), significant criminal or civil

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investigations that require out of state travel, court orders requiring Sheriff's Office members to testify out of state, and background investigations that require out of state travel to complete.

- (p) Hotel costs must be at the government rate, the conference rate or the median price for hotels in the area. The Accounting Unit shall make reservations.
- (q) Internet Access: Sheriff's Office funded internet access while attending training or while traveling on Sheriff's Office related business will be authorized on a case by case basis and must be approved by a manager prior to traveling. The member must submit a justification for the need for internet access on the Travel/Training Authorization Form. Non-work-related internet connections are not reimbursable.
- (r) Meals or snacks to be purchased by the Sheriff's Office may only be authorized by the Sheriff's Office Administrative Services Director, Captains, or above and must be requested prior to the event. Meals or snacks eligible for purchase by the Sheriff's Office are meals and/or snacks provided to: staff, trainers, speakers, subject matter experts, advisory committees, oversight groups, volunteers, and others with direct influence or involvement with County progress or services; and who attend trainings, meetings, or events which occur during meal time. The need to schedule meetings during meal time should be necessary and extraordinary. All food and drink purchases shall be submitted for payment with a Required Additional Documentation County Purchase of Food, Drink, and/or Snacks Form. The member shall complete the Required Additional Documentation County Purchase of Food, Drink, and/or Snacks Form.
- (s) CALCARD cannot be used to purchase fuel.

### **1036.3 RESPONSIBILITIES**

#### **1036.3.1 MEMBER RESPONSIBILITIES**

##### Travel and/or Training:

- (a) A Travel/Training Authorization Form (ADM-24a) shall be prepared by the member and submitted to his supervisor for approval. The form should then be forwarded to the appropriate Budget Manager or Detention Training Lieutenant. If airfare is needed, 30 days is required prior to the departure date to ensure that the most economical airfare is obtained. The Budget Manager can waive this minimum.
- (b) Pursuant to 49 U.S.C. § 114, and C.F.R. parts 1540 and 1560, the Sheriff's Office is required to provide your full name, date of birth and gender when purchasing airline tickets.
- (c) If requesting an advance, the Travel/Training Authorization Form (ADM-24a) must be submitted to the Accounting Unit at least 14 days prior to departure. Advances shall be calculated at 80% of the estimated total of the meal and miscellaneous expenditure amount and will not be issued for less than \$100.
- (d) The appropriate Budget Manager must authorize travel. For out-of-state travel, the Budget Manager must work with the Fiscal Unit to have the appropriate approval obtained, if required. The Assistant Sheriff, Facility Captain or designated Lieutenant must approve all Detention Division Training.

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- (e) The Budget Manager, Captain, or Detention Lieutenant shall forward the Travel/ Training Authorization and all supporting documents to the Professional Standards Bureau Training Unit. Non-training related travel documents shall be forwarded to the Accounting Unit.
- (f) The member must submit a properly completed and authorized Expense Reimbursement Claim (ADM-024) to the Accounting Unit within 10 working days of returning from the training or travel. Members who fail to submit the form shall be prohibited from future travelling until the forms are received by the Accounting Unit and the member may be subject to discipline.
- (g) The member must return certificates of training to the Training Unit within ten (10) working days of return from the training.
- (h) Changes in travel plans that increase the cost to the Sheriff's Office in excess of approved authorized amount shall be paid by the member unless authorized by the approving Budget Manager, Captain, or Assistant Sheriff.

#### Food/Drink or Snacks:

- (a) The member must obtain authorization from Sheriff's Office Administrative Services Director, Captain, or above for the expenditure prior to the purchase.
- (b) Additional documentation, including a written explanation detailing the business purpose and the number of people the items were provided for, must be included on the form titled: Required Additional Documentation County Purchase of Food, Drink, and/or Snacks.
- (c) The form shall be signed by the Sheriff's Office Administrative Services Director, Captain, or above.

#### 1036.3.2 SHERIFF'S ADMINISTRATION/DETENTION DIVISION TRAINING UNIT RESPONSIBILITIES

- (a) The Training Unit will review the Travel/Training Authorization as approved by the Budget Manager, or the Training Lieutenant in Detention. If it is incomplete or inaccurate, the Training Unit will return it for additional information.
- (b) The Training Unit will register the member for the class(es) requested and will attach the confirmation to the Travel/Training Authorization form.
- (c) The Training Unit will reserve a Pool Car if requested.
- (d) Once completed, the Training Unit will forward the entire package to the Accounting Unit.
- (e) The Training Unit will enter the data into the Training Management System (TMS) once the training has been completed.

#### 1036.3.3 ACCOUNTING UNIT RESPONSIBILITIES

- (a) The Accounting Unit is responsible for coordinating all other travel arrangements not already completed by the Training Unit including airfare, rental car, and

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accommodations, and will issue checks (or secure by credit card) to the course presenter, hotel, etc.

- (b) In the event that the travel arrangements are made less than 14 days prior to the travel departure date and hotel arrangements are needed, a check for the hotel payment will not be included in the travel packet.
- (c) The Accounting Unit shall prepare and issue a travel packet for the member for out-of-county travel/training. The travel packet includes per diem check advances (only upon request), hotel information and/or confirmation number, airline or e-tickets, rental car voucher, and a training evaluation form. The Accounting Unit will deliver the travel packets to the member or will place it in the member's mail slot.
- (d) Advances shall be calculated at 80% of the estimated total of the meal and miscellaneous expenditure amount and will not be issued for less than \$100.

#### 1036.3.4 BUDGET MANAGER/TRAINING LIEUTENANT RESPONSIBILITIES

- (a) The Budget Manager/Detention Training Lieutenant is responsible for reviewing the members Travel/Training Authorization form for completeness and adherence to policy, and approval if appropriate.
- (b) It is the responsibility of the member's manager to notify the Accounting and Training Units of changes to dates of travel, hotel rooms, flights, and/or any other type of arrangement.

## **\*Training Room and Meeting Room Use\***

### **1037.1 PURPOSE AND SCOPE**

The use of the Sheriff's Main Office Training Room and meeting rooms are for the use of Sheriff's Office training events or meetings. It is the intent that the rooms be used in the most efficient manner and for Sheriff's Office trainings and shall be restricted to Sheriff's Office members. Any exceptions shall be approved by the Sheriff, Assistant Sheriffs or the Administration Division Captain.

#### **1037.1.1 DEFINITIONS**

**Training Room:** The room located to the south of the public lobby in the Main Sheriff's Office building.

**Meeting Rooms:** The rooms located inside the secure area of the Main Sheriff's Office building (2B, 2C, etc.).

### **1037.2 GENERAL GUIDELINES**

- (a) The Training Room shall be reserved through the Sheriff's Personnel Bureau or the Professional Standards Training Unit. This includes any use of the Room after business hours and on weekends. The Room key must be checked out the day prior to the event.
- (b) The Personnel Bureau shall distribute and collect the Room Use form.
- (c) The Professional Standards Training Unit shall be responsible for monitoring and resolving conflicts.
- (d) Conference rooms are scheduled through the Outlook Program.
- (e) All uses of Sheriff's Office rooms by employee unions or associations shall be approved by the Sheriff only.
- (f) Training events will normally take priority over meetings in the Training Room. Sheriff's Office members shall book their trainings and meetings as soon as possible to ensure the room is available.
- (g) Sheriff's Office members reserving the Training Room and wishing to use the A/V equipment shall familiarize themselves prior to their event as there is limited or no staff available to assist on the day of the event. The ISD Help Desk shall not be called for questions involving the Training Room A/V equipment. Any problems shall be reported to Sheriff's Training Unit. Only Sheriff Office members shall use the AV equipment.
- (h) Available items for use by other County Departments are tables, chairs and the screen. Items not provided are LCD projector, laptop computer, speakers/sound system, extension cords and food/refreshments.
- (i) When Training Room reservations are made, there shall be one person identified as the responsible party. This person is responsible for ensuring the room is cleaned, restored to the normal set up, all A/V equipment is turned off, and the cabinets locked. Failure to return the Room may result in non-approval in the future.

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- (j) Although regularly scheduled meetings/trainings will normally not be allowed to be booked in the Training Room, some may be approved on a case by case basis. When these meetings are approved by the Sheriff, Assistant Sheriff or Administration Division Captain, the person reserving the room shall be told that anytime prior to 30 days before their training/meeting, their reservation may be canceled to allow for Sheriff's Office trainings or meetings.
- (k) The Eastside door leading from the unsecure Training Room to the secure area of the building shall not be propped open thus compromising the secure area.
- (l) Meeting Room 2A shall be used only by Sheriff's Administration. Reservations shall be made through the Sheriff's Executive Secretary.
- (m) Other meetings rooms (2B, 2C, 2D, 2E, 2F and the Patrol Briefing Room) shall only be used for Sheriff's Office business. Other County departments may not use these rooms.
- (n) Meetings conducted in the secure area (anywhere past the front lobby) must be attended by one Sheriff's Office member. When Non-Sheriff's Office members attend meetings in the secure area they must be escorted by a Sheriff's member.
- (o) Coffee and other refreshments are not provided to any group using the Training Room or Meeting Rooms.

## Funeral Escorts

### 1038.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for funeral escorts led by the Sonoma County Sheriff's Office. All active and honorably retired members are entitled to some degree of participation by the Sheriff's Office if requested by the family. The Sheriff will determine the degree of participation (i.e., attendance, Honor Guard Unit, flag ceremony) on a case-by-case basis.

### 1038.2 GENERAL GUIDELINES

- (a) The Incident Commander, assigned by the Law Enforcement Division Assistant Sheriff, is responsible for arranging the Honor Guard Unit, the pallbearers, and the funeral escort approved by the Sheriff.
- (b) Escort procedures may vary depending upon the number of automobiles and motorcycles present, the characteristics of the route and the deceased member's family preferences.
- (c) The Honor Guard, Pallbearers, and other members will adhere to the Uniform Regulations policy

### 1038.3 PROCEDURES

The Incident Commander shall be responsible for the following procedures to the particular circumstances prevailing.

#### 1038.3.1 VEHICLES

Escort Vehicles:

- (a) Motorcycles shall be ridden two abreast in front of the hearse, whether ridden by Sheriff's Office members or members of other law enforcement agencies.
- (b) A single patrol vehicle shall precede the hearse when motorcycles are not used, and the remaining Sheriff's Office and other law enforcement agency vehicles shall follow the family vehicle(s).

Order of Procession:

- (a) The usual order of procession is the ranking Sheriff's Office member(s) shall ride in the first patrol vehicle following the family.
- (b) Other Sheriff's Office vehicles, other law enforcement agency vehicles, and private vehicles may be grouped accordingly, at the discretion of the Incident Commander, to form the remainder of the procession.
- (c) The procession shall be protected by the placement of a marked Sheriff's Office or other marked law enforcement vehicle.
- (d) Traffic control shall be arranged by the Incident Commander if needed. Escort personnel shall not be used for this purpose.

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- (e) Whenever possible, a parking area for Sheriff's Office and other law enforcement vehicles shall be set aside at the location of the service. When this is not practical, patrol vehicles shall be parked as uniformly as possible.
- (f) Sheriff's emergency vehicles in the procession and assigned to traffic control may activate their emergency lights during processions for "Line of Duty" deaths.
- (g) In the event of circumstance which prevent the execution of this policy, the Incident Commander is authorized to approve alternate measures to ensure the effective discharge of this function.

#### 1038.3.2 HONOR GUARD UNIT

**Pre-Service Planning:** The Honor Guard Unit Sergeant shall confer with the Incident Commander and the funeral director to determine the hours the funeral home or chapel will be open to permit family and friends to pay respects to the deceased. The Honor Guard Unit members shall be present during this time and during the funeral service.

**Posting the Guard:** The Honor Guard Unit Sergeant shall determine the appropriate position for posting the guard. Normally there shall be a deputy at each end of the casket facing the assemblage.

- (a) Prior to the commencement of actual services and during the hours that the funeral home or chapel will be open to permit family and friends to pay last respects, the Honor Guard members may stand at parade rest, coming to attention when a visitor enters.
- (b) Honor Guard Unit members shall be relieved as appropriate.
- (c) During those periods the family wishes to be alone with the deceased, Honor Guard Unit members shall leave the room.
- (d) The last change of the Honor Guard members should be timed to take place immediately prior to the start of services.
- (e) At the conclusion of services, upon a pre-arranged signal from the funeral director, the Honor Guard Unit shall be dismissed.

#### **Changing the Guard:**

- (a) To relieve the posted Honor Guard Unit, a deputy followed by the sergeant, followed by the second deputy, shall march from the assembly room to directly in front of and parallel to the casket where they will halt. They should halt in such a position so as to place the leading deputy in line with the deputy already standing at the head of the casket and the other relief deputy halting so as to be in line with the deputy standing at the foot of the casket. The sergeant should halt at a position in line with the approximate center of the casket.
- (b) The deputies and sergeant then execute a facing movement facing the casket.
- (c) As the relieving Honor Guard members make the facing movement, the two deputies already on guard simultaneously take two side steps away from the casket.
- (d) The two relieving deputies then walk forward to positions at each end of the casket, making an about face movement so as to face the assemblage.

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- (e) The two deputies relieved then walk forward to form a single file with the sergeant in the middle.
- (f) All three members then make the necessary facing movement and walk out of the chapel to the assembly room set aside for the Honor Guard Unit.
- (g) Instructions regarding changing of the guard shall serve as a guide and may be altered to conform to the chapel arrangement.

### 1038.3.3 PALLBEARERS

Six members shall normally be assigned to the detail. One of these members may be placed in charge for the purpose of arranging details with the funeral director. In selecting members for this assignment, Incident Commander should consider:

- (a) Special requests of the immediate family.
- (b) The physical ability of the member to perform the function.
- (c) Utilizing members of approximately the same height.

## **\*Emergency and Evacuation Procedures\***

### **1039.1 PURPOSE AND SCOPE**

The purpose of this policy is to establish a plan to promote a safe work environment and a continuing state of emergency preparedness for the protection of all members and visitors to the Sheriff's Main Office Building in the event of an emergency. The plan is to protect lives, protect property, preserve the organizational structure and ensure the continuity and early resumption of essential services.

#### **1039.1.1 DEFINITIONS**

**Incident Commander:** The on-duty or on-call Watch Commander shall be designated as the Incident Commander. In the absence of a Watch Commander, the Watch Sergeant and in turn the senior Sergeant in the building shall take on this responsibility until relieved.

**Command Center:** The Watch Commander's Office and Conference Room shall be designated as the initial Command Center from which all emergency plan operations shall be directed unless the situation or an evacuation dictates the need for an alternate site. The first alternate site shall be located at Mobile Command Post Two. The second alternative site shall be the E.O.C. located to the south of the Main Adult Detention Facility and connected to the Hall of Justice.

**Incident Recorder:** The Incident Recorder records a chronology of events and information as it occurs, to include time and information source.

**Messenger:** Individuals will be selected by the Incident Commander to relay information in the event radio or phone communication is prohibited or disrupted.

**Floor Evacuation Manager:** The senior on-duty Sergeant on each floor of the Sheriff's Office Building shall automatically be designated as the Floor Evacuation Manager.

**Evacuation Route Monitor:** Individuals will be selected and posted by the Floor Evacuation Managers at top floor stairwells and evacuation route exits.

**Search Personnel:** Individuals shall be designated by the Floor Evacuation Managers to search assigned areas during evacuation, bomb threats, or other emergency situations.

**Evacuation Chairs are installed in the Northwest and Southwest stairwells.**

### **1039.2 RESPONSIBILITIES**

- (a) All managers and supervisors are responsible for ensuring that all Sheriff's Office members are familiar with this policy.
- (b) All Sheriff's Office members shall immediately notify the Sheriff's Dispatch and a supervisor of any actual or perceived threat or emergency.

#### **1039.2.1 CENTRAL INFORMATION BUREAU (CIB) AND DISPATCH MANAGER**

- (a) Shall maintain a copy of this policy in the CIB, Redcom, and Dispatch Managers' offices.

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- (b) Ensure that all procedures, which are specific to the Dispatch Bureau, are known and followed by all members.

#### 1039.2.2 SAFETY COORDINATOR

Ensure training is completed for all members who work in the building.

#### 1039.2.3 WATCH COMMANDERS AND SERGEANTS

- (a) All Deputy Sheriff Watch Commanders and Sergeants shall maintain a copy of this policy in the Watch Commander and Sergeant's offices. All new Sergeants shall receive a copy of this policy in their Sergeant Orientation Manual.
- (b) The Incident Commander shall:
  1. Respond immediately to the Command Center to begin dealing with the incident at hand, and to implement this policy.
  2. Select an alternate Command Center if the situation dictates.
  3. As soon as possible, identify an Incident Recorder, Floor Evacuation Managers, and Messengers as the situation dictates.

#### 1039.2.4 INCIDENT RECORDER

- (a) Shall maintain an immediate liaison with the Incident Commander.
- (b) Shall record a chronology of events to include: sources of information, times, event summaries, actions taken and observations made.
- (c) Shall prepare a written summary of all information in memo format upon completion of the incident and forward to the Incident Commander.

#### 1039.2.5 MESSENGERS

Messengers shall provide a communication link between key members involved in the operation when necessary to supplement or replace existing communications for whatever reason.

#### 1039.2.6 FLOOR EVACUATION MANAGERS

Floor Evacuation Managers shall coordinate all emergency actions in an assigned area or on an assigned floor to include:

- (a) Selection of alternate evacuation routes away from identified dangers as necessary.
- (b) Selection and assignment of Stairway/Exit Monitors and Search Personnel.
- (c) Periodic updates to the Incident Commander regarding progress, and immediate updates regarding problems and changing conditions.

#### 1039.2.7 SEARCH PERSONNEL

Search Personnel shall:

- (a) Evacuate members from assigned areas via pre-planned evacuation routes or the safest means possible.

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- (b) Double check all evacuated areas and then notify the Incident Commander through the Floor Evacuation Manager.
- (c) Follow bomb search procedures if the incident involves a bomb threat.
- (d) Provide Floor Evacuation Managers with periodic updates and immediate updates regarding problems or changing conditions.

#### 1039.2.8 STAIRWAY/EXIT MONITORS

Stairway/Exit Monitors shall:

- (a) Ensure that the stairway and exit routes are clear and safe to use.
- (b) Assist and provide direction to evacuating members.
- (c) Deter re-entry or movement into an area being evacuated without Floor Evacuation Manager/Supervisory approval.
- (d) Provide Floor Evacuation Managers with periodic updates and immediate updates if conditions change or problems arise.

#### 1039.2.9 DISPATCH MEMBERS

Dispatch Members shall:

- (a) Provide continual updates to the Incident Commander regarding both internal and external communications regarding the incident.
- (b) Follow specific evacuation instructions depending on the nature of the incident.

### **1039.3 EVACUATIONS**

#### 1039.3.1 EVACUATION ROUTE

- (a) Posted "EXIT" signs in all work areas and lounges in the Sheriff's Building indicate evacuation routes.
- (b) All members shall become familiar with the evacuation route in their posted work area.
- (c) All members shall review the posted evacuation routes for those areas they are not normally assigned to, but have occasion to visit.
- (d) The designated evacuation route in each area of the building is marked with a lighted "EXIT" sign and shall be the primary route followed when evacuating that area.
- (e) Members may be directed to follow an alternate evacuation route if a structural or perceived hazard is identified within or in proximity to the Sheriff's Building.
- (f) Elevators should not be used unless all other means of evacuation are exhausted.

#### 1039.3.2 TEMPORARY RELOCATION

- (a) Once outside the building, all evacuated members, with the exception of Dispatch members, shall temporarily relocate in the rear (east side) lot of the Sheriff's Main Office Building. If, due to any hazards, this location is deemed inappropriate, members shall temporarily relocate to the lawn area on the north side of the Main Adult Detention Facility (MADF) or another area deemed appropriate by the Incident Commander.

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- (b) Once at the temporary relocation site all members shall await further instructions from a Manager or Supervisor.

#### 1039.3.3 SUPERVISORY RESPONSIBILITIES

- (a) The first supervisor who becomes aware of a situation requiring evacuation shall contact Dispatch who shall provide notification to all members within the Sheriff's Building. This may be accomplished through the use of the Public Address System, the Mobile Data Computer System, and via the inner-office email system. If there is a suspect in the facility, the arresting deputy or detective shall be responsible for moving the person(s) to a safe location.
- (b) The notifying supervisor shall identify the nature of the threat and recommend an alternate evacuation route if the perceived threat is located in the preplanned evacuation route.
- (c) The senior Deputy Sheriff Sergeant at the temporary relocation site shall immediately take on the responsibility of acting as a liaison between the evacuated members and the Incident Commander. Responsibilities shall include information updates, further relocation instructions and meeting the immediate needs of relocated members. The sergeant shall remain in this capacity until relieved.

#### 1039.3.4 DISPATCH BUREAU RESPONSIBILITIES

- (a) Dispatch members shall initiate the following procedure in the event of a fire alarm within the Sheriff's Main Office Building:
  1. Request REDCOM to dispatch the appropriate Fire Department
  2. Notify the on-duty Watch Commander
  3. Confer with the Watch Commander, or the authorized designee, as to the need for an actual evacuation and follow the standard evacuation plan if directed to do so.

#### **1039.4 NATURAL DISASTERS, BOMB THREATS, AND OTHER EMERGENCY SITUATIONS**

Dispatch members shall initiate the following evacuation procedure in the event of a natural disaster, bomb threat, or other emergency affecting the Sheriff's Building.

- (a) All dispatchers are required to remain on duty unless medically unable to do so or until authorization to evacuate is received by an on-duty Manager. If an on-duty Manager cannot be reached, then the decision to vacate shall be left to a Dispatch Supervisor, or in turn to the Senior Dispatcher.
- (b) If the radios in the Dispatch Bureau are operational, and if time permits, dispatchers shall announce their intention to evacuate the building on all active frequencies. If the nature of the emergency is a bomb threat, however, then no broadcast shall be made before, during or after the evacuation until a supervisor receives permission to do so. Dispatchers shall be reminded that "keying a microphone" may in some cases cause a properly designed explosive device to detonate.

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- (c) The Dispatch Supervisor shall notify the Santa Rosa Police Department Communications Section as soon as possible as to the nature of the emergency, the decision to evacuate and a request that they handle all incoming County 911 calls.
- (d) The Dispatch Supervisor or Senior Dispatcher shall ensure that the Communications Disaster Kit is retrieved and removed from the building. This kit contains a number of articles used by Dispatch members to carry on their function at an alternate location.
- (e) Individual dispatchers shall retrieve and take with them portable radios and cellular telephones if available.
- (f) All dispatchers shall evacuate the building by the designated evacuation route unless directed otherwise or, in the absence of any direction, if a safer route is obvious.
- (g) Once safely out of the building, Dispatch members shall remain together and initially respond to Mobile Command Post 1, located at the rear (east) of the Sheriff's Building, if it is safe to do so. Once at that location, they should await instructions as to further relocation.
- (h) Once established in a relocation site, Dispatch members shall immediately setup their alternate communications site equipment, and, if it is safe to do so, shall immediately conduct a status check on all field units on all previously staffed frequencies and notify S.R.P.D of their status and capabilities.
- (i) Off duty Dispatch members shall be contacted as soon as possible and directed to respond to assist as the need to do so is identified.

#### **1039.5 ELEVATORS**

There are two elevators in the Sheriff Headquarters Building. Both elevators have an emergency communication line. The Dispatch Bureau is the reception point for the emergency lines. In the event of a call Dispatch shall:

- (a) Determine the nature of the problem.
- (b) If there is an emergency, medical or other:
  - 1. Call Fire Department
  - 2. Call Facility Operations Department (FAC Ops)
  - 3. Call for an emergency medical response if appropriate
  - 4. Maintain communication with person in elevator, or arrange for periodic callbacks from the elevator

#### **1039.6 MEDICAL EMERGENCY**

Major Injury or Illness:

- (a) Members shall contact Sheriff's Dispatch to summon immediate medical assistance providing the exact location and nature of the illness or injury.
- (b) Provide first aid as needed.
- (c) Notify a supervisor.

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Minor Injury or Illness:

- (a) Provide immediate medical assistance.
- (b) Determine the need for additional medical assistance.
- (c) Notify a supervisor.

### **1039.7 DEMONSTRATIONS/CIVIL DISTURBANCE**

- (a) Members shall notify a supervisor.
- (b) Remain in the building.
- (c) If the demonstration is outside the building, attempt to deter entry by locking the front doors.
- (d) If the demonstration or disturbance is in the lobby area, lock down the front counter and relocate within the secure portion of the building at the direction of a supervisor.
- (e) Notify Dispatch and provide the nature of the demonstration (if known), the number of people involved and the general mood of the group.

### **1039.8 FRONT LOBBY ASSAULTS**

Front desk staff shall:

- (a) Activate the panic alarm.
- (b) Lock down the front lobby area.
- (c) Move away from the threat and move inside the CIB area if able to do so.
- (d) Contact Dispatch and provide the nature of the assault, a description of the suspect(s), a description of weapons and the last known location of the suspect(s).
- (e) Contact a supervisor.
- (f) Seek medical attention if needed.

### **1039.9 BOMB THREATS**

#### **1039.9.1 BOMB THREAT BY TELEPHONE**

Any member receiving the bomb threat should ask:

- (a) When will the bomb explode?
- (b) Who placed it?
- (c) Where is it located?
- (d) What kind of bomb is it?
- (e) What does it look like?
- (f) What is your name and call back number?

The member should keep the caller on the line as long as possible and:

- (a) Record the date and time of the call.

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- (b) Write down the exact words of the caller.
- (c) Take note of the apparent sex and estimated age of the caller.
- (d) Take note of accents, speech patterns and tone of voice.
- (e) Note background noises.
- (f) Record the time the call ended.
- (g) Notify Dispatch and an immediate supervisor as soon as possible and prepare to evacuate if necessary.
- (h) In the event that an evacuation is necessary, Dispatch shall announce that there is a "bomb threat" and members should proceed to evacuate as described in the Evacuation Policy section. In addition, it is necessary to announce that radios or cell phones are not to be used under any circumstances, as they may set off the bomb device.

#### 1039.9.2 BOMB THREAT RECEIVED BY MAIL

- (a) Treat the message and its packaging as evidence taking care to limit handling and to safeguard the item.
- (b) Notify a supervisor.

#### 1039.9.3 SUSPECTED BOMBS OR SUSPICIOUS PACKAGES, DELIVERED OR RECEIVED

- (a) Members should take special note of mail or packages having special characteristics and especially those with a combination of characteristics as follows:
  1. Foreign Mail, Air Mail and Special Delivery
  2. Restrictive markings such as CONFIDENTIAL, PERSONAL, etc.
  3. Excessive postage, especially multiple postage stamps
  4. Handwritten or poorly typed envelope
  5. Incorrect titles
  6. Titles but no names
  7. Misspellings or command words
  8. Oily stains or discoloration, strange odor
  9. No return address
  10. Excessive weight for the size of the package/uneven weight
  11. Rigid and/or uneven envelope
  12. Lopsided envelope
  13. Protruding wires or tinfoil
  14. Excessive securing material (masking tape, string, etc.)
  15. Any other unusual characteristic or visual distraction

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- (b) Do not handle suspicious items.
- (c) Notify an immediate supervisor.
- (d) Contact Dispatch with details concerning the package, current location and your suspicions and prepare to evacuate.
- (e) In the event that an evacuation is necessary, Dispatch shall announce that there is a "bomb threat" and members should proceed to evacuate as described above.

#### 1039.9.4 BOMB SEARCH/LOCATING SUSPICIOUS OBJECTS

- (a) Upon receipt of a bomb threat and prior to evacuation, all members shall do a visual check of their immediate work areas and report any items that should not be there.
- (b) If an evacuation occurs, search teams shall be assigned to search all work areas, corridors, all public areas, elevators, storage areas, restrooms, hallways, stairwells, rooftops, evacuation routes and areas immediately adjacent to the Sheriff's Building.
- (c) Searches shall be directed by the Incident Commander with the assistance of designated Floor Evacuation Managers and other assigned members.
- (d) Suspicious objects that are located:
  - 1. Shall not be touched
  - 2. Shall be immediately reported via Messenger to the Incident Commander
  - 3. A description of the item and its exact location shall be reported, and if possible, a digital photo with NO FLASH should be taken
  - 4. The immediate area where the item is located shall be evacuated and windows and doors left open
  - 5. Contact, if possible, shall be made with evacuated members working in an area where a suspicious item was found in order to attempt to identify it from its location, description or photo
  - 6. Cleared areas shall be posted with a sign that the area was cleared, signed by the clearing individual, and in turn reported back to the Incident Commander through the Floor Evacuation Managers

#### 1039.10 NATURAL DISASTERS

##### 1039.10.1 FIRE

- (a) Move quickly away from fire and smoke; attempt to extinguish fires that can be safely contained.
- (b) Notify Dispatch as to the exact location and extent of the problem.
- (c) Close doors and windows to contain both the smoke and fire.
- (d) Notify an immediate supervisor.
- (e) Prepare to evacuate.

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##### 1039.10.2 EARTHQUAKE

In the event of an earthquake, members shall:

- (a) If inside, stay there. Take shelter under tables, desks, doorways or similar protected objects (Duck and Cover).
- (b) Stay away from overhead fixtures, windows, skylights, filing cabinets, and bookcases.
- (c) If in an elevator, move against the interior wall until elevator stops, get out if possible on the nearest floor and seek cover.
- (d) In a hallway or corridor, brace yourself against the wall and duck down covering your head with your arms.

After the shaking stops:

- (a) Check others for injuries and provide assistance where possible.
- (b) Expect aftershocks, falling debris or exposed electrical wires.
- (c) Do not use the telephone unless for emergency assistance.
- (d) Do not use elevators.
- (e) Follow all emergency instructions, evacuate if instructed and gather at the evacuation site for further instructions.

##### **1039.11 EMERGENCY SITUATIONS**

###### 1039.11.1 ARMED SUBJECT

If an unauthorized individual in the possession of a weapon is located in the immediate vicinity or within the Sheriff's Building, members shall:

- (a) Deputy Sheriffs shall take appropriate action.
- (b) Non-safety members move immediately away from the area to a safe location.
- (c) Warn others in the immediate area.
- (d) Contact Dispatch with a description of the subject, their exact location, and a description of the weapon(s).
- (e) Prepare to evacuate.

###### 1039.11.2 HOSTAGE SITUATION

Members who witness a hostage situation shall:

- (a) Move immediately away from the danger.
- (b) Contact Dispatch advising of the incident, its exact location, and a description of the hostage takers, any weapons, and the number and description/identity of any hostages if known.
- (c) Prepare to evacuate.

###### 1039.11.3 EXPLOSIONS

If there is an explosion in the Sheriff's Main Office Building, members shall:

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- (a) Take immediate cover under desks, tables or similar items to protect against flying glass.
- (b) If the explosion appears to be from some sort of explosive device, take care that another is not concealed close by to injure responding care providers or emergency personnel.
- (c) Contact Dispatch, providing an approximate location for the explosion, and request emergency medical assistance as necessary.
- (d) Prepare for an evacuation and assist injured members in doing so.

#### 1039.11.4 THREATS AND THREATENING BEHAVIOR

All threats should be taken seriously and reported. Threats received by phone shall be reported to a supervisor and handled as follows:

- (a) Attempt to determine if the threat is to the office and its occupants in general or if there is someone specific who is being threatened.
- (b) Attempt to determine the nature of the grievance (work related or personal) and the redress to which the caller believes they are entitled.
- (c) Ask for the name of the caller and for a callback number.
- (d) Obtain as much information as the caller is willing to divulge about themselves, their grievance, and the person or persons at which the threat is aimed.
- (e) Record the following in a memo or crime report and forward to the Professional Standards Lieutenant for a workplace violence assessment.
  - 1. Time and date of the call
  - 2. Exact words of the caller, or as close as possible
  - 3. Sex and approximate age of the caller
  - 4. Accent or speech pattern, tone of voice
  - 5. Background noises
  - 6. Time the call ended
- (f) Threatening behavior may take the form of stalking, which is a crime. Members in this case shall adhere to the following:
  - 1. Be aware of the environment while parking, entering and leaving the building.
  - 2. Immediately report any suspicious circumstances or individuals.
  - 3. Seek immediate safety and utilize an individual panic alarm if necessary.
  - 4. Obtain a suspect/vehicle description to include in a report.
  - 5. Advise a supervisor in addition to a uniformed officer

## **\*Member Separation\***

### **1040.1 PURPOSE AND SCOPE**

The purpose of this policy is to assist members who are separating from employment with the Sonoma County Sheriff's Office. Member separations shall be conducted in accordance with County and Sheriff's Office policies, and Civil Service Rules.

### **1040.2 DEFINITIONS**

**Voluntary Resignation:** A member may terminate employment with the Sheriff's Office on their own volition by formal written resignation, retirement, or by being absent from work without approval for three (3) consecutive working days (Civil Service Rule 10.2). The Personnel Bureau Manager and County Human Resources shall be contacted in the event the Office chooses to terminate a member under Civil Service Rule 10.2(b).

**Voluntary Resignation - Request for Extra-Help Employment:** A member may terminate permanent employment with the Sheriff's Office and request extra-help status. Such request shall be made to the respective Personnel Sergeant via email and will include the anticipated effective date, and approximately how many hours per week the member is anticipating working. Members who are requesting extra-help status following retirement shall submit requests according to specific retirement laws and/or policies.

**Separation of Probationary Members:** A probationary member may be dismissed at any time during the probationary period without the right of appeal or hearing per Civil Service rule 10.3(b)(1). Restoration to prior positions held within the County shall be administered according to Civil Service Rule 10.3(b)(2).

**Layoffs:** A member may be subject to a layoff resulting from the elimination of a position, lack of work, lack of funding, or displacement as a result of Civil Service rule 10.3(b)(2).

**Termination of Classified Members:** A classified member who has attained permanent status may be terminated for reasonable cause if he/she is found to be in violation of the Sonoma County Sheriff's Office Rules and Regulations, or for violation of the County Civil Service Rules.

**Termination of Unclassified (At Will) Members:** A member not in a classified service may be dismissed at any time without right of appeal or hearing, except as may otherwise be provided by law, ordinance or Civil Service Rule 10.3(c).

### **1040.3 VOLUNTARY RESIGNATION**

#### **1040.3.1 MEMBER RESPONSIBILITIES**

Members voluntarily terminating their employment in good standing shall give written notice of their resignation to the appointing authority not less than two (2) weeks prior, unless the appointing authority or authorized designee consents to a shorter notice. The letter of resignation shall contain a statement of intention to terminate the member's employment with the Sheriff's Office, the

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last date of employment and the reason for the resignation. All letters of resignation should be addressed and forwarded to the Sheriff, via chain of command.

- (a) Members who are retiring or separating permanent employment may request to have an exit interview with the Sheriff.

#### 1040.3.2 PERSONNEL BUREAU RESPONSIBILITIES

Upon notification of voluntary resignation, the respective Personnel Bureau Sergeant shall contact the member within 72 hours to email the Exit Interview Questionnaire, offer an exit interview with the Sheriff or authorized designee, and schedule an appointment for the exit process. The Personnel Bureau Sergeant shall:

- (a) Complete the Personnel Termination/Separation Checklist and distribute accordingly.
- (b) Obtain any Sheriff's Office/County issued uniforms and/or equipment or make an appointment with the Purchasing Unit to have equipment returned.
  - 1. If any equipment is reported lost or returned damaged by the member, determine whether such loss or damage was the result of the member's failure to exercise reasonable and proper care.
  - 2. If it is determined that reasonable and proper care was not exercised, prepare a written report explaining the basis for such determination, ascertain the value of the lost or damaged property, advise member of responsibility to reimburse the County for the property, and forward a copy of report to the member and applicable Division Assistant Sheriff/Captain to determine if payment by the member will be required.
  - 3. If payment is to be made, direct the member to make payment for lost or damaged property to the Purchasing Unit and return receipt evidencing the transaction. In cases of lost or damaged equipment, the Personnel Termination/Separation Checklist shall only be signed when payment is received.
- (c) Obtain a completed Exit Interview Questionnaire (if provided by resigning member).
- (d) Schedule the exit interview with the appropriate Division Command staff member or Sheriff.
- (e) Prepare the Change of Status Notice (COSN) and distribute to staff according to policy.
- (f) Inspect the member's locker (if applicable) for cleanliness and document any damage. Notify the appropriate facilities secretary (MADF or NCDF) of the member's departure and vacant locker, if appropriate.
- (g) Determine if the member has a Department of Motor Vehicle (DMV) "Confidentiality" form on file, and if so, determine if the confidentiality should be terminated or amended and submit proper forms to the DMV pursuant to Vehicle Code § 1808.

#### 1040.3.3 PAYROLL UNIT RESPONSIBILITIES

- (a) Complete County of Sonoma Change of Status Form and distribute to the appropriate departments. Payroll will forward the original form to the Personnel Bureau to be filed in the member's personnel file.

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- (b) Forward member's final pay check per the member's request.
- (c) Complete all necessary correspondence that is required by the State of California, in regard to the Employment Development Department (EDD). Copies shall be sent to the Personnel Bureau for filing in the member's personnel file.

#### 1040.3.4 VOLUNTARY RESIGNATION - REQUEST FOR EXTRA-HELP

- (a) Members voluntarily terminating their permanent employment with the Sheriff's Office may request Extra-Help employment. Such request shall be made in writing via email to the Personnel Bureau Sergeant, no less than two weeks before the anticipated effective date. The email request will include the anticipated effective date, and the anticipated number of hours per week the member is requesting to work.
- (b) Within 72 hours of receiving the written request for Extra-Help employment, The Personnel Bureau Sergeant shall complete the Extra-Help Request Form and forward through the chain of command for approval. Once approved, the Personnel Bureau shall complete the COSN and distribute according to policy.

#### 1040.4 INVOLUNTARY TERMINATION (DISCHARGES)

- (a) A Captain, via chain of command, may advise the Sheriff or authorized designee of the recommendation to terminate a member. The Sheriff or authorized designee will authorize the termination.
- (b) If a classified member (permanent employee) is being dismissed for cause, a "Notice of Intended Disciplinary Action" (NOIDA) shall be prepared by the appropriate manager or supervisor.
- (c) The NOIDA author shall provide a draft copy of the NOIDA to County Counsel for review.
- (d) After the NOIDA is reviewed by County Counsel it shall be signed by the Sheriff or authorized designee. After it is signed, a manager or supervisor shall serve the member. The original NOIDA shall be sent to the Professional Standards Lieutenant.
- (e) The Professional Standards Lieutenant or the authorized designee shall prepare and serve the member with an Order of Termination after the appeal process, if any.
- (f) The Professional Standards Lieutenant or authorized designee shall file the Order of Termination according to the Civil Service Rules, and distribute copies as appropriate. The Professional Standards Lieutenant or authorized designee shall return the original NOIDA to be included with the investigation. The Order shall be placed into the Member's Personnel File.

##### 1040.4.1 SEPARATION OF PROBATIONARY MEMBERS

If the member is on probation a Termination of Probation Letter will be served by the appropriate manager or Personnel Bureau.

##### 1040.4.2 TERMINATION OF UNCLASSIFIED MEMBERS (AT WILL)

If the member is an Unclassified Member, an Order of Termination will be prepared and served on the member by the appropriate manager or Professional Standards Unit.

# Sonoma County Sheriff's Office

Policies

Policies

## *\*Member Separation\**

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### **1040.5 SEPARATION OF DECEASED MEMBERS**

- (a) The Assistant Sheriff/Captain of the applicable Division shall assign a liaison to the family of the deceased.
- (b) The liaison shall be responsible for coordinating with the Personnel Bureau Manager for the arrangements with the deceased member's family and for the return of Sheriff's Office issued equipment.
- (c) If the deceased member was assigned a locker, the liaison with the assistance of the Personnel Bureau Sergeant, shall empty that locker. Items that are not County property will be returned to the family of the deceased.
- (d) The liaison, with the assistance of the Personnel Bureau Manager and the Payroll Bureau, shall be responsible for providing information to the deceased family regarding services and benefits.
- (e) The Personnel Bureau Sergeant or Manager shall distribute, process or discard all CLETS, e-mails, reports, or other documentation in compliance with Sheriff's Office policy and/or law.
- (f) The Personnel Bureau Sergeant or Manager shall contact the District Attorney's office regarding any pending cases involving the deceased member.
- (g) The Personnel Bureau Sergeant shall prepare a COSN and distribute.

## Attachments

**NCRIC\_ALPR\_PrivacyPolicy.pdf**

## NCRIC MISSION

The Northern California Regional Intelligence Center (NCRIC) is a multi-jurisdiction public safety program created to assist local, state, federal, and tribal public safety agencies and critical infrastructure locations with the collection, analysis, and dissemination of criminal threat information. It is the mission of the NCRIC to protect the citizens of the fifteen Bay Area counties within its area of responsibility from the threat of narcotics trafficking, organized crime, as well as international, domestic, and street terrorism-related activities through information sharing and technical operations support to public safety personnel.

## AUTOMATED LICENSE PLATE READER (ALPR) TECHNOLOGIES

To support authorized law enforcement and public safety purposes of local, state, federal, and tribal public safety agencies, the NCRIC utilizes Automated License Plate Reader (ALPR) technology, and supporting software, to gather and analyze ALPR data to enable the rapid identification and location of vehicles of legitimate interest to law enforcement. ALPR units are attached to law enforcement vehicles or deployed at fixed locations, where they collect license plate information from vehicles on public roadways and public property. In one common use of ALPR technology, license plate encounters are compared against law enforcement "hotlists", lists of vehicles associated with active investigations, for example, related to Amber Alerts or other missing children, stolen vehicles, or stolen license plates. The information is also retained for a fixed retention period, though it is only re-accessible by law enforcement given a legitimate law enforcement purpose as listed below.

## PURPOSE

This NCRIC Automated License Plate Reader Policy (ALPR Policy) defines a minimum set of binding guidelines to govern the use of Automated License Plate Reader Data (ALPR Data), in order to enable the collection and use of such data in a manner consistent with respect for individuals' privacy and civil liberties.

The NCRIC also completed a NCRIC ALPR Privacy Impact Assessment (PIA) to address in further detail common privacy and civil liberties concerns regarding Automated License Plate Reader technology. The current version of this document is available on the NCRIC web site at [www.ncric.org](http://www.ncric.org).

## AUTHORIZED PURPOSES, COLLECTION, AND USE OF ALPR DATA

To support the mission of the NCRIC, Law enforcement personnel with a need and right to know will utilize ALPR technology to:

- Locate stolen, wanted, and subject of investigation vehicles;

- Locate and apprehend individuals subject to arrest warrants or otherwise lawfully sought by law enforcement;

- Locate witnesses and victims of violent crime;

- Locate missing children and elderly individuals, including responding to Amber and Silver Alerts;

- Support local, state, federal, and tribal public safety departments in the identification of vehicles associated with targets of criminal investigations, including investigations of serial crimes;

- Protect participants at special events; and
- Protect critical infrastructure sites.

#### RESTRICTIONS ON COLLECTION OF ALPR DATA AND USE OF ALPR SYSTEMS

NCRIC ALPR units may be used to collect data that is within public view, but may not be used for the sole purpose of monitoring individual activities protected by the First Amendment to the United States Constitution.

ALPR operators must recognize that the data collected from the ALPR device, and the content of referenced hotlists, consists of data that may or may not be accurate, despite ongoing efforts to maximize the currency and accuracy of such data. To the greatest extent possible, vehicle and subject information will be verified from separate Law enforcement information sources to confirm the vehicle or subject's identity and justification for contact. Users of ALPR Data must, to the fullest extent possible, visually confirm the plate characters generated by the ALPR readers correspond with the digital image of the license plate in question.

All users of NCRIC ALPR equipment or accessing NCRIC ALPR Data are required to acknowledge that they have read and understood the NCRIC ALPR Policy prior to use of the ALPR System.

In no case shall the NCRIC ALPR system be used for any purpose other than a legitimate law enforcement or public safety purpose.

#### TRAINING

Only persons trained in the use of the NCRIC ALPR system, including its privacy and civil liberties protections, shall be allowed access to NCRIC ALPR Data. Training shall consist of: •Legal authorities, developments, and issues involving the use of ALPR Data and technology

- Current NCRIC Policy regarding appropriate use of NCRIC ALPR systems;
- Evolution of ALPR and related technologies, including new capabilities and associated risks;
- Technical, physical, administrative, and procedural measures to protect the security of ALPR Data against unauthorized access or use; and
- Practical exercises in the use of the NCRIC ALPR system

Training shall be updated as technological, legal, and other changes that affect the use of the NCRIC ALPR system occur. In no case shall a person utilize the NCRIC ALPR system if he/she has not completed training in more than a year.

#### AUDIT

Access to, and use of, ALPR Data is logged for audit purposes. Audit reports will be structured in a format that is understandable and useful and will contain, at a minimum:

- The name of the law enforcement user;

- The name of the agency employing the user;

- The date and time of access;

- The specific data accessed;

- The supplied authorized law enforcement or public safety justification for access; and

- A case number associated with the investigative effort generating the ALPR data query.

Audit reports will be provided periodically and on request to supervisory personnel at the NCRIC and partner agencies.

In addition, no less frequently than every 12 months, the NCRIC will audit a sampling of ALPR system utilization from the prior 12 month period to verify proper use in accordance with the above authorized uses. Any discovered intentional misconduct will lead to further investigation, termination of system access, and notification of the user's parent agency for appropriate recourse. In addition, the auditing data will be used to identify systemic issues, inadvertent misuse, and requirements for policy changes, training enhancements, or additional oversight mechanisms.

These ALPR audits shall be conducted by a senior NCRIC official other than the person assigned to manage the NCRIC ALPR function. Audit results shall then be reported to the Director of the NCRIC.

#### DATA QUALITY AND ACCURACY

The NCRIC will take reasonable measures to ensure the accuracy of ALPR Data collected by NCRIC ALPR units and partner agency ALPR systems. Errors discovered in ALPR Data collected by NCRIC ALPR units are marked, corrected, or deleted in accordance with the type and severity of the error in question. Errors discovered in ALPR Data collected from partner agencies' ALPR systems are communicated back to the controlling agency to be addressed as deemed appropriate by that agency or in accordance with the agency's own ALPR data policies.

As the downstream custodian of "hotlists", the NCRIC will provide the most recent versions of these lists available and ensure the lists are refreshed from state or federal sources on a daily basis.

The NCRIC acknowledges that, in rare instances ALPR units may inadvertently capture information contrary to the collection guidelines set forth in this policy. Such records will be purged upon identification. Any discovered notable increase in frequency of these incidents from specific ALPR units or agencies will be followed up with for equipment repairs, camera realignment, or personnel training as necessary.

#### PHYSICAL AND ELECTRONIC SECURITY OF ALPR DATA:

Data collected by ALPR systems is stored in a secured law enforcement facility with multiple layers of physical security and 24/7 security protections. Physical access is limited to law enforcement staff in good standing who have completed background investigations and possess an active security clearance at the "SECRET" or higher level.

NCRIC will utilize strong multi-factor authentication, encrypted communications, firewalls, and other reasonable physical, technological, administrative, procedural, and personnel security measures to mitigate the risks of unauthorized access to the system.

#### RETENTION OF ALPR DATA:

ALPR records matching an entry in a current law enforcement hotlist will trigger an immediate notification to the officer operating the ALPR unit, the active dispatch officer at the agency owning the ALPR unit, the NCRIC, and the custodial agency of the hotlist. Such notifications are also subject to a maximum retention of 12 months.

ALPR Data obtained with license plate information not appearing on hotlists, and with no immediate reasonable connection to criminal activity, will be retained in secure systems so as to only be made accessible to authorized personnel for a maximum period of twelve months, then purged entirely from all systems. If during the specified retention period there is information which supports a legitimate law enforcement purpose (see above section enumerating AUTHORIZED PURPOSES, COLLECTION, AND USE OF ALPR DATA) as to a license plate or partial license plate which was recorded and is retained in these systems, then limited access will be permitted for predicate-based querying for potential matches against the parameters specific to the legitimate law enforcement purpose. Such events shall be recorded in an access log showing date, time, name of person seeking access, agency of employment, reason for access, and tracking identifiers such as an agency case number.

ALPR records of vehicles having been identified and linked to criminal investigation will be entered into the relevant NCRIC database(s) and retained for a period of no more than five years. If during the five-year period NCRIC personnel become aware that the vehicle license plate information is no longer associated with a criminal investigation, it will be purged from the NCRIC's databases.

#### CUSTODIAN OF RECORDS AND RECORDS REQUESTS

Each agency sharing data retains control and ownership as the official custodian of its records, and must independently verify all external information obtained via NCRIC Information Systems. To the extent permitted by law, requests for information under the California Public Records Act or Freedom of Information Act or similar applicable laws will be directed back to the owner of the requested data.

#### SYSTEM MANAGEMENT AND ACCOUNTABILITY

The NCRIC shall assign a senior officer who will have responsibility, and be accountable, for managing the ALPR Data collected and ensuring that the privacy and civil liberties protection and other provisions of this ALPR Policy are carried out. This individual shall also be responsible for managing a process for maintaining the most current and accurate hotlists available from NCRIC law enforcement sources. This individual shall also have the responsibility for the security of the hotlist information and any ALPR Data which is maintained by the NCRIC. It remains, however, the personal responsibility of all officers with access to ALPR Data to take reasonable measures to protect the privacy and civil liberties of individuals, as well as the security and confidentiality of ALPR Data.

#### COMMERCIALY CREATED ALPR DATA

Except as explicitly authorized below with regard to critical infrastructure, the NCRIC will not share NCRIC or partner agency ALPR Data with commercial or other private entities or individuals.

#### DISSEMINATION

The NCRIC may disseminate ALPR data to any governmental entity with an authorized law enforcement or public safety purpose for access to such data. The NCRIC assumes no responsibility or liability for the acts or omissions of other agencies in making use of the ALPR data properly disseminated. Though the NCRIC will make every reasonable effort to ensure the quality of shared ALPR Data and hotlists, it cannot make absolute guarantees of the accuracy of information provided.

ALPR Information may be disseminated to owners and operators of critical infrastructure in circumstances where such infrastructure is reasonably believed to be the target of surveillance for the purpose of a terrorist attack or other criminal activity. In these situations, the NCRIC also will make notification to appropriate local, state, and federal law enforcement agencies.

Information collected by the ALPR system shall not be disseminated to private parties, other than critical infrastructure owners or operators, as limited above, unless authorized, in writing, by the Director of the NCRIC or his designee. ALPR information shall not be disseminated for personal gain or for any other non-law enforcement purposes.

#### POLICY REVISIONS

NCRIC ALPR Policies will be reviewed, and updated as necessary, no less frequently than every 12 months, or more frequently based on changes in data sources, technology, data use and/or sharing agreements, and other relevant considerations.

## Hate Crime Checklist.pdf

# HATE CRIME CHECKLIST

Page \_\_\_\_\_ of \_\_\_\_\_

<b>VICTIM</b>	<p style="text-align: center;"><b><u>Victim Type:</u></b></p> <p><input type="checkbox"/> <b>Individual</b>                  Legal name (Last, First): _____                  Other Names used (AKA): _____</p> <p><input type="checkbox"/> <b>School, business or organization</b>                  Name: _____                  Type: _____  <i>(e.g., non-profit, private, public school)</i>                  Address: _____</p> <p><input type="checkbox"/> <b>Faith-based organization</b>                  Name: _____                  Faith: _____                  Address: _____</p>	<p style="text-align: center;"><b><u>Target of Crime (Check all that apply):</u></b></p> <p><input type="checkbox"/> Person    <input type="checkbox"/> Private property    <input type="checkbox"/> Public property</p> <p><input type="checkbox"/> Other _____</p> <p style="text-align: center;"><b><u>Nature of Crime (Check all that apply):</u></b></p> <p><input type="checkbox"/> Bodily injury                      <input type="checkbox"/> Threat of violence</p> <p><input type="checkbox"/> Property damage</p> <p><input type="checkbox"/> Other crime: _____</p> <p>Property damage - estimated value _____</p>
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<b>BIAS</b>	<p style="text-align: center;"><b><u>Type of Bias</u></b>  <b>(Check all characteristics that apply):</b></p> <p><input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Gender</p> <p><input type="checkbox"/> Gender identity/expression</p> <p><input type="checkbox"/> Sexual orientation</p> <p><input type="checkbox"/> Race</p> <p><input type="checkbox"/> Ethnicity</p> <p><input type="checkbox"/> Nationality</p> <p><input type="checkbox"/> Religion</p> <p><input type="checkbox"/> Significant day of offense  <i>(e.g., 9/11, holy days)</i></p> <p><input type="checkbox"/> Other: _____</p> <p>Specify disability (be specific):                  _____                  _____</p>	<p style="text-align: center;"><b><u>Actual or Perceived Bias – Victim’s Statement:</u></b></p> <p><input type="checkbox"/> Actual bias [Victim actually has the indicated characteristic(s)].</p> <p><input type="checkbox"/> Perceived bias [Suspect believed victim had the indicated characteristic(s)].  <i>If perceived, explain the circumstances in narrative portion of Report.</i></p> <p style="text-align: center;"><b><u>Reason for Bias:</u></b></p> <p><b>Do you feel you were targeted based on one of these characteristics?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Explain in narrative portion of Report.</i></p> <p><b>Do you know what motivated the suspect to commit this crime?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Explain in narrative portion of Report.</i></p> <p><b>Do you feel you were targeted because you associated yourself with an individual or a group?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Explain in narrative portion of Report.</i></p> <p><b>Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Describe in narrative portion of Report.</i></p> <p><b>Are there Indicators the suspect is affiliated with a criminal street gang?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Describe in narrative portion of Report.</i></p>
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	<p style="text-align: center;"><b><u>Bias Indicators (Check all that apply):</u></b></p> <p><input type="checkbox"/> Hate speech                      <input type="checkbox"/> Acts/gestures                      <input type="checkbox"/> Property damage                      <input type="checkbox"/> Symbol used</p> <p><input type="checkbox"/> Written/electronic communication                      <input type="checkbox"/> Graffiti/spray paint                      <input type="checkbox"/> Other: _____</p> <p><i>Describe with exact detail in narrative portion of Report.</i></p>
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<b>HISTORY</b>	<p style="text-align: center;"><b><u>Relationship Between Suspect &amp; Victim:</u></b></p> <p>Suspect known to victim?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p>Nature of relationship: _____</p> <p>Length of relationship: _____</p> <p><i>If Yes, describe in narrative portion of Report</i></p>	<p><input type="checkbox"/> Prior reported incidents with suspect? Total # _____</p> <p><input type="checkbox"/> Prior unreported incidents with suspect? Total # _____</p> <p>Restraining orders?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p><i>If Yes, describe in narrative portion of Report</i></p> <p>Type of order: _____    Order/Case# _____</p>
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<b>WEAPONS</b>	<p>Weapon(s) used during incident?    <input type="checkbox"/> Yes    <input type="checkbox"/> No    Type: _____</p> <p>Weapon(s) booked as evidence?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p>Automated Firearms System (AFS) Inquiry attached to Report?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p>
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# HATE CRIME CHECKLIST

Page \_\_\_\_ of \_\_\_\_

<b>EVIDENCE</b>	Witnesses present during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No	Statements taken? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No	Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked
	Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo
	Total # of photos: _____ D#: _____ Taken by: _____ Serial #: _____	<input type="checkbox"/> Known to victim

<b>OBSERVATIONS</b>	<b><u>VICTIM</u></b>	<b><u>SUSPECT</u></b>
	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____

**ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):**

Has suspect ever threatened you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Has suspect ever harmed you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does suspect possess or have access to a firearm?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are you afraid for your safety?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Do you have any other information that may be helpful?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

**Resources offered at scene:**  Yes  No Type: \_\_\_\_\_

<b>MEDICAL</b>		<b><u>Victim</u></b>	<b><u>Suspect</u></b>	
	<input type="checkbox"/>	<input type="checkbox"/>	Declined medical treatment	<b>Paramedics at scene?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____ Name(s)/ID #: _____
	<input type="checkbox"/>	<input type="checkbox"/>	Will seek own medical treatment	Hospital: _____
	<input type="checkbox"/>	<input type="checkbox"/>	Received medical treatment	Jail Dispensary: _____
Authorization to Release Medical Information, Form 05.03.00, signed? <input type="checkbox"/> Yes <input type="checkbox"/> No				Physician/Doctor: _____ Patient #: _____

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

## **Statutes and Legal Requirements.pdf**

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## Statutes and Legal Requirements

Items listed in this section include sections from the California Penal Code (CPC), Welfare and Institutions Code (WI) and Government Code (GC).

### *Definitions*

CPC 422.55 - Provides general definition of hate crimes in California.

CPC 422.56- Provides definitions of terms included in hate crimes statutes.

GC 12926- Disability-related definitions applicable to some hate crime statutes.

## Felonies

### *Hate Crimes*

CPC 422.7 - Commission of a crime for the purpose of interfering with another's exercise of civil rights.

### *Related Crimes*

CPC 190.2(a)(16) - Homicide penalties related to certain hate crime related acts.

CPC 190.03(a) - Homicide penalties related to certain hate crime related acts.

CPC 288(b)(2) - Sexual assault of dependent person by caretaker

CPC 368(b) - Dependent adult abuse generally - may apply as disability-related hate crime.

CPC 594.3 - Vandalism of places of worship.

CPC 11412 - Causing or attempting to cause other to refrain from exercising religion by threat.

CPC 11413 - Arson or destructive device at place of worship.

## Misdemeanors

### *Hate Crimes*

CPC 422.6 - Use of force, threats, or destruction of property to interfere with another's exercise of civil rights.

CPC 422.77 - Violation of civil order (Bane Act) protecting the exercise of civil rights

### *Related Crimes*

CPC 302 - Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.

CPC 538(c) - Unauthorized insertion of advertisements in newspapers and redistribution to the public.

CPC 640.2 - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.

CPC 11411 - Terrorism of owner or occupant of real property. Placement or display of sign, symbol, or other physical impression without authorization, engagement in pattern of conduct, or burning or desecration of religious symbols.

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## Enhancements

**CPC 190.2(a)(16)** - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.

**CPC 190.3** - Special circumstances imposing LWOP if the victim was intentionally killed because of sexual orientation, gender, or disability.

**CPC 422.75** - Penalty for felony committed because of victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.

**CPC 1170.8** - Enhancement for robbery or assault at a place of worship.

**CPC 1170.85(b)** - Felony assault or battery enhancement due to age or disability.

## Reporting

**CPC 13023**- Requirement for law enforcement agencies to report hate crime data to DOJ.

**WI 15630** – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

## Training and Policy Requirements

**CPC 422.87** - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).

**CPC 13519.6** - Defines hate crime training requirements for peace officers.

**CPC 13519.41** - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

## Miscellaneous Provisions

**CPC 422.78** - Responsibility for prosecution of stay away order violations.

**CPC 422.86** - Public policy regarding hate crimes.

**CPC 422.89** - Legislative intent regarding violations of civil rights and hate crimes

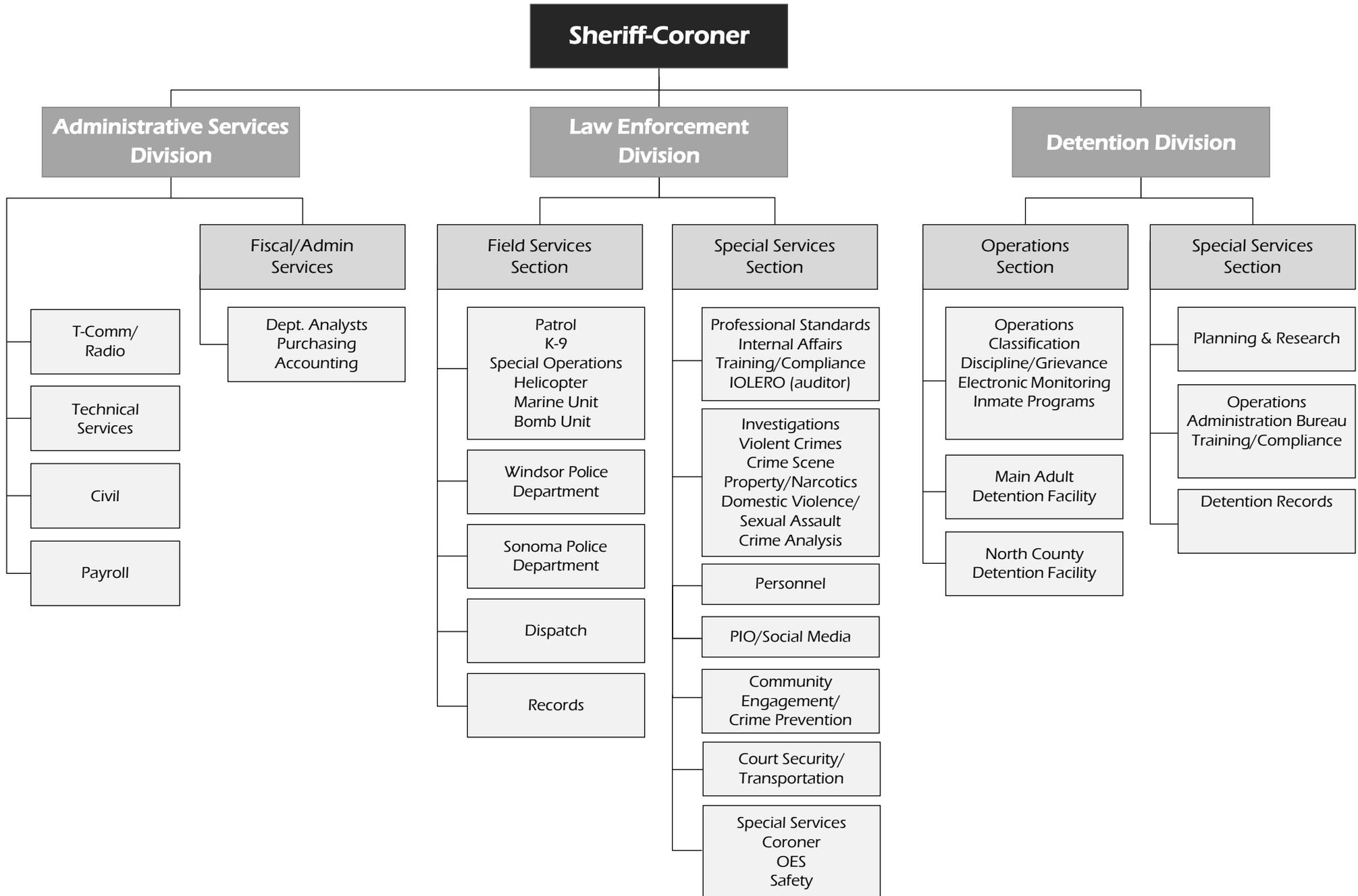
**CPC 422.92** - Hate crimes victims brochure requirement for law enforcement agencies.

**CPC 422.93** - Protection of victims and witnesses from being reported to immigration authorities.

**GC 6254** - Victim confidentiality.

## Operational Org Chart.pdf

# Sonoma County Sheriff's Office Operational Org Chart



## **Senior and Disability Victimization Checklist.pdf**

# Senior and Disability Victimization

## First Responder's Responsibilities Checklist

- Take responsibility for safety and well-being of victim
- Follow policy guidelines for interviewing
- Recognize victims potential to have cognitive or communication disabilities
- Document the Scene
- \*\*\*Obtain signed medical release
- Interview caretakers separately
- Recognize victim cooperation not always necessary for prosecution
- Make arrests or seek warrants when possible
- Seek Emergency Protective Order to protect victim
- If cognitive and/or communication disability seek interviewer with advanced skills
- Avoid repeated interviews when possible
- Review Policy 313 for further guidance during investigation

\*\*\*Medical release from victim only if deputy is satisfied of cognitive ability to understand document.

**Policy 707 Military Equipment  
Inventory Attachment.pdf**

# **Sonoma County Sheriff's Office Military Equipment Inventory Attachment**

## **1. Robots (Category 1)**

### **a. Description, quantity, capabilities, and purchase cost:**

**AVITAR III by Robotex** - Cost \$25,000, quantity- one. The AVITAR III is a heavy-duty robot. It is controlled by remote operation with a camera attachment. It is able to climb stairs with the ability to broadcast from the controller to the robot as well to monitor audio and video input that the robot is exposed to. The AVITAR III has a run time of approximately two hours, depending on terrain that the tracked robot has to travel to get the location of monitoring. SWAT/Special Operations.

### **b. Purpose:**

To be used to remotely gain visual/audio data, deliver the Hostage Negotiator Team's (HNT) phone, gain access to rooms with partially closed doors, climb stairs to see areas of concealment where it is unsafe for a person to access, and to clear buildings from the available visual fields of the camera.

### **c. Authorized use:**

Only assigned deputies who have completed the required training shall be permitted to operate the AVITAR III. This robot is assigned to the Special Operations Unit.

### **d. Expected lifespan:**

The unit itself has a lifespan of 10-15 years with regular battery replacement.

### **e. Fiscal Impact:**

Annual battery replacement as needed, \$395.

### **f. Training:**

All robot operators must complete training on operating the AVITAR III. Operators must demonstrate the ability to operate it safely and effectively. Operators are designated by the Special Operations Commander to operate the robot in critical incident situations.

### **g. Legal and procedural rules:**

It is the policy of this agency to utilize this robot only for official law enforcement purposes, and in a manner that respects the privacy of our community, pursuant to State and Federal Law.

## **2. Robots (Category 1)**

### **a. Description, quantity, capabilities, and purchase cost:**

**F6 by REMOTEC** - Cost is approximately \$319,000. Quantity- one. The Remotec is a medium sized robot. The robot is capable of being deployed remotely and offers various capabilities; stair climbing ability, arm manipulation and deployment of remote tools. This robot offers two-way communication and can utilize the arm for door and object manipulation as needed. EOD/Bomb squad

### **b. Purpose:**

To remotely assess and render safe suspicious devices to keep Bomb Squad staff safe and allow them to remotely deal with dangerous devices.

### **c. Authorized use:**

Explosive Ordinance Disposal Team use to render dangerous items as safe. This robot may be used by EOD staff to assist the Special Operations Unit as needed in critical situations.

## **Sonoma County Sheriff's Office Military Equipment Inventory Attachment**

- d. **Expected lifespan:**  
This robot is currently over 20 years old and with mild maintenance has been working very well. Due to the specific functions of this unit, it will be utilized until a dangerous device renders the robot inoperable.
  - e. **Fiscal Impact:**  
No known annual maintenance costs. EOD personnel perform routine preventative maintenance on this robot as needed.
  - f. **Training:**  
Each operator must complete the internal 20-hour training as well as have completed the bomb tech-training course which is provided every three years.
  - g. **Legal and procedural rules:**  
Comply with the laws and procedures as identified by the FBI Hazardous Devices School and the Nationwide NBSCAB National Bomb Squad Commanders Advisory Board – General Operational Orders.
3. **Robots (Category 1)**
- a. **Description, quantity, capabilities and purchase cost:**  
**Talon by QNetic** - Cost is unknown (acquired through grant funding). Quantity- one. The Talon is a medium sized robot. The robot is capable of being deployed remotely and offers various capabilities; stair climbing ability, arm manipulation and deployment of remote tools. This robot offers two-way communication and can utilize the arm for door and object manipulation as needed. EOD/Bomb squad
  - b. **Purpose:**  
To remotely assess and render safe suspicious devices to keep Bomb Squad staff safe and allow them to remotely deal with dangerous devices.
  - c. **Authorized use:**  
Explosive Ordinance Disposal Team use to render dangerous items as safe. This robot may be used by EOD staff to assist the Special Operations Unit as needed in critical situations.
  - d. **Expected lifespan:**  
10-15 years.
  - e. **Fiscal Impact:**  
No known annual maintenance costs. EOD personnel perform routine preventative maintenance on this robot as needed.
  - f. **Training:**  
Each operator must complete the internal 20-hour training as well as have completed the bomb tech-training course which is provided every three years.
  - g. **Legal and procedural rules:**  
Comply with the laws and procedures as identified by the FBI Hazardous Devices School and the Nationwide NBSCAB National Bomb Squad Commanders Advisory Board – General Operational Orders.
4. **Unmanned Aerial Vehicles (Category 1)**
- a. **Description, quantity, capabilities, and purchase cost:**  
Unmanned Aircraft Systems (UAS): Unmanned aircraft along with accessories and

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associated equipment to control it remotely. Patrol and Special Operations

Models in use:

- i. **DJI MAVIC MINI** - Cost \$600 each, quantity 3. Multipurpose UAS with enhanced quality in photographs and video. \$50 annual maintenance expense.
- ii. **DJI MAVIC ENTERPRISE DUAL** - Cost \$5000, quantity 2 (donation funded). Multipurpose UAS with a secondary camera for infrared light. Capable of attaching an audible loudspeaker and/or spotlight. \$300 annual maintenance expense.
- iii. **PARROTT ANAFI THERMO** - Cost \$1300, quantity 1. Multipurpose UAS with a stabilized image that utilizes a thermal camera to detect heat and infrared images. \$100 annual maintenance expense.
- iv. **PARROTT ANAFI** - Cost \$800 (this UAS was donated), quantity 1. Multipurpose UAS with a 32x zoom camera for clear viewing at distance, enhanced quality photographs and video. \$100 annual maintenance expense.
- v. **DJI PHANTOM 4** - Cost \$500 each, quantity 2. Multipurpose UAS with enhanced quality for photographs and video. \$100 annual maintenance expense.
- vi. **DJI MAVIC 2- ZOOM** - Cost \$1200, quantity 1. Multipurpose UAS with a secondary camera for 2x optical zoom. Capable of attaching an audible loudspeaker and/or spotlight. \$200 annual maintenance expense.
- vii. **DJI MAVIC AIR** - Cost \$900, quantity 1 (donation funded). Multipurpose UAS with quality photograph resolution and video. \$100 annual maintenance expense.

**b. Purpose:**

To be deployed when its view would assist deputies or incident commanders with the following situations, which include but are not limited to:

- i. Searching for missing persons.
- ii. Natural disaster management.
- iii. Crime scene photography.
- iv. SWAT, tactical, or other public safety and life preservation missions.
- v. In response to specific requests from local, state, or federal fire authorities for other incidents, but not limited to, fire response and/or prevention.

**c. Authorized use:**

Authorized uses of the UAS include, but are not limited to:

- i. Response to a public safety emergency.
- ii. Search and rescue.
- iii. Investigating suspicious or explosive devices.
- iv. Natural disaster response and management.
- v. Crime scene documentation.
- vi. Recovery of a decedent.
- vii. Qualifying law enforcement mutual aid.

**d. Expected lifespan:**

3-5 years.

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**e. Fiscal Impact:**

Dependent upon the model. See above for annual maintenance expense for each listed model/brand.

**f. Training:**

All Sheriff's Office UAS pilots must obtain a FAA Part 107 (remote pilot) license before being allowed to operate a UAS. Each pilot has been trained by the Los Angeles Regional Training Center UAS Pilots/Operator Course offered in Sonoma County to provide training to regional pilots. Each UAS pilot receives ongoing monthly training with the Sheriff's Office UAS Unit.

**g. Legal and procedural rules:**

Use is established under the Sonoma County Sheriff's Office Policy 606 Unmanned Aerial System Operations and FAA Regulation 14 CFR Part 107. It is the policy of the Sheriff's Office to utilize the UAS for official law enforcements purposes only, and in a manner that respects the privacy of our community, pursuant to State and Federal laws.

**5. Armored Personnel Carrier, vehicle with entry apparatus attached (Category 2 & 3)**

**a. Description, quantity, capabilities, and purchase cost:**

**LENCO BEARCAT** - Cost \$306,000, quantity 1. The Lenco Bearcat is an armored/protective vehicle that seats 10-12 personnel with an open floor plan which allows for the rescue of injured persons. In addition to the rescue abilities of the Bearcat, the vehicle provides a reasonably safe vehicle that is capable of transporting and positioning a SWAT react team to a location close to a dangerous situation, providing them with the conditions to seek a non-lethal conclusion. The Bearcat is a regional asset (obtained through grant funding) that the Sheriff's Office maintains and operates for the Sonoma County Sheriff's Office SWAT Team as well as for the Santa Rosa Police Department SWAT team. When requested by an allied agency in the region, two SCSO SWAT deputies are assigned to drive and control the vehicle. SWAT/Special Operations Unit

**b. Purpose:**

To be used in response to critical incidents to enhance deputy and community safety, improve scene containment, stabilize a scene, and assist in resolving critical incidents throughout the region.

**c. Authorized use:**

The use of the Bearcat can only be authorized by the Special Operations Commander and may only be driven by qualified SWAT team deputies, pursuant to Sheriff's Office Policy 404- Special Operations Unit and 705- Armored Rescue Vehicle. Any request for mutual aid, is directed to the Special Operations Commander and follows the same authorization procedure as the activation of the SWAT team. The Bearcat is an integral safety tool for the SWAT team and is utilized for each SWAT team deployment.

**d. Expected lifespan:**

25 years.

**e. Fiscal Impact:**

Approximately \$1000 annually for maintenance. As fuel costs fluctuate, this vehicle is a diesel engine, and the cost for fuel will vary depending on use and miles driven.

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- f. Training:**  
Each operator of the Bearcat must complete the Department Emergency Vehicle Operations Course designated for the Bearcat. The driver of the vehicle must be a member of the Sheriff's SWAT Team and in good standing with the mandatory 20 hours of monthly SWAT training.
  - g. Legal and procedural rules:**  
All requests for use are reviewed by the Special Operations Commander. The use of the Bearcat must follow Policies 404- Special Operations Unit, and 705- Armored Rescue Vehicle.
- 6. Command and Control Vehicles (Category 5)**
- a. Description, quantity, capabilities, and purchase cost:**  
**2021 Freightliner MT-55 chassis 26 foot LDV Specialty Vehicle, Mobile Command Center (MCC)** Cost \$505,614, quantity 1. This vehicle is deployable to any critical incident, natural disaster, community event, and any other situation where having an on-scene command and control location is necessary. This vehicle provides the Sheriff's Office the ability to have a stand-alone operationally ready incident command, dispatch, communications, tactical command, hostage negotiation platform, and natural disaster response vehicle throughout Sonoma County. The vehicle is equipped with our dispatch CAD system for seamless integration in operational incidents, multi-system wireless technology for areas of the County that are not currently serviced by all providers, radio repeater technology to act as a bridge for portable radios, and direct connection with the Sheriff's Satellite truck in the event of a significant incident or natural disaster that affects radio or phone communication throughout the County of Sonoma. Sheriff's Office Command.
  - b. Purpose:**  
To respond to critical incidents and large scale disasters that require a remote command and control operations center.
  - c. Authorized use:**  
The MCC use can be authorized by the Sheriff's Office Watch Commander or Special Operations Commander as needed to assist with Sheriff's Office operations and to provide the Sheriff's Office with a command center for large-scale disaster incidents where an Incident Management has been established. The MCC can be deployed by the Sheriff's Office in mutual aid situations where a command and control is needed from the Sheriff's Office.
  - d. Expected lifespan:**  
20 years with annual technology updates.
  - e. Fiscal impact:**  
Approximately \$1000 annual maintenance. Fuel costs are variable and dependent up on miles driven and the use of the on-board diesel generator. Technology updates and upgrades will be variable depending on the needs and requirements of installed communications equipment.
  - f. Training:**  
The MCC is maintained and managed by the technical service team, comprised of deputy sheriff's, radio communication staff, and Sheriff's IT Unit personnel. This Unit

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meets monthly for maintenance and deployment training, as well as participation in the quarterly Special Operations Unit training scenario.

**g. Legal and procedural rules:**

It is the policy of the Sheriff's Office to only use the MCC for official law enforcement purposes as outlined in Sheriff's Office Policy 706- Mobile Command Center, and in accordance with California State law for operation of a motor vehicle.

**7. Command and Control Vehicles (Category 5)**

**a. Description, quantity, capabilities, and purchase cost:**

**Custom built 2007 Ford F450 with attached Communications Shelter (Sat Truck)** Cost \$87,173, quantity 1. The Sat Truck is a mobile radio and satellite communication response vehicle. The truck is equipped with radios, cellular service, satellite phone and radio communications that can connect Sheriff's Office radios with all known radio configurations in northern California. The Sat Truck can operate as a stand-alone command and control vehicle in rural hard to reach areas utilizing the vehicles four wheel drive system, or can be deployed with the MCC to act as a bridge for communication when standard radio and cellular internet services are not available. The Sat Truck can create a wireless network for a designated zone and provide access for emergency services during a critical incident. The Sat Truck has the ability to connect with every Emergency Operations Center (EOC) for natural disaster response throughout the State. Sheriff's Office Command.

**b. Purpose:**

Readily deployable mobile command and communications center in the event of a natural disaster or critical incident that has damaged standard methods of communication. This vehicle provides the Sonoma County Sheriff's Office with the ability to continue emergency operations and communications in the worst situations.

**c. Authorized use:**

The Sat Truck can be deployed to meet the operational needs of the Sonoma County Sheriff's Office and for mutual aid requests where the Sheriff's Office needs to have a remote command and control center. The activation of the Sat Truck can be authorized by the Watch Commander or Special Operations Unit Commander.

**d. Expected lifespan:**

The current vehicle was purchased in 2007 and is operationally ready. The technology updates contained within the structure have been maintained and will continue to be updated as technology and operational needs change.

**e. Fiscal impact:**

\$300 annual maintenance. Technology costs are dependent and variable upon changes in services and operational needs. Fuel consumption is an additional expense, however, this is based on the needed use and deployment of the vehicle.

**f. Training:**

The Technical Service Team maintains the technology and the operational readiness of this vehicle. That team consists of deputy Sheriff's, radio communications technicians, and a representative of the Sheriff's IT Unit. The team meets monthly and participates in the quarterly Special Operations Unit scenario training.

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**g. Legal and procedural rules:**

It is the policy of the Sheriff's Office to only use the Sat Truck for official law enforcement purposes and in accordance with California State law for operation of a motor vehicle.

**8. Battering rams, slugs, and breaching apparatuses (Category 7)**

**a. Description, quantity, capabilities, and purchase cost:**

**LIGHTFIELD 12 GAUGE BREACHING ROUND** - Cost \$4.90 each, quantity 25. This breaching round is a non-metallic round that provides a means of entry that is non-lethal. The round is designed to be deployed with a designate 12 gauge shotgun that has been specially fitted with a "stand-off" muzzle so it can be directly applied to the door. When this round is deployed, the powder contents break apart on contact with the door so it does not exit from the door as a lethal round. This breaching method provides a safe technique for the deputy who is exposed in front of a door and for any persons on the inside of the door. SWAT/Special Operations Unit.

**b. Purpose:**

Quick and safe entry through a fortified door when appropriate based on Sheriff's policy and State law.

**c. Authorized use:**

This breaching round can only be used by a SWAT team member in accordance with Sheriff's Office Policies 300- Use of Force, 404- Special Operations Unit, 707- Military Equipment, existing State and Federal Law.

**d. Expected lifespan:**

5 years, no listed expiration.

**e. Fiscal impact:**

No annual maintenance fees, replacement of inventory as used.

**f. Training:**

Each SWAT team member that has completed the 80 hour POST Certified Basic SWAT academy must also attend a 16 hour POST Certified Breacher Course. The SWAT member must be in good standing with the twice monthly SWAT training schedule as well.

**g. Legal and procedural rules:**

Shotgun breaching rounds will only be used in the execution of an authorized Search Warrant and/or emergency entry to protect lives and prevent death inside a fortified structure.

**9. Noise-flash diversionary devices (Category 11)**

**a. Description, quantity, capabilities, and purchase cost:**

A noise flash diversion device (NFDD) is a device that creates a bright flash and loud sound simultaneously to temporarily divert the attention of subjects in the immediate area off the movement and action of law enforcement. An NFDD is used to distract and temporarily incapacitate dangerous suspects by overwhelming their senses of vision and hearing. This allows law enforcement time to take control of high-risk situations.

- i. Combined Tactical Systems 7290M** - Cost \$40 each, quantity 88. The 7290m produces 180dB audible output simultaneous to 6-8 million candela of light output. The structure of the hand placed unit remains intact and is a single use.

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Engineered with ports, the body of the unit remains where it is placed with the sound and flash. SWAT/Special Operations Unit and Corrections.

- ii. **Combined Tactical Systems 7290-9** - Cost \$129 each, quantity 5. The 7290-9 produces 165-180dB audible output simultaneous to 6-8 million candela of light output. The structure of the hand placed unit remains intact and is a single use. Engineered with ports, the body of the unit remains where it was placed during the sound and flash. SWAT/Special Operations Unit.
- iii. **Defense Technology 40mm Warning/Signaling munition** - Cost \$41.40 each, quantity 10. The model 6028 WS is a noise and flash diversion device that produces a 170dB of sound and a 5 million candela light output. This NFDD is launched through a 40mm launcher and is intended for situations where a stand-off distance is desired and hand deployment is not safe. The cartridge itself will deflagrate (burn away) at a set distance of 50 meters in the air. Tactical Team.
- iv. **Lightfield Nova DR** - Cost \$4.60 each, quantity 470. This NFDD is fired through a designated 12 gauge shotgun platform. The NFDD produces a 110 dB sound and the flash is intense, but this is dependent upon where the muzzle of the barrel is. The level of brightness, is described as an "intense muzzle flash", without a stated candela brightness. This form of delivery is the preferred method in the custodial setting as the Deputy has complete control of the safety factors with the use. Corrections.

b. **Purpose:**

- i. **CTS 7290M and the CTS 7290-9** are both meant to be hand deployed/placed at the location of distraction. The function of them is to produce an atmospheric over-pressure and brilliant white light resulting in a short-term physiological/psychological sensory deprivation to give the Deputies a tactical advantage.
- ii. **Lightfield Nova DR** is meant to be deployed with a dedicated 12 gauge shotgun with a focused direction of fire in a safe manner away from any persons. The function of them is to produce an atmospheric over-pressure and brilliant white light resulting in a short-term physiological/psychological sensory deprivation to give the Deputies a tactical advantage.
- iii. **40mm warning/signaling munition** is meant to be deployed through a 40mm launcher and is only to be used in an outdoor setting where the person deploying the munition has a clear view of the area and it can safely be deployed. This round is not a direct contact round and also produces an atmospheric (aerial) over-pressure and brilliant white light, with the intended purpose of gaining attention of a crowd through a short-term physiological and psychological sensory deprivation. The munition itself will deflagrate at a set distance of meters in the air.

c. **Authorized use:**

Diversionary Devices shall only be used:

- i. By SWAT, Tactical Team, or SERT deputies who have been trained in their proper and legal use.

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- ii. In hostage and barricaded subject situations for SWAT and SERT.
- iii. In high-risk warrant (search/arrest) services, where there may be extreme hazards to deputies.
- iv. During other high-risk situations where the use would enhance officer and public safety, specifically in crowd control situations by the Tactical Team following SCSO Policy 432- First Amendment Assemblies.
- v. During training exercises.

**d. Expected lifespan:**

All of the NFDD in Sheriff's Office inventory expire five years after manufacture.

**e. Fiscal Impact:**

This is dependent upon use. Every 5 years, the inventory is replaced, although the specialty units that have access to these types of rounds have an annual inventory update.

**f. Training:**

All deputies that deploy or utilize one of the NFDD's have to be trained and qualified in the safe deployment of each type of system. The NFDD's must be stored and are an ATF controlled Class C Explosive Device and each deputy must be trained in the storage and maintenance process for a Class C explosive device. Anyone utilizing a 40mm launching platform, must have attended a POST approved Less Lethal Course or similar course that meets the POST standard of training specific to the 40mm system.

**g. Legal and procedural rules:**

It is the policy of the Sheriff's Office to utilize these devices only for official law enforcement purposes, pursuant to State and Federal law regarding the use of force. Specifically, the Sheriff's Office Policy 300- Use of force, 404- Special Operations Unit, 432-First Amendment Assemblies, as well as the California Penal Code 13652 and 13652.1.

### **10. OC/CS Chemical Agent (Category 12)**

**a. Description, quantity, capabilities, and purchase cost:**

Chemical agent munitions, which are commonly referred to as "gas" or "tear gas", are used by the Sonoma County Sheriff's Office as a non-lethal tool to provide a safe resolution with a barricaded dangerous suspect and under strict legal guidance in reference to non-peaceful assemblies. The chemical agents used by the Sonoma County Sheriff's Office are common among law enforcement agencies across the Country. The Sheriff's Office currently has inventory of two types of chemical irritants- CS (2-Chlorobenzylidenemalononitrile) and OC (Oleoresin Capsicum). CS is an irritating agent and lachrymator (irritates the eyes and causes tears to flow), OC is an inflammatory agent which causes involuntary closure of eyes (open in 2-5 minutes) and respiratory inflammation (subsides in approximately 2 minutes). There are several delivery systems that can be used to disperse the agent, the following inventory is broken down by delivery system:

**i. Hand Deployed/Placed -**

- 1. Defense Technologies Pocket Tactical CS - Cost \$33.25 each, quantity 7. Each contains 0.9 oz. of agent that releases over 20-40 seconds. This**

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type of system is most commonly used indoors. SWAT/Special Operations.

2. **ALS 6273 OC Expulsion Delivery** - Cost \$24.65, quantity 1. It contains 10 grams of OC and has an immediate delivery time. Most commonly used indoors. SWAT/Special Operations Unit.
  3. **ALS 2773 CS Expulsion Delivery** - Cost \$42.78 each, quantity 10. Each one contains 24 grams of CS and has an immediate delivery. Most commonly used indoors. SWAT/Special Operations Unit.
  4. **CTS 6230 CS Canister** - Cost \$22.63 each, quantity 12. Each canister contains 410 grams of CS that releases over 20-40 seconds. Most commonly used in outdoor settings. SWAT/Special Operations Unit.
  5. **CTS 5230B CS Baffled Canister** - Cost \$31.58 each, quantity 25. Each contains 395 grams of CS that releases over 20-40 seconds. Most commonly used indoors with the baffled reduction in flame and fire hazard. SWAT/Special Operations Unit.
  6. **Defense Technology Model 1026 CS** - Cost 49.44 each, quantity 25. Each contains 3.2 oz. of CS agent that releases in 20-30 seconds. Most commonly used in large indoor settings and outdoors and has separating canisters to increase the dispersal coverage in a shorter period of time. Tactical Team and Corrections.
  7. **Defense Technology Model 1082 CS** - Cost \$27.65 each, quantity 12. Each contains 2.7 oz. of CS agent that releases in 20-40 seconds. This is made for outdoor use due to the amount of smoke that is produced with the agent. Tactical Team.
  8. **Defense Technology OC Aerosol Fogger 6 oz. and 1 oz.** - Cost \$24.87, quantity 12. There are two sizes, one is 6 oz. and the other is 1 oz. This is an atomized mist, which enhances the formulation. The canister is hand deployed, or may be held and maintained in the hand during the spray. Corrections.
- ii. **40mm Launcher Deployed -**
1. **Defense Technology Direct Impact OC (orange tip)** - Cost \$21.57 each, quantity 217. This is a point of aim, point of impact direct fire round that has an irritant amount of OC powder that releases with contact. As this is a dual purpose foam tip round, it is a low-lethal round and is used for subjects that are violent and dangerous as an option of non-lethal force. Patrol and Corrections.
  2. **Defense Technology Powder Barricade Round OC** - Cost \$22.50 each, quantity 27. Each round is a frangible projectile that is designed to penetrate barriers. Upon impact the nose of the round ruptures and instantaneously delivers the agent inside a structure or vehicle. This can be used on structures and vehicle, but not directly aimed at persons. SWAT/Special Operations Unit.
  3. **CTS 4330 Barricade, spin stabilized CS Round** - Cost \$19.47, quantity 24. This is a liquid filled projectile that penetrates intermediary barriers and

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delivers CS irritant agents. Commonly used on vehicle and structure barricades, but not intended to be used as a direct impact tool with a person. SWAT/Special Operations Unit.

4. **Defense Technology Liquid Barricade Round CS** - Cost \$21.75 each, quantity 23. This round is a frangible projectile filled with liquid CS that is designed to penetrate barriers. This projectile has 6.9 grams of liquid agent and is intended to dislodge a barricaded suspect from a small space. It can be used on windows and structures, but is not intended to be used as a direct impact tool with a person. SWAT/Special Operations Unit and Corrections.
5. **CTS CS Smoke Projectile** - Cost \$15.53 each, quantity 18. It has a cartridge that launches as a single projectile round emitting smoke and irritant agent CS. This method is best used outdoors or in a large indoor setting. The agent discharges over a 20-40 second time period. SWAT/Special Operations Unit.
6. **Defense Technology Muzzle Blast OC Round** - Cost \$25.75 each, quantity 7. The effective use of this round is indoors and close contact outdoors. This is considered an excellent device for deploying a chemical-laden OC powder into an area to force a barricaded suspect out of a space. Corrections.
7. **Defense Technology Muzzle Blast CS Round** - Cost \$25.75 each, quantity 6. The effective use of this round is indoors and close contact outdoor setting. It is considered a very effective round in deploying a chemical-laden CS powder both indoors to drive barricaded suspects out of spaces and outdoors when excluding a crowd from going into an area of danger. Corrections.
8. **CTS 5430 flameless expulsion CS** - Cost 33.42, quantity 8. This is a flameless expulsion canister that can be hand delivered or deployed through the use of the launcher. Each canister contains 335 grams of agent and has an instantaneous discharge of the CS agent. It is safe for interior and outdoor use. SWAT/Special Operations Unit.
9. **CTS 4530 Impact Round CS** - Cost \$22.58, quantity 20. This is a multi-effective munition as both a direct contact and CS powder dispersal after contact with the blue tip sponge round (low-lethal). This is a safe round both indoors and outside. SWAT/Special Operations Unit.

### **iii. Compressed air deployed (FN 303) -**

1. **FN303 Less Lethal Pava/OC Powder Projectiles** - Cost \$3.53 each, quantity 244. This projectile is intended as an irritant for individual suspects, point-specific target or small-area denial. Each round contains a powder form of OC agent. The primary effect of the projectile is trauma, which directly neutralizes the aggressor, the secondary effect is from the OC agent. Corrections.

### **b. Purpose:**

To limit the escalation of conflict where employment of lethal force is prohibited or

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undesirable. When a subject is a dangerous, or armed person, barricaded, and a public safety risk to others, the deployment of chemical agents to move the person to a location outside a barrier for safe apprehension. When an assembly has turned violent towards itself or members of the community, 13652(b) PC, makes clear that this is the only occasion when chemical agents can be utilized by the Tactical Team for crowd control.

**c. Authorized use:**

Only deputies who have received a POST Certified course in the deployment and use of chemical agents or similar training may utilize these tools at the direct approval of the Tactical Commander, Special Operations Commander, or SERT Commander.

**d. Expected lifespan:**

Each of the described items above have a 5-year life expectancy.

**e. Fiscal Impact:**

There are no annual maintenance fees. Items are replaced through expiration and usage.

**f. Training:**

All deputies employing the use any of the above listed items must have completed the POST Certified Less Lethal Course or similar course that meets the POST standard of training.

**g. Legal and procedural rules:**

It is the policy of the Sheriff's Office to utilize these devices only for official law enforcement purposes, pursuant to State and Federal law regarding the use of force. Specifically, the Sheriff's Office Policy 300- Use of force, 404- Special Operations Unit, 432-First Amendment Assemblies, as well as the California Penal Code 13652 and 13652.1.

### **11. Projectile Launch Platforms and Associated Munitions (Category 14)**

**a. Description, quantity, capabilities, and purchase cost:**

**i. Launch Platforms-**

- 1. Penn Arms Model PGL-65-40, 40mm Launcher** - Cost \$3,240, quantity 2. This 40mm launcher is a six round revolving cylinder launcher. Each 40mm launcher is capable of being used for a low-lethal soft foam projectile and chemical agent projectiles. SWAT/Special Operations Unit and Corrections.
- 2. ALS TAC-40 launcher** - Cost \$735, quantity 7. This is a single shot break-open frame launcher with shoulder stock. This launcher is used to launch low-lethal soft foam projectiles and chemical agent projectiles. SWAT/ Special Operations Unit, Tactical Team, and Patrol.
- 3. Defense Technologies 40mm Launcher** - Cost \$800 each, quantity 21. This is a single shot break-open frame launcher with shoulder stock. This launcher is used to launch low-lethal soft foam projectiles and chemical agent projectiles. Patrol.
- 4. Penn Arms Model GLI-40 Launcher** - Cost \$800, quantity 2. . This is a single shot break-open frame launcher with shoulder stock. This

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launcher is used to launch low-lethal soft foam projectiles and chemical agent projectiles. Patrol.

5. **LMT FW18914 Launcher** - Cost \$800, quantity 1. This is a single shot break-open frame launcher with shoulder stock. This launcher is used to launch low-lethal soft foam projectiles and chemical agent projectiles. Patrol.
6. **LMT 4 Shot 40mm Launcher** - Cost \$1899, quantity 1. This 40mm launcher is a four round revolving cylinder launcher. Each 40mm launcher is capable of being used for a low-lethal soft foam projectile and chemical agent projectiles. SWAT/Special Operations Unit and Corrections.

ii. **Munitions -**

**Defense Technologies 40mm "eXact iMPact" Sponge Round** - Cost 21.57 each, quantity 335. This is a lightweight, high-speed projectile with a plastic body and foam (sponge) nose which is spin stabilized. The round is a point of aim, point of impact direct fire round that is used by tactical teams, SWAT teams, patrol deputies, and correctional deputies. The effect of this round is as a psychological and physiological distraction effective long enough for law enforcement to gain compliance of the subject. SWAT/Special Operations Unit, Tactical Team, Patrol, and Corrections.

b. **Purpose:**

All of the listed launch platforms have the same single purpose to deliver a 40mm round to an intended target. The launchers are capable of deploying all listed 40mm low lethal sponge tips, 40mm chemical agent rounds and non-chemical signal/emergency rounds. The Sheriff's Office utilizes single shot, break-open frame loading launchers for Patrol and the Tactical Team. The SWAT team and the Corrections SERT team both have a multi-launcher due to the controlled yet dangerous situations in which they would be authorized for use. There is only one low-lethal foam/sponge tip round utilized by the Sheriff's Office as listed above. This round can be deployed by all deputies who have completed the POST Less Lethal Course or similar course that meets the POST standard of training. The approved munitions may be used to compel an individual to cease their actions when such munitions present a reasonable option. A low-lethal round can be employed with a suspect who is armed with a weapon and the tactical circumstances allow for the safe application of the 40mm as an attempt to disarm the subject, the subject has made credible threats to harm themselves or others, or there is probable cause to believe that the subject has already committed a crime of violence and is refusing to comply with lawful orders.

c. **Authorized use:**

A low-lethal round can be utilized with a suspect who is armed with a weapon and the tactical circumstances allow for the safe application of the 40mm as an attempt to disarm the subject, the subject has made credible threats to harm themselves or others, or there is probable cause to believe that the subject has already committed a crime of violence and is refusing to comply with lawful orders. The low-lethal rounds can be used during violent assemblies as defined in 13652 PC and 13652.1 PC.

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**d. Expected lifespan:**

No annual maintenance expense. Replacement of cartridges as needed based on use.

**e. Fiscal Impact:**

No known expense, based on usage.

**f. Training:**

All Deputies who use a 40mm launcher must have been trained through a POST certified Less Lethal Course, or similar training that meets the POST standard of training. Those utilizing a launcher to deploy a chemical agent, must have completed the POST Chemical Agent course or similar training as well.

**g. Legal and procedural rules:**

It is the policy of the Sheriff's Office to utilize these devices only for official law enforcement purposes, pursuant to State and Federal law regarding the use of force. Specifically, the Sheriff's Office Policy 300- Use of force, 404- Special Operations Unit, 432-First Amendment Assemblies, as well as the California Penal Code 13652 and 13652.1.

### **12. Projectile Launch Platforms and Associated Munitions (Category 14)**

**a. Description, quantity, capabilities, and purchase cost:**

**i. Launch platform -**

- 1. Remington 870 12 gauge Shotgun** - Cost \$300, quantity 34. Designated low-lethal shotguns used only for the deployment of low-lethal ammunition. All low-lethal shotguns are painted fluorescent orange to indicate to the handler during all lighting conditions this firearm is only to be used with low-lethal rounds. Patrol and Corrections.
- 2. Kel-Tec KSG 12 gauge Shotgun** - Cost \$929, quantity 18. Designated low-lethal shotguns used only for the deployment of low-lethal ammunition. All low-lethal shotguns are painted fluorescent orange to indicate to the handler during all lighting conditions this firearm is only to be used with low-lethal rounds. Corrections.

**ii. Munitions -**

- 1. Lightfield Less Lethal Mid-Range Rubber Slug** - Cost \$23/box of 5 rounds, quantity 200. This is a less lethal impact projectile intended for direct fire at targets between 20 and 40 yards. Patrol.
- 2. Lightfield Starlight Less Lethal Rounds** - Cost \$4.60, quantity 1370. This is a less lethal impact round that is made of a star like flexible rubber ball. This can be safely deployed at closer range than most low lethal rounds. Corrections.

**b. Purpose:**

These rounds can be deployed by all deputies who have completed the POST Less Lethal Course or similar course that meets the POST standard of training. The approved munitions may be used to compel an individual to cease their actions when such munitions present a reasonable option. A less lethal round can be employed with a suspect who is armed with a weapon and the tactical circumstances allow for the safe application of the rubber slug or Starlight round as an attempt to disarm the subject, the subject has made credible threats to harm themselves or others, or there is probable

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cause to believe that the subject has already committed a crime of violence and is refusing to comply with lawful orders.

**c. Authorized use:**

A less lethal round can be employed with a suspect who is armed with a weapon and the tactical circumstances allow for the safe application of the less-lethal shotgun and rubber bullet as an attempt to disarm the subject, the subject has made credible threats to harm themselves or others, or there is probable cause to believe that the subject has already committed a crime of violence and is refusing to comply with lawful orders. The low-lethal rounds can be used during violent assemblies as defined in 13652 PC and 13652.1 PC.

**d. Expected lifespan:**

No known expiration.

**e. Fiscal Impact:**

With no annual maintenance fees, only expense will be in replacement based on use.

**f. Training:**

All Deputies who use a low lethal shotgun with rubber bullets must have been trained through a POST certified Less Lethal Course or similar course that meets the POST standard of training.

**g. Legal and Procedural rules:**

It is the policy of the Sheriff's Office to utilize these devices only for official law enforcement purposes, pursuant to State and Federal law regarding the use of force. Specifically, the Sheriff's Office Policy 300- Use of force, 404- Special Operations Unit, 432-First Amendment Assemblies, as well as the California Penal Code 13652 and 13652.1.

### **13. Projectile Launch Platforms and Associated Munitions (Category 14)**

**a. Description, quantity, capabilities, and purchase cost:**

**i. Launch Platform-**

**FN 303 Less Lethal Launcher** - Cost \$1,699, quantity 18. This is a compressed air less-lethal launcher that has a magazine that is capable of holding 15 projectiles. Corrections.

**ii. Munitions -**

**FN 303 Projectile Impact Rounds** - Cost \$3.53 each, quantity 840. These are 8.5 gram low-lethal projectiles that use a non-toxic bismuth forward payload to provide better accuracy and more effective range than other less-lethal systems. Primary effect of the projectile is trauma, which directly neutralizes the aggressor long enough for law enforcement time to gain compliance from the subject. Corrections.

**b. Purpose:**

This round can be deployed by all Deputies who have completed the POST Less Lethal Course or similar course that meets the POST standard of training. The approved munitions may be used to compel an individual to cease their actions when such munitions present a reasonable option. A low-lethal round can be employed with a suspect who is armed with a weapon and the tactical circumstances allow for the safe application of the FN 303 Projectile as an attempt to disarm the subject, the subject has

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made credible threats to harm themselves or others, or there is probable cause to believe that the subject has already committed a crime of violence and is refusing to comply with lawful orders.

**c. Authorized use:**

A low-lethal round can be employed with a suspect who is armed with a weapon and the tactical circumstances allow for the safe application of the less-lethal compressed air firing system and projectile as an attempt to disarm the subject, the subject has made credible threats to harm themselves or others, or there is probable cause to believe that the subject has already committed a crime of violence and is refusing to comply with lawful orders. The low-lethal rounds can be used during violent assemblies as defined in 13652 PC and 13652.1 PC.

**d. Expected lifespan:**

No known expiration.

**e. Fiscal Impact:**

With no annual maintenance fee, only expense will be in replacement based on use.

**f. Training:**

All Deputies who use the FN 303 must have been trained through a POST certified Less Lethal Course.

**g. Legal and Procedural rules:**

It is the policy of the Sheriff's Office to utilize these devices only for official law enforcement purposes, pursuant to State and Federal law regarding the use of force. Specifically, the Sheriff's Office Policy 300- Use of force, 404- Special Operations Unit, 432-First Amendment Assemblies, as well as the California Penal Code 13652 and 13652.1.

### **14. Projectile Launch Platforms and Associated Munitions (Category 14)**

**a. Description, quantity, capabilities, and purchase cost:**

**Defense Technology Stinger 32 Caliber Rubber Ball Device** - Cost \$49.94 each, quantity 34. This is a hand deployed device that delivers three stimuli for psychological and physiological effects, rubber pellets, light, and sound.

**b. Purpose:**

This is a low lethal device that is placed by a Deputy both indoor and outdoor settings. The device can be used during violent assemblies as defined in 13652 PC, and in correctional settings when other low lethal options have not been successful. These devices provide a moment of distraction that is optimal to affect a safe arrest.

**c. Authorized use:**

When a low lethal force is necessary and other less lethal impact munitions as well as chemical agents are not successful to resolve violent disorder in a crowd. In the Corrections setting, this can be used with other less lethal options have not been successful for non-compliant or riotous inmates.

**d. Expected lifespan:**

Manufacturer suggests five years from date of purchase.

**e. Fiscal Impact:**

No specific fiscal impact. Maintenance of inventory as well expiration re-supply.

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**f. Training:**

For the Tactical Team, each member of the Tactical Team must be trained in the use and deployment of the device, to include regular Tactical Team training schedule. For Corrections, this device is operated and deployed by SERT (Specialized Emergency Response Team) members that have been trained in the deployment and use of the device, as well as have maintained regular training with SERT.

**g. Legal and procedural rules:**

It is the policy of the Sheriff's Office to utilize these devices only for official law enforcement purposes, pursuant to State and Federal law regarding the use of force. Specifically, the Sheriff's Office Policy 300- Use of force, 404- Special Operations Unit, 432-First Amendment Assemblies, as well as the California Penal Code 13652 and 13652.1.

*Version: 4.2022*

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## **Military Equipment Inventory List.pdf**

# **Sonoma County Sheriff's Office Military Equipment Inventory Attachment**

## **1. Robots (Category 1)**

### **a. Description, quantity, capabilities, and purchase cost:**

**AVITAR III by Robotex** - Cost \$25,000, quantity- one. The AVITAR III is a heavy-duty robot. It is controlled by remote operation with a camera attachment. It is able to climb stairs with the ability to broadcast from the controller to the robot as well to monitor audio and video input that the robot is exposed to. The AVITAR III has a run time of approximately two hours, depending on terrain that the tracked robot has to travel to get the location of monitoring. SWAT/Special Operations.

### **b. Purpose:**

To be used to remotely gain visual/audio data, deliver the Hostage Negotiator Team's (HNT) phone, gain access to rooms with partially closed doors, climb stairs to see areas of concealment where it is unsafe for a person to access, and to clear buildings from the available visual fields of the camera.

### **c. Authorized use:**

Only assigned deputies who have completed the required training shall be permitted to operate the AVITAR III. This robot is assigned to the Special Operations Unit.

### **d. Expected lifespan:**

The unit itself has a lifespan of 10-15 years with regular battery replacement.

### **e. Fiscal Impact:**

Annual battery replacement as needed, \$395.

### **f. Training:**

All robot operators must complete training on operating the AVITAR III. Operators must demonstrate the ability to operate it safely and effectively. Operators are designated by the Special Operations Commander to operate the robot in critical incident situations.

### **g. Legal and procedural rules:**

It is the policy of this agency to utilize this robot only for official law enforcement purposes, and in a manner that respects the privacy of our community, pursuant to State and Federal Law.

## **2. Robots (Category 1)**

### **a. Description, quantity, capabilities, and purchase cost:**

**F6 by REMOTEC** - Cost is approximately \$319,000. Quantity- one. The Remotec is a medium sized robot. The robot is capable of being deployed remotely and offers various capabilities; stair climbing ability, arm manipulation and deployment of remote tools. This robot offers two-way communication and can utilize the arm for door and object manipulation as needed. EOD/Bomb squad

### **b. Purpose:**

To remotely assess and render safe suspicious devices to keep Bomb Squad staff safe and allow them to remotely deal with dangerous devices.

### **c. Authorized use:**

Explosive Ordinance Disposal Team use to render dangerous items as safe. This robot may be used by EOD staff to assist the Special Operations Unit as needed in critical situations.

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- d. **Expected lifespan:**  
This robot is currently over 20 years old and with mild maintenance has been working very well. Due to the specific functions of this unit, it will be utilized until a dangerous device renders the robot inoperable.
  - e. **Fiscal Impact:**  
No known annual maintenance costs. EOD personnel perform routine preventative maintenance on this robot as needed.
  - f. **Training:**  
Each operator must complete the internal 20-hour training as well as have completed the bomb tech-training course which is provided every three years.
  - g. **Legal and procedural rules:**  
Comply with the laws and procedures as identified by the FBI Hazardous Devices School and the Nationwide NBSCAB National Bomb Squad Commanders Advisory Board – General Operational Orders.
3. **Robots (Category 1)**
- a. **Description, quantity, capabilities and purchase cost:**  
**Talon by QNetic** - Cost is unknown (acquired through grant funding). Quantity- one. The Talon is a medium sized robot. The robot is capable of being deployed remotely and offers various capabilities; stair climbing ability, arm manipulation and deployment of remote tools. This robot offers two-way communication and can utilize the arm for door and object manipulation as needed. EOD/Bomb squad
  - b. **Purpose:**  
To remotely assess and render safe suspicious devices to keep Bomb Squad staff safe and allow them to remotely deal with dangerous devices.
  - c. **Authorized use:**  
Explosive Ordinance Disposal Team use to render dangerous items as safe. This robot may be used by EOD staff to assist the Special Operations Unit as needed in critical situations.
  - d. **Expected lifespan:**  
10-15 years.
  - e. **Fiscal Impact:**  
No known annual maintenance costs. EOD personnel perform routine preventative maintenance on this robot as needed.
  - f. **Training:**  
Each operator must complete the internal 20-hour training as well as have completed the bomb tech-training course which is provided every three years.
  - g. **Legal and procedural rules:**  
Comply with the laws and procedures as identified by the FBI Hazardous Devices School and the Nationwide NBSCAB National Bomb Squad Commanders Advisory Board – General Operational Orders.
4. **Unmanned Aerial Vehicles (Category 1)**
- a. **Description, quantity, capabilities, and purchase cost:**  
Unmanned Aircraft Systems (UAS): Unmanned aircraft along with accessories and

## **Sonoma County Sheriff's Office Military Equipment Inventory Attachment**

associated equipment to control it remotely. Patrol and Special Operations

Models in use:

- i. **DJI MAVIC MINI** - Cost \$600 each, quantity 3. Multipurpose UAS with enhanced quality in photographs and video. \$50 annual maintenance expense.
- ii. **DJI MAVIC ENTERPRISE DUAL** - Cost \$5000, quantity 2 (donation funded). Multipurpose UAS with a secondary camera for infrared light. Capable of attaching an audible loudspeaker and/or spotlight. \$300 annual maintenance expense.
- iii. **PARROTT ANAFI THERMO** - Cost \$1300, quantity 1. Multipurpose UAS with a stabilized image that utilizes a thermal camera to detect heat and infrared images. \$100 annual maintenance expense.
- iv. **PARROTT ANAFI** - Cost \$800 (this UAS was donated), quantity 1. Multipurpose UAS with a 32x zoom camera for clear viewing at distance, enhanced quality photographs and video. \$100 annual maintenance expense.
- v. **DJI PHANTOM 4** - Cost \$500 each, quantity 2. Multipurpose UAS with enhanced quality for photographs and video. \$100 annual maintenance expense.
- vi. **DJI MAVIC 2- ZOOM** - Cost \$1200, quantity 1. Multipurpose UAS with a secondary camera for 2x optical zoom. Capable of attaching an audible loudspeaker and/or spotlight. \$200 annual maintenance expense.
- vii. **DJI MAVIC AIR** - Cost \$900, quantity 1 (donation funded). Multipurpose UAS with quality photograph resolution and video. \$100 annual maintenance expense.

**b. Purpose:**

To be deployed when its view would assist deputies or incident commanders with the following situations, which include but are not limited to:

- i. Searching for missing persons.
- ii. Natural disaster management.
- iii. Crime scene photography.
- iv. SWAT, tactical, or other public safety and life preservation missions.
- v. In response to specific requests from local, state, or federal fire authorities for other incidents, but not limited to, fire response and/or prevention.

**c. Authorized use:**

Authorized uses of the UAS include, but are not limited to:

- i. Response to a public safety emergency.
- ii. Search and rescue.
- iii. Investigating suspicious or explosive devices.
- iv. Natural disaster response and management.
- v. Crime scene documentation.
- vi. Recovery of a decedent.
- vii. Qualifying law enforcement mutual aid.

**d. Expected lifespan:**

3-5 years.

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- e. **Fiscal Impact:**  
Dependent upon the model. See above for annual maintenance expense for each listed model/brand.
  - f. **Training:**  
All Sheriff's Office UAS pilots must obtain a FAA Part 107 (remote pilot) license before being allowed to operate a UAS. Each pilot has been trained by the Los Angeles Regional Training Center UAS Pilots/Operator Course offered in Sonoma County to provide training to regional pilots. Each UAS pilot receives ongoing monthly training with the Sheriff's Office UAS Unit.
  - g. **Legal and procedural rules:**  
Use is established under the Sonoma County Sheriff's Office Policy 606 Unmanned Aerial System Operations and FAA Regulation 14 CFR Part 107. It is the policy of the Sheriff's Office to utilize the UAS for official law enforcements purposes only, and in a manner that respects the privacy of our community, pursuant to State and Federal laws.
5. **Armored Personnel Carrier, vehicle with entry apparatus attached (Category 2 & 3)**
- a. **Description, quantity, capabilities, and purchase cost:**  
**LENCO BEARCAT** - Cost \$306,000, quantity 1. The Lenco Bearcat is an armored/protective vehicle that seats 10-12 personnel with an open floor plan which allows for the rescue of injured persons. In addition to the rescue abilities of the Bearcat, the vehicle provides a reasonably safe vehicle that is capable of transporting and positioning a SWAT react team to a location close to a dangerous situation, providing them with the conditions to seek a non-lethal conclusion. The Bearcat is a regional asset (obtained through grant funding) that the Sheriff's Office maintains and operates for the Sonoma County Sheriff's Office SWAT Team as well as for the Santa Rosa Police Department SWAT team. When requested by an allied agency in the region, two SCSO SWAT deputies are assigned to drive and control the vehicle. SWAT/Special Operations Unit
  - b. **Purpose:**  
To be used in response to critical incidents to enhance deputy and community safety, improve scene containment, stabilize a scene, and assist in resolving critical incidents throughout the region.
  - c. **Authorized use:**  
The use of the Bearcat can only be authorized by the Special Operations Commander and may only be driven by qualified SWAT team deputies, pursuant to Sheriff's Office Policy 404- Special Operations Unit and 705- Armored Rescue Vehicle. Any request for mutual aid, is directed to the Special Operations Commander and follows the same authorization procedure as the activation of the SWAT team. The Bearcat is an integral safety tool for the SWAT team and is utilized for each SWAT team deployment.
  - d. **Expected lifespan:**  
25 years.
  - e. **Fiscal Impact:**  
Approximately \$1000 annually for maintenance. As fuel costs fluctuate, this vehicle is a diesel engine, and the cost for fuel will vary depending on use and miles driven.

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- f. Training:**  
Each operator of the Bearcat must complete the Department Emergency Vehicle Operations Course designated for the Bearcat. The driver of the vehicle must be a member of the Sheriff's SWAT Team and in good standing with the mandatory 20 hours of monthly SWAT training.
  - g. Legal and procedural rules:**  
All requests for use are reviewed by the Special Operations Commander. The use of the Bearcat must follow Policies 404- Special Operations Unit, and 705- Armored Rescue Vehicle.
- 6. Command and Control Vehicles (Category 5)**
- a. Description, quantity, capabilities, and purchase cost:**  
**2021 Freightliner MT-55 chassis 26 foot LDV Specialty Vehicle, Mobile Command Center (MCC)** Cost \$505,614, quantity 1. This vehicle is deployable to any critical incident, natural disaster, community event, and any other situation where having an on-scene command and control location is necessary. This vehicle provides the Sheriff's Office the ability to have a stand-alone operationally ready incident command, dispatch, communications, tactical command, hostage negotiation platform, and natural disaster response vehicle throughout Sonoma County. The vehicle is equipped with our dispatch CAD system for seamless integration in operational incidents, multi-system wireless technology for areas of the County that are not currently serviced by all providers, radio repeater technology to act as a bridge for portable radios, and direct connection with the Sheriff's Satellite truck in the event of a significant incident or natural disaster that affects radio or phone communication throughout the County of Sonoma. Sheriff's Office Command.
  - b. Purpose:**  
To respond to critical incidents and large scale disasters that require a remote command and control operations center.
  - c. Authorized use:**  
The MCC use can be authorized by the Sheriff's Office Watch Commander or Special Operations Commander as needed to assist with Sheriff's Office operations and to provide the Sheriff's Office with a command center for large-scale disaster incidents where an Incident Management has been established. The MCC can be deployed by the Sheriff's Office in mutual aid situations where a command and control is needed from the Sheriff's Office.
  - d. Expected lifespan:**  
20 years with annual technology updates.
  - e. Fiscal impact:**  
Approximately \$1000 annual maintenance. Fuel costs are variable and dependent up on miles driven and the use of the on-board diesel generator. Technology updates and upgrades will be variable depending on the needs and requirements of installed communications equipment.
  - f. Training:**  
The MCC is maintained and managed by the technical service team, comprised of deputy sheriff's, radio communication staff, and Sheriff's IT Unit personnel. This Unit

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meets monthly for maintenance and deployment training, as well as participation in the quarterly Special Operations Unit training scenario.

**g. Legal and procedural rules:**

It is the policy of the Sheriff's Office to only use the MCC for official law enforcement purposes as outlined in Sheriff's Office Policy 706- Mobile Command Center, and in accordance with California State law for operation of a motor vehicle.

**7. Command and Control Vehicles (Category 5)**

**a. Description, quantity, capabilities, and purchase cost:**

**Custom built 2007 Ford F450 with attached Communications Shelter (Sat Truck)** Cost \$87,173, quantity 1. The Sat Truck is a mobile radio and satellite communication response vehicle. The truck is equipped with radios, cellular service, satellite phone and radio communications that can connect Sheriff's Office radios with all known radio configurations in northern California. The Sat Truck can operate as a stand-alone command and control vehicle in rural hard to reach areas utilizing the vehicles four wheel drive system, or can be deployed with the MCC to act as a bridge for communication when standard radio and cellular internet services are not available. The Sat Truck can create a wireless network for a designated zone and provide access for emergency services during a critical incident. The Sat Truck has the ability to connect with every Emergency Operations Center (EOC) for natural disaster response throughout the State. Sheriff's Office Command.

**b. Purpose:**

Readily deployable mobile command and communications center in the event of a natural disaster or critical incident that has damaged standard methods of communication. This vehicle provides the Sonoma County Sheriff's Office with the ability to continue emergency operations and communications in the worst situations.

**c. Authorized use:**

The Sat Truck can be deployed to meet the operational needs of the Sonoma County Sheriff's Office and for mutual aid requests where the Sheriff's Office needs to have a remote command and control center. The activation of the Sat Truck can be authorized by the Watch Commander or Special Operations Unit Commander.

**d. Expected lifespan:**

The current vehicle was purchased in 2007 and is operationally ready. The technology updates contained within the structure have been maintained and will continue to be updated as technology and operational needs change.

**e. Fiscal impact:**

\$300 annual maintenance. Technology costs are dependent and variable upon changes in services and operational needs. Fuel consumption is an additional expense, however, this is based on the needed use and deployment of the vehicle.

**f. Training:**

The Technical Service Team maintains the technology and the operational readiness of this vehicle. That team consists of deputy Sheriff's, radio communications technicians, and a representative of the Sheriff's IT Unit. The team meets monthly and participates in the quarterly Special Operations Unit scenario training.

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- g. Legal and procedural rules:**

It is the policy of the Sheriff's Office to only use the Sat Truck for official law enforcement purposes and in accordance with California State law for operation of a motor vehicle.
- 8. Battering rams, slugs, and breaching apparatuses (Category 7)**
  - a. Description, quantity, capabilities, and purchase cost:**

**LIGHTFIELD 12 GAUGE BREACHING ROUND** - Cost \$4.90 each, quantity 25. This breaching round is a non-metallic round that provides a means of entry that is non-lethal. The round is designed to be deployed with a designate 12 gauge shotgun that has been specially fitted with a "stand-off" muzzle so it can be directly applied to the door. When this round is deployed, the powder contents break apart on contact with the door so it does not exit from the door as a lethal round. This breaching method provides a safe technique for the deputy who is exposed in front of a door and for any persons on the inside of the door. SWAT/Special Operations Unit.
  - b. Purpose:**

Quick and safe entry through a fortified door when appropriate based on Sheriff's policy and State law.
  - c. Authorized use:**

This breaching round can only be used by a SWAT team member in accordance with Sheriff's Office Policies 300- Use of Force, 404- Special Operations Unit, 707- Military Equipment, existing State and Federal Law.
  - d. Expected lifespan:**

5 years, no listed expiration.
  - e. Fiscal impact:**

No annual maintenance fees, replacement of inventory as used.
  - f. Training:**

Each SWAT team member that has completed the 80 hour POST Certified Basic SWAT academy must also attend a 16 hour POST Certified Breacher Course. The SWAT member must be in good standing with the twice monthly SWAT training schedule as well.
  - g. Legal and procedural rules:**

Shotgun breaching rounds will only be used in the execution of an authorized Search Warrant and/or emergency entry to protect lives and prevent death inside a fortified structure.
- 9. Noise-flash diversionary devices (Category 11)**
  - a. Description, quantity, capabilities, and purchase cost:**

A noise flash diversion device (NFDD) is a device that creates a bright flash and loud sound simultaneously to temporarily divert the attention of subjects in the immediate area off the movement and action of law enforcement. An NFDD is used to distract and temporarily incapacitate dangerous suspects by overwhelming their senses of vision and hearing. This allows law enforcement time to take control of high-risk situations.

    - i. Combined Tactical Systems 7290M** - Cost \$40 each, quantity 88. The 7290m produces 180dB audible output simultaneous to 6-8 million candela of light output. The structure of the hand placed unit remains intact and is a single use.

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Engineered with ports, the body of the unit remains where it is placed with the sound and flash. SWAT/Special Operations Unit and Corrections.

- ii. **Combined Tactical Systems 7290-9** - Cost \$129 each, quantity 5. The 7290-9 produces 165-180dB audible output simultaneous to 6-8 million candela of light output. The structure of the hand placed unit remains intact and is a single use. Engineered with ports, the body of the unit remains where it was placed during the sound and flash. SWAT/Special Operations Unit.
- iii. **Defense Technology 40mm Warning/Signaling munition** - Cost \$41.40 each, quantity 10. The model 6028 WS is a noise and flash diversion device that produces a 170dB of sound and a 5 million candela light output. This NFDD is launched through a 40mm launcher and is intended for situations where a stand-off distance is desired and hand deployment is not safe. The cartridge itself will deflagrate (burn away) at a set distance of 50 meters in the air. Tactical Team.
- iv. **Lightfield Nova DR** - Cost \$4.60 each, quantity 470. This NFDD is fired through a designated 12 gauge shotgun platform. The NFDD produces a 110 dB sound and the flash is intense, but this is dependent upon where the muzzle of the barrel is. The level of brightness, is described as an "intense muzzle flash", without a stated candela brightness. This form of delivery is the preferred method in the custodial setting as the Deputy has complete control of the safety factors with the use. Corrections.

### b. Purpose:

- i. **CTS 7290M and the CTS 7290-9** are both meant to be hand deployed/placed at the location of distraction. The function of them is to produce an atmospheric over-pressure and brilliant white light resulting in a short-term physiological/psychological sensory deprivation to give the Deputies a tactical advantage.
- ii. **Lightfield Nova DR** is meant to be deployed with a dedicated 12 gauge shotgun with a focused direction of fire in a safe manner away from any persons. The function of them is to produce an atmospheric over-pressure and brilliant white light resulting in a short-term physiological/psychological sensory deprivation to give the Deputies a tactical advantage.
- iii. **40mm warning/signaling munition** is meant to be deployed through a 40mm launcher and is only to be used in an outdoor setting where the person deploying the munition has a clear view of the area and it can safely be deployed. This round is not a direct contact round and also produces an atmospheric (aerial) over-pressure and brilliant white light, with the intended purpose of gaining attention of a crowd through a short-term physiological and psychological sensory deprivation. The munition itself will deflagrate at a set distance of meters in the air.

### c. Authorized use:

Diversionary Devices shall only be used:

- i. By SWAT, Tactical Team, or SERT deputies who have been trained in their proper and legal use.

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- ii. In hostage and barricaded subject situations for SWAT and SERT.
- iii. In high-risk warrant (search/arrest) services, where there may be extreme hazards to deputies.
- iv. During other high-risk situations where the use would enhance officer and public safety, specifically in crowd control situations by the Tactical Team following SCSO Policy 432- First Amendment Assemblies.
- v. During training exercises.

**d. Expected lifespan:**

All of the NFDD in Sheriff's Office inventory expire five years after manufacture.

**e. Fiscal Impact:**

This is dependent upon use. Every 5 years, the inventory is replaced, although the specialty units that have access to these types of rounds have an annual inventory update.

**f. Training:**

All deputies that deploy or utilize one of the NFDD's have to be trained and qualified in the safe deployment of each type of system. The NFDD's must be stored and are an ATF controlled Class C Explosive Device and each deputy must be trained in the storage and maintenance process for a Class C explosive device. Anyone utilizing a 40mm launching platform, must have attended a POST approved Less Lethal Course or similar course that meets the POST standard of training specific to the 40mm system.

**g. Legal and procedural rules:**

It is the policy of the Sheriff's Office to utilize these devices only for official law enforcement purposes, pursuant to State and Federal law regarding the use of force. Specifically, the Sheriff's Office Policy 300- Use of force, 404- Special Operations Unit, 432-First Amendment Assemblies, as well as the California Penal Code 13652 and 13652.1.

### **10. OC/CS Chemical Agent (Category 12)**

**a. Description, quantity, capabilities, and purchase cost:**

Chemical agent munitions, which are commonly referred to as "gas" or "tear gas", are used by the Sonoma County Sheriff's Office as a non-lethal tool to provide a safe resolution with a barricaded dangerous suspect and under strict legal guidance in reference to non-peaceful assemblies. The chemical agents used by the Sonoma County Sheriff's Office are common among law enforcement agencies across the Country. The Sheriff's Office currently has inventory of two types of chemical irritants- CS (2-Chlorobenzylidenemalononitrile) and OC (Oleoresin Capsicum). CS is an irritating agent and lachrymator (irritates the eyes and causes tears to flow), OC is an inflammatory agent which causes involuntary closure of eyes (open in 2-5 minutes) and respiratory inflammation (subsides in approximately 2 minutes). There are several delivery systems that can be used to disperse the agent, the following inventory is broken down by delivery system:

**i. Hand Deployed/Placed -**

- 1. Defense Technologies Pocket Tactical CS - Cost \$33.25 each, quantity 7. Each contains 0.9 oz. of agent that releases over 20-40 seconds. This**

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type of system is most commonly used indoors. SWAT/Special Operations.

2. **ALS 6273 OC Expulsion Delivery** - Cost \$24.65, quantity 1. It contains 10 grams of OC and has an immediate delivery time. Most commonly used indoors. SWAT/Special Operations Unit.
  3. **ALS 2773 CS Expulsion Delivery** - Cost \$42.78 each, quantity 10. Each one contains 24 grams of CS and has an immediate delivery. Most commonly used indoors. SWAT/Special Operations Unit.
  4. **CTS 6230 CS Canister** - Cost \$22.63 each, quantity 12. Each canister contains 410 grams of CS that releases over 20-40 seconds. Most commonly used in outdoor settings. SWAT/Special Operations Unit.
  5. **CTS 5230B CS Baffled Canister** - Cost \$31.58 each, quantity 25. Each contains 395 grams of CS that releases over 20-40 seconds. Most commonly used indoors with the baffled reduction in flame and fire hazard. SWAT/Special Operations Unit.
  6. **Defense Technology Model 1026 CS** - Cost 49.44 each, quantity 25. Each contains 3.2 oz. of CS agent that releases in 20-30 seconds. Most commonly used in large indoor settings and outdoors and has separating canisters to increase the dispersal coverage in a shorter period of time. Tactical Team and Corrections.
  7. **Defense Technology Model 1082 CS** - Cost \$27.65 each, quantity 12. Each contains 2.7 oz. of CS agent that releases in 20-40 seconds. This is made for outdoor use due to the amount of smoke that is produced with the agent. Tactical Team.
  8. **Defense Technology OC Aerosol Fogger 6 oz. and 1 oz.** - Cost \$24.87, quantity 12. There are two sizes, one is 6 oz. and the other is 1 oz. This is an atomized mist, which enhances the formulation. The canister is hand deployed, or may be held and maintained in the hand during the spray. Corrections.
- ii. **40mm Launcher Deployed -**
1. **Defense Technology Direct Impact OC (orange tip)** - Cost \$21.57 each, quantity 217. This is a point of aim, point of impact direct fire round that has an irritant amount of OC powder that releases with contact. As this is a dual purpose foam tip round, it is a low-lethal round and is used for subjects that are violent and dangerous as an option of non-lethal force. Patrol and Corrections.
  2. **Defense Technology Powder Barricade Round OC** - Cost \$22.50 each, quantity 27. Each round is a frangible projectile that is designed to penetrate barriers. Upon impact the nose of the round ruptures and instantaneously delivers the agent inside a structure or vehicle. This can be used on structures and vehicle, but not directly aimed at persons. SWAT/Special Operations Unit.
  3. **CTS 4330 Barricade, spin stabilized CS Round** - Cost \$19.47, quantity 24. This is a liquid filled projectile that penetrates intermediary barriers and

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delivers CS irritant agents. Commonly used on vehicle and structure barricades, but not intended to be used as a direct impact tool with a person. SWAT/Special Operations Unit.

4. **Defense Technology Liquid Barricade Round CS** - Cost \$21.75 each, quantity 23. This round is a frangible projectile filled with liquid CS that is designed to penetrate barriers. This projectile has 6.9 grams of liquid agent and is intended to dislodge a barricaded suspect from a small space. It can be used on windows and structures, but is not intended to be used as a direct impact tool with a person. SWAT/Special Operations Unit and Corrections.
  5. **CTS CS Smoke Projectile** - Cost \$15.53 each, quantity 18. It has a cartridge that launches as a single projectile round emitting smoke and irritant agent CS. This method is best used outdoors or in a large indoor setting. The agent discharges over a 20-40 second time period. SWAT/Special Operations Unit.
  6. **Defense Technology Muzzle Blast OC Round** - Cost \$25.75 each, quantity 7. The effective use of this round is indoors and close contact outdoors. This is considered an excellent device for deploying a chemical-laden OC powder into an area to force a barricaded suspect out of a space. Corrections.
  7. **Defense Technology Muzzle Blast CS Round** - Cost \$25.75 each, quantity 6. The effective use of this round is indoors and close contact outdoor setting. It is considered a very effective round in deploying a chemical-laden CS powder both indoors to drive barricaded suspects out of spaces and outdoors when excluding a crowd from going into an area of danger. Corrections.
  8. **CTS 5430 flameless expulsion CS** - Cost 33.42, quantity 8. This is a flameless expulsion canister that can be hand delivered or deployed through the use of the launcher. Each canister contains 335 grams of agent and has an instantaneous discharge of the CS agent. It is safe for interior and outdoor use. SWAT/Special Operations Unit.
  9. **CTS 4530 Impact Round CS** - Cost \$22.58, quantity 20. This is a multi-effective munition as both a direct contact and CS powder dispersal after contact with the blue tip sponge round (low-lethal). This is a safe round both indoors and outside. SWAT/Special Operations Unit.
- iii. **Compressed air deployed (FN 303) -**
1. **FN303 Less Lethal Pava/OC Powder Projectiles** - Cost \$3.53 each, quantity 244. This projectile is intended as an irritant for individual suspects, point-specific target or small-area denial. Each round contains a powder form of OC agent. The primary effect of the projectile is trauma, which directly neutralizes the aggressor, the secondary effect is from the OC agent. Corrections.

b. **Purpose:**

To limit the escalation of conflict where employment of lethal force is prohibited or

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undesirable. When a subject is a dangerous, or armed person, barricaded, and a public safety risk to others, the deployment of chemical agents to move the person to a location outside a barrier for safe apprehension. When an assembly has turned violent towards itself or members of the community, 13652(b) PC, makes clear that this is the only occasion when chemical agents can be utilized by the Tactical Team for crowd control.

**c. Authorized use:**

Only deputies who have received a POST Certified course in the deployment and use of chemical agents or similar training may utilize these tools at the direct approval of the Tactical Commander, Special Operations Commander, or SERT Commander.

**d. Expected lifespan:**

Each of the described items above have a 5-year life expectancy.

**e. Fiscal Impact:**

There are no annual maintenance fees. Items are replaced through expiration and usage.

**f. Training:**

All deputies employing the use any of the above listed items must have completed the POST Certified Less Lethal Course or similar course that meets the POST standard of training.

**g. Legal and procedural rules:**

It is the policy of the Sheriff's Office to utilize these devices only for official law enforcement purposes, pursuant to State and Federal law regarding the use of force. Specifically, the Sheriff's Office Policy 300- Use of force, 404- Special Operations Unit, 432-First Amendment Assemblies, as well as the California Penal Code 13652 and 13652.1.

### **11. Projectile Launch Platforms and Associated Munitions (Category 14)**

**a. Description, quantity, capabilities, and purchase cost:**

**i. Launch Platforms-**

- 1. Penn Arms Model PGL-65-40, 40mm Launcher** - Cost \$3,240, quantity 2. This 40mm launcher is a six round revolving cylinder launcher. Each 40mm launcher is capable of being used for a low-lethal soft foam projectile and chemical agent projectiles. SWAT/Special Operations Unit and Corrections.
- 2. ALS TAC-40 launcher** - Cost \$735, quantity 7. This is a single shot break-open frame launcher with shoulder stock. This launcher is used to launch low-lethal soft foam projectiles and chemical agent projectiles. SWAT/ Special Operations Unit, Tactical Team, and Patrol.
- 3. Defense Technologies 40mm Launcher** - Cost \$800 each, quantity 21. This is a single shot break-open frame launcher with shoulder stock. This launcher is used to launch low-lethal soft foam projectiles and chemical agent projectiles. Patrol.
- 4. Penn Arms Model GLI-40 Launcher** - Cost \$800, quantity 2. . This is a single shot break-open frame launcher with shoulder stock. This

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launcher is used to launch low-lethal soft foam projectiles and chemical agent projectiles. Patrol.

5. **LMT FW18914 Launcher** - Cost \$800, quantity 1. This is a single shot break-open frame launcher with shoulder stock. This launcher is used to launch low-lethal soft foam projectiles and chemical agent projectiles. Patrol.
6. **LMT 4 Shot 40mm Launcher** - Cost \$1899, quantity 1. This 40mm launcher is a four round revolving cylinder launcher. Each 40mm launcher is capable of being used for a low-lethal soft foam projectile and chemical agent projectiles. SWAT/Special Operations Unit and Corrections.

ii. **Munitions -**

**Defense Technologies 40mm "eXact iMpack" Sponge Round** - Cost 21.57 each, quantity 335. This is a lightweight, high-speed projectile with a plastic body and foam (sponge) nose which is spin stabilized. The round is a point of aim, point of impact direct fire round that is used by tactical teams, SWAT teams, patrol deputies, and correctional deputies. The effect of this round is as a psychological and physiological distraction effective long enough for law enforcement to gain compliance of the subject. SWAT/Special Operations Unit, Tactical Team, Patrol, and Corrections.

b. **Purpose:**

All of the listed launch platforms have the same single purpose to deliver a 40mm round to an intended target. The launchers are capable of deploying all listed 40mm low lethal sponge tips, 40mm chemical agent rounds and non-chemical signal/emergency rounds. The Sheriff's Office utilizes single shot, break-open frame loading launchers for Patrol and the Tactical Team. The SWAT team and the Corrections SERT team both have a multi-launcher due to the controlled yet dangerous situations in which they would be authorized for use. There is only one low-lethal foam/sponge tip round utilized by the Sheriff's Office as listed above. This round can be deployed by all deputies who have completed the POST Less Lethal Course or similar course that meets the POST standard of training. The approved munitions may be used to compel an individual to cease their actions when such munitions present a reasonable option. A low-lethal round can be employed with a suspect who is armed with a weapon and the tactical circumstances allow for the safe application of the 40mm as an attempt to disarm the subject, the subject has made credible threats to harm themselves or others, or there is probable cause to believe that the subject has already committed a crime of violence and is refusing to comply with lawful orders.

c. **Authorized use:**

A low-lethal round can be utilized with a suspect who is armed with a weapon and the tactical circumstances allow for the safe application of the 40mm as an attempt to disarm the subject, the subject has made credible threats to harm themselves or others, or there is probable cause to believe that the subject has already committed a crime of violence and is refusing to comply with lawful orders. The low-lethal rounds can be used during violent assemblies as defined in 13652 PC and 13652.1 PC.

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**d. Expected lifespan:**

No annual maintenance expense. Replacement of cartridges as needed based on use.

**e. Fiscal Impact:**

No known expense, based on usage.

**f. Training:**

All Deputies who use a 40mm launcher must have been trained through a POST certified Less Lethal Course, or similar training that meets the POST standard of training . Those utilizing a launcher to deploy a chemical agent, must have completed the POST Chemical Agent course or similar training as well.

**g. Legal and procedural rules:**

It is the policy of the Sheriff's Office to utilize these devices only for official law enforcement purposes, pursuant to State and Federal law regarding the use of force. Specifically, the Sheriff's Office Policy 300- Use of force, 404- Special Operations Unit, 432-First Amendment Assemblies, as well as the California Penal Code 13652 and 13652.1.

### **12. Projectile Launch Platforms and Associated Munitions (Category 14)**

**a. Description, quantity, capabilities, and purchase cost:**

**i. Launch platform -**

- 1. Remington 870 12 gauge Shotgun** - Cost \$300, quantity 34. Designated low-lethal shotguns used only for the deployment of low-lethal ammunition. All low-lethal shotguns are painted fluorescent orange to indicate to the handler during all lighting conditions this firearm is only to be used with low-lethal rounds. Patrol and Corrections.
- 2. Kel-Tec KSG 12 gauge Shotgun** - Cost \$929, quantity 18. Designated low-lethal shotguns used only for the deployment of low-lethal ammunition. All low-lethal shotguns are painted fluorescent orange to indicate to the handler during all lighting conditions this firearm is only to be used with low-lethal rounds. Corrections.

**ii. Munitions -**

- 1. Lightfield Less Lethal Mid-Range Rubber Slug** - Cost \$23/box of 5 rounds, quantity 200. This is a less lethal impact projectile intended for direct fire at targets between 20 and 40 yards. Patrol.
- 2. Lightfield Starlight Less Lethal Rounds** - Cost \$4.60, quantity 1370. This is a less lethal impact round that is made of a star like flexible rubber ball. This can be safely deployed at closer range than most low lethal rounds. Corrections.

**b. Purpose:**

These rounds can be deployed by all deputies who have completed the POST Less Lethal Course or similar course that meets the POST standard of training. The approved munitions may be used to compel an individual to cease their actions when such munitions present a reasonable option. A less lethal round can be employed with a suspect who is armed with a weapon and the tactical circumstances allow for the safe application of the rubber slug or Starlight round as an attempt to disarm the subject, the subject has made credible threats to harm themselves or others, or there is probable

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cause to believe that the subject has already committed a crime of violence and is refusing to comply with lawful orders.

**c. Authorized use:**

A less lethal round can be employed with a suspect who is armed with a weapon and the tactical circumstances allow for the safe application of the less-lethal shotgun and rubber bullet as an attempt to disarm the subject, the subject has made credible threats to harm themselves or others, or there is probable cause to believe that the subject has already committed a crime of violence and is refusing to comply with lawful orders. The low-lethal rounds can be used during violent assemblies as defined in 13652 PC and 13652.1 PC.

**d. Expected lifespan:**

No known expiration.

**e. Fiscal Impact:**

With no annual maintenance fees, only expense will be in replacement based on use.

**f. Training:**

All Deputies who use a low lethal shotgun with rubber bullets must have been trained through a POST certified Less Lethal Course or similar course that meets the POST standard of training.

**g. Legal and Procedural rules:**

It is the policy of the Sheriff's Office to utilize these devices only for official law enforcement purposes, pursuant to State and Federal law regarding the use of force. Specifically, the Sheriff's Office Policy 300- Use of force, 404- Special Operations Unit, 432-First Amendment Assemblies, as well as the California Penal Code 13652 and 13652.1.

### **13. Projectile Launch Platforms and Associated Munitions (Category 14)**

**a. Description, quantity, capabilities, and purchase cost:**

**i. Launch Platform-**

**FN 303 Less Lethal Launcher** - Cost \$1,699, quantity 18. This is a compressed air less-lethal launcher that has a magazine that is capable of holding 15 projectiles. Corrections.

**ii. Munitions -**

**FN 303 Projectile Impact Rounds** - Cost \$3.53 each, quantity 840. These are 8.5 gram low-lethal projectiles that use a non-toxic bismuth forward payload to provide better accuracy and more effective range than other less-lethal systems. Primary effect of the projectile is trauma, which directly neutralizes the aggressor long enough for law enforcement time to gain compliance from the subject. Corrections.

**b. Purpose:**

This round can be deployed by all Deputies who have completed the POST Less Lethal Course or similar course that meets the POST standard of training. The approved munitions may be used to compel an individual to cease their actions when such munitions present a reasonable option. A low-lethal round can be employed with a suspect who is armed with a weapon and the tactical circumstances allow for the safe application of the FN 303 Projectile as an attempt to disarm the subject, the subject has

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made credible threats to harm themselves or others, or there is probable cause to believe that the subject has already committed a crime of violence and is refusing to comply with lawful orders.

**c. Authorized use:**

A low-lethal round can be employed with a suspect who is armed with a weapon and the tactical circumstances allow for the safe application of the less-lethal compressed air firing system and projectile as an attempt to disarm the subject, the subject has made credible threats to harm themselves or others, or there is probable cause to believe that the subject has already committed a crime of violence and is refusing to comply with lawful orders. The low-lethal rounds can be used during violent assemblies as defined in 13652 PC and 13652.1 PC.

**d. Expected lifespan:**

No known expiration.

**e. Fiscal Impact:**

With no annual maintenance fee, only expense will be in replacement based on use.

**f. Training:**

All Deputies who use the FN 303 must have been trained through a POST certified Less Lethal Course.

**g. Legal and Procedural rules:**

It is the policy of the Sheriff's Office to utilize these devices only for official law enforcement purposes, pursuant to State and Federal law regarding the use of force. Specifically, the Sheriff's Office Policy 300- Use of force, 404- Special Operations Unit, 432-First Amendment Assemblies, as well as the California Penal Code 13652 and 13652.1.

### **14. Projectile Launch Platforms and Associated Munitions (Category 14)**

**a. Description, quantity, capabilities, and purchase cost:**

**Defense Technology Stinger 32 Caliber Rubber Ball Device** - Cost \$49.94 each, quantity 34. This is a hand deployed device that delivers three stimuli for psychological and physiological effects, rubber pellets, light, and sound.

**b. Purpose:**

This is a low lethal device that is placed by a Deputy both indoor and outdoor settings. The device can be used during violent assemblies as defined in 13652 PC, and in correctional settings when other low lethal options have not been successful. These devices provide a moment of distraction that is optimal to affect a safe arrest.

**c. Authorized use:**

When a low lethal force is necessary and other less lethal impact munitions as well as chemical agents are not successful to resolve violent disorder in a crowd. In the Corrections setting, this can be used with other less lethal options have not been successful for non-compliant or riotous inmates.

**d. Expected lifespan:**

Manufacturer suggests five years from date of purchase.

**e. Fiscal Impact:**

No specific fiscal impact. Maintenance of inventory as well expiration re-supply.

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**f. Training:**

For the Tactical Team, each member of the Tactical Team must be trained in the use and deployment of the device, to include regular Tactical Team training schedule. For Corrections, this device is operated and deployed by SERT (Specialized Emergency Response Team) members that have been trained in the deployment and use of the device, as well as have maintained regular training with SERT.

**g. Legal and procedural rules:**

It is the policy of the Sheriff's Office to utilize these devices only for official law enforcement purposes, pursuant to State and Federal law regarding the use of force. Specifically, the Sheriff's Office Policy 300- Use of force, 404- Special Operations Unit, 432-First Amendment Assemblies, as well as the California Penal Code 13652 and 13652.1.

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**Commission on Peace Officer Standards and  
Training Hate Crimes Model Policy 2019.pdf**



# POST HATE CRIMES MODEL POLICY



COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

2019

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## POST Mission Statement

The mission of the California Commission on Peace Officer Standards and Training is to continually enhance the professionalism of California Law Enforcement in serving its communities



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## FOREWORD

Hate Crimes (i.e. crimes motivated by bias) convey a message of terror and exclusion, not just to the immediate victims but to entire communities. They often target victims who are least able to defend themselves. They cause trauma that is more extreme and longer lasting than similar crimes committed for other motivations. They can spark retaliatory crimes, escalating the cycle of crime and violence. If not addressed professionally and thoroughly they may undermine public confidence in law enforcement.

The 2018 California State Auditor's Report, titled "Hate Crimes in California," found that California law enforcement has not taken adequate action to identify, report, and respond to hate crimes. The report found that agencies did not properly identify some hate crimes, and underreported or misreported hate crimes as well. The report also noted that hate crimes are on the rise in California, increasing in both 2015 and 2016.

California Penal Code (CPC) 422.87 added new language and requirements to any newly created or updated agency hate crimes policy. Effective January 1, 2019, any local law enforcement agency that updates an existing hate crimes policy, or adopts a new one, shall include the content of the model policy framework provided in this document as well as any revisions or additions to the model policy in the future.

These guidelines are the primary elements that law enforcement executives are now required to incorporate into their hate crimes policy if an agency creates a new hate crimes policy or updates an existing one. The guidelines are designed for department-wide application and are intended to reflect a values-driven "top-down" process. They are intended to assist with the development and delivery of training and ensure proper identification, investigation, and reporting of hate crimes within each agency's jurisdiction.



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# POLICY GUIDELINES

## GUIDELINE #1

*Develop the foundation for the agency's hate crimes policy.*

The law enforcement executive is responsible for providing leadership, communicating organizational values to the department and the community, paying attention to hate crime trends and current events that could trigger hate incidents and/or hate crimes in the community, and providing education and training to establish the foundation for the agency's hate crimes policy. Employees' ability to respond appropriately to hate crimes and hate incidents is maximized when the executive effectively establishes and communicates the foundational values of the organization.

## GUIDELINE #2

*Develop a hate crimes policy for the agency.*

- I. An agency's hate crimes policy shall include the statutory definition of a hate crime, and its policy and programs should minimally include the following:
  - A. Response
  - B. Training
  - C. Planning and Prevention
  - D. Reporting

The law enforcement executive is responsible for the initial development of the policy and should be actively involved in its implementation. See the appendix for the exemplar "Message from the Agency Chief Executive".

## GUIDELINE #3

*Develop expertise to identify and investigate hate crimes.*

The law enforcement executive is responsible for ensuring that the agency possesses expertise to identify and investigate hate crimes, as well as ensuring compliance with state and federal

reporting and public information requirements. Agencies should assign identified personnel to appropriate training to develop expertise and knowledge to investigate hate crimes.

Hate crimes are low-frequency events with high-risk consequences for the agency and community. Agencies shall provide a checklist to first responders to provide direction for the investigation of all hate crimes as mandated by CPC 422.87.

## GUIDELINE #4

*Develop and implement cooperative hate crimes plans with other law enforcement agencies.*

- I. Coordinate cooperative efforts among regional, state, federal, and tribal law enforcement agencies to share information and training, and develop strategies to prevent hate crime activity.
- II. Develop and/or participate in law enforcement intelligence networks to enhance the agency's ability to anticipate potential hate crime targets. This interaction should include sharing intelligence information with other jurisdictions and cooperative investigations, arrests, and prosecutions if appropriate.

## GUIDELINE #5

*Develop and implement cooperative hate crime plans with the community and related governmental and non-governmental organizations, as appropriate.*

- I. Collaborate with the community, including human relations/civil rights organizations, advocacy groups, service organizations, neighborhood associations, religious institutions, local schools and colleges, to do the following:
  - Develop a network to build rapport with community groups

- 
- Develop a protocol for response to hate crimes
  - Obtain witness and victim cooperation
  - Provide support services to victims
  - Collect demographic information about specific communities
  - Identify hate crime trends based upon current events and activity (hate crimes and/or hate incidents)
  - Identify periods of increased vulnerability based on significant dates and events for affected communities
- II. Law enforcement should identify and seek out cultural diversity training and information from/about specific communities within its jurisdiction (immigrant, Muslim, Arab, LGBTQ, Black or African American, Jewish, Sikh, disability, etc.) to strengthen agency awareness.

## **GUIDELINE #6**

### ***Conduct an annual assessment of the agency's hate crimes policy and its ongoing implementation.***

The assessment should include:

- I. A review to ensure compliance with the POST Hate Crimes Model Policy and California law.
- II. A review and analysis of the agency's data collection, policy, and annual mandated reporting of hate crimes.
- III. A review and updating of the agency's hate crimes brochure to ensure compliance with CPC 422.92.
- IV. A review of any existing or available data or reports, including the annual California Attorney General's report on hate crimes, in preparation for, and response to, future hate crime trends.

- V. Annual outreach to the community including human relations/civil rights organizations, advocacy groups, service organizations, neighborhood associations, religious institutions, local schools, and colleges assessing the agency's responsiveness to hate crimes.

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# MINIMUM LEGAL REQUIREMENTS FOR AN AGENCY'S HATE CRIMES POLICY

## **CPC 13519.6, effective January 1, 2005, minimally requires:**

1. A message from the law enforcement agency's chief executive officer to the agency's officers and staff concerning the importance of hate crime laws and the agency's commitment to enforcement.
2. The definition of "hate crime" in Penal Code section 422.55.
3. References to hate crime statutes including Penal Code section 422.6.
4. A title-by-title specific protocol that agency personnel are required to follow, including, but not limited to, the following:
  - a. Preventing and preparing for likely hate crimes by, among other things, establishing contact with persons and communities who are likely targets, and forming and cooperating with community hate crime prevention and response networks.
  - b. Responding to reports of hate crimes, including reports of hate crimes committed under the color of authority.
  - c. Accessing assistance, by, among other things, activating the Department of Justice hate crimes rapid response protocol when necessary.
  - d. Providing victim assistance and follow-up, including community follow-up.
  - e. Reporting

## **CPC 422.87, effective January 1, 2019, states and minimally requires:**

Each local law enforcement agency may adopt a hate crimes policy. Any local law enforcement agency that updates an existing hate crimes policy or adopts a new one shall include, but not limited to, the following:

1. The definitions in Penal Code sections 422.55 and 422.56.
2. The content of the model policy framework that the Commission on Peace Officer Standards and Training developed pursuant to Section 13519.6 (above) and any content that the commission may revise or add in the future, including any policy, definitions, response and reporting responsibilities, training resources, and planning and prevention methods.
3. Information regarding bias motivation
  - a. For the purposes of this paragraph, "bias motivation" is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.
    - i. In recognizing suspected disability-bias hate crimes, the policy shall advise officers to consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons who arouse

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fear or guilt, a perception that persons with disabilities are inferior and therefore “deserving victims,” a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

- ii. In recognizing suspected disability-bias hate crimes, the policy also shall advise officers to consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator’s motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.
- b. Information regarding the general underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes *and a plan for the agency to remedy this underreporting* (emphasis added).
- c. A protocol for reporting suspected hate crimes to the Department of Justice pursuant to Penal Code section 13023.
- d. A checklist of first responder responsibilities, including, but not limited to, being sensitive to effects of the crime on the victim, determining whether any additional resources are needed on the scene to assist the victim or whether to refer the victim to appropriate community and legal services, and giving the victims and any interested persons the agency’s hate crimes brochure, as required by Section 422.92.
- e. A specific procedure for transmitting and periodically retransmitting the policy and any related orders to all officers, including a simple and immediate way for officers to access the policy in the field when needed.
- f. The title or titles of the officer or officers responsible for assuring that the department has a hate crime brochure as required by Section 422.92 and ensuring that all officers are trained to distribute the brochure to all suspected hate crime victims and all other interested persons.
- g. A requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the chief, sheriff, director, or other chief executive of the law enforcement agency or other command-level officer to whom the chief executive officer formally delegates this responsibility.
- h. Any local law enforcement agency that updates an existing hate crimes policy or adopts a new hate crimes policy may include any of the provisions of a model hate crime policy and other relevant documents developed by the International Association of Chiefs of Police that are relevant to California and consistent with this chapter.

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# MODEL POLICY FRAMEWORK

## Purpose

This model policy framework is designed to assist in identifying and handling crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing assistance, victim assistance and follow up, and reporting as related to law enforcement's role in handling hate crimes. It also serves as a declaration that hate crimes are taken seriously and demonstrates how law enforcement agencies may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy.

## Policy

It is the policy of this agency to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias should be viewed very seriously and given high priority.

This agency will employ necessary resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this agency should attend to the security and related concerns of the immediate victims and their families as feasible.

The agency policy shall include a requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the chief, sheriff, director, or other chief executive of the law enforcement agency or other command-level officer to whom the chief executive officer formally delegates this responsibility.

The agency policy shall provide a specific procedure for transmitting and periodically retransmitting the policy and any related orders to all officers, including a simple and immediate way for officers to access the policy in the field when needed.

## Response, Victim Assistance and Follow-up

### *Initial response*

First responding officers should know the role of all department personnel as they relate to the agency's investigation of hate crimes and/or incidents. Responding officers should evaluate the need for additional assistance, and working with supervision and/or investigations, access needed assistance if applicable. Responding officers should ensure the crime scene is properly protected, preserved and processed.

At the scene of a suspected hate or bias crimes, officers should take preliminary actions deemed necessary, to include, but not limited to, the following:

1. Use agency checklist (per CPC 422.87) to assist in the investigation of any hate crime (see appendix, page 21, for exemplar checklist based on the Los Angeles Police Department Hate Crimes Supplemental Report with the agency's permission).

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2. Stabilize the victim(s) and request medical attention when necessary.
  3. Ensure the safety of victims, witnesses, and perpetrators.
    - a. Issue a Temporary Restraining Order (if applicable).
  4. Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
  5. Ensure that the crime scene is properly protected, preserved, and processed and that all physical evidence of the incident is removed as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to ensure that it is removed or covered up as soon as possible. Agency personnel should follow-up to ensure that this is accomplished in a timely manner.
  6. Collect and photograph physical evidence or indicators of hate crimes such as:
    - a. Hate literature.
    - b. Spray paint cans.
    - c. Threatening letters.
    - d. Symbols used by hate groups.
  7. Identify criminal evidence on the victim.
  8. Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.
  9. Conduct a preliminary investigation and record pertinent information including, but not limited to:
    - a. Identity of suspected perpetrator(s).
    - b. Identity of witnesses, including those no longer at the scene.
    - c. The offer of victim confidentiality per Government Code (GC) 5264.
    - d. Prior occurrences, in this area or with this victim.
    - e. Statements made by suspects; exact wording is critical.
    - f. The victim's protected characteristics and determine if bias was a motivation "in whole or in part"<sup>1</sup> in the commission of the crime.
      1. "Bias motivation" is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.
        - (a) In recognizing suspected disability-bias hate crimes, the policy shall advise officers to consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons

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<sup>1</sup>See Appendix, page 15, for definition

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who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore “deserving victims,” a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

(b) In recognizing suspected disability-bias hate crimes, the policy also shall advise officers to consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator’s motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

10. Adhere to CPC 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.
11. Provide information regarding immigration remedies available to victims of crime. (U-Visa, T-Visa, S-Visa, etc.).
12. Provide the agency’s Hate Crimes Brochure (per CPC 422.92) if asked, if necessary or per policy (if applicable).
13. Utilize proper techniques for interviewing people with disabilities and being aware of and providing appropriate accommodations (such as ADA standards, Braille, visuals, translators for the deaf or hard of hearing, etc.).
14. Report any suspected multi-mission extremist crimes to the agency Terrorism Liaison Officer (TLO), or assigned designee, and direct the TLO/ designee to send the data to the Joint Regional Information Exchange System.

### ***Investigation***

Investigators at the scene of or while performing follow-up investigation on a suspected hate or bias crimes (or hate incident if agency policy requires it) should take all actions deemed necessary, including, but not limited to, the following:

1. Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).
2. Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.
3. Utilize proper techniques for interviewing people with disabilities and being aware of and providing appropriate accommodations (such as ADA standards, Braille, visuals, translators for the deaf or hard of hearing, etc.).
4. Fully investigate any report of hate crime committed under the color of authority per CPC 422.6 and CPC 13519.6.

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5. Collect and photograph physical evidence or indicators of hate crimes such as:
    - a. Hate literature.
    - b. Spray paint cans.
    - c. Threatening letters.
    - d. Symbols used by hate groups.
    - e. Desecration of religious symbols, objects, or buildings.
  6. Request the assistance of translators or interpreters when needed to establish effective communication.
  7. Conduct a preliminary investigation and record information regarding:
    - a. Identity of suspected perpetrator(s).
    - b. Identity of witnesses, including those no longer at the scene.
    - c. Offer of victim confidentiality per GC 5264.
    - d. Prior occurrences, in this area or with this victim.
    - e. Statements made by suspects; exact wording is critical.
    - f. Document the victim's protected characteristics.
  8. Provide victim assistance and follow-up.
  9. Canvass the area for additional witnesses.
  10. Examine suspect's social media activity for potential evidence of bias motivation.
  11. Coordinate the investigation with agency, state, and regional intelligence operations. These sources can provide the investigating officer with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.
  12. Coordinate the investigation with the crime scene investigation unit (if applicable) or other units of the agency.
  13. Determine if the incident should be classified as a hate crime.
  14. Take steps to ensure appropriate assistance is provided to hate crime victim(s), including the following measures:
    - a. Contact the victim periodically to determine whether he/she is receiving adequate and appropriate assistance.
    - b. Provide ongoing information to the victim about the status of the criminal investigation.
    - c. Provide the victim and any other interested person the brochure on hate crimes per CPC 422.92 and information on any local advocacy groups (if asked).
  15. Report any suspected multi-mission extremist crimes to the agency TLO, or assigned designee, and direct the TLO or designee to send the data to the Joint Regional Information Exchange System.
  16. Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents (if directed by policy), and determine if organized hate groups are involved.

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## *Supervision*

The supervisor shall confer with the initial responding officer(s) and ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:

1. Provide immediate assistance to the crime victim by:
  - a. Expressing the law enforcement agency's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
  - b. Expressing the department's interest in protecting victims' anonymity (confidentiality forms GC 6254) to the extent possible. Allow the victim to convey his/her immediate concerns and feelings.
  - c. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy or departmental chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per CPC 422.92).
2. Ensure that all relevant facts are documented on an incident and/ or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.
3. Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
4. In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning an officer at specific locations that could become targets).
5. Ensure hate crimes are properly reported, including reporting to the Department of Justice, pursuant to CPC 13023.
6. Ensure adherence to CPC 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime. (U-Visa, T-Visa, S-Visa, etc.)
7. Respond to and investigate any reports of hate crimes committed under the color of authority.
8. Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For information see the California Department of Justice webpage or use following link: <https://oag.ca.gov/sites/all/files/agweb/pdfs/civilrights/AG-Rapid-Response-Team-Protocol-2.pdf>
9. Report or ensure any suspected multi-mission extremists crimes are reported to the agency TLO, or assigned designee, and direct the TLO/ designee to send the data to the Joint Regional Information Exchange System.
10. Make a final determination as to whether the incident should be classified as a hate crime.

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## Training

All staff, including dispatch, desk personnel, volunteers, records, support staff, officers, supervisors, and managers shall be properly trained on the department's hate crimes policy. The agency will follow all legislatively mandated training requirements.

POST offers training and video courses to assist law enforcement in the identification, investigation, documentation and reporting of hate crimes. These courses provide officers with information and skills necessary to effectively identify, investigate, document and report hate crimes. Various training programs include the history and definitions of hate crimes, recognition of hate groups, international terrorism, legal considerations, victims' considerations, initial response duties, victim interviewing and care, suspect identification and interrogation, evidence identification, report writing, the role of law enforcement, investigative strategies, intelligence collection, supervisory roles, community relations, media relations and local program training development, and other topics such as proper use of computer systems and methods for reporting. POST also maintains an extensive array of training videos on applicable topics such as working with those with mental illness and intellectual disabilities, hate crimes, and working with minority communities.

For more information on POST training opportunities and available videos, visit the POST website at [www.post.ca.gov](http://www.post.ca.gov). In conjunction with POST training opportunities, trainers may utilize other state and federal agencies that offer training courses, such as the U.S. Department of Justice.

## Planning and Prevention

The general underreporting of hate crimes is an identified issue in California. Underreporting is caused by victims not reporting hate crimes or hate incidents due to a number of factors, including fear of reprisal and the belief that law enforcement will not properly investigate them. A report by the State Auditor in 2018 determined that California law enforcement has not taken adequate action to identify, report and respond to hate crimes. There is also an extreme underreporting of anti-disability and anti-gender hate crimes. The agency's plan to remedy this underreporting *shall be inserted into the policy* (emphasis added).

In order to facilitate the recommendations contained within this policy, it is strongly recommended that agencies build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Agency personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes. Assigned personnel should perform the following:

1. Meet with residents in target communities to allay fears; emphasize the agency's concern over this and related incidents; reduce the potential for counter-violence; and provide safety, security, and crime prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.
2. Provide direct and referral assistance to the victim and his/her family.
3. Conduct public meetings on hate crime threats and violence in general.
4. Establish relationships with formal community-based organizations and leaders.
5. Expand, where appropriate, preventive programs such as hate, bias, and crime reduction seminars for school children.

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6. Review the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab/Middle Eastern and Islamic communities.<sup>2</sup>
  7. Provide orientation of and with communities of specific targeted victims such as immigrants, Muslims, Arabs, LGBTQ, Black or African-American, Jewish, Sikh, disabled persons, etc.

Hate crimes are not only a crime against the targeted victim(s) but also have impacts on the victim's family and community. Working constructively with segments of this larger community after such crimes is essential to help reduce fears, stem possible retaliation, prevent additional hate crimes, and encourage any other previously victimized individuals to step forward and report such crimes. This is particularly important if an upward trend has been identified in these crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Most California law enforcement agencies do not track hate incidents. It is recommended that hate incidents be investigated and documented, if directed by policy, as part of the overall planning to prevent hate crime.

Tracking social media is also another identified area to find indicators of, or precursors to, hate crimes. It is recommended that agencies assign personnel to find, evaluate and monitor public social media sources to identify possible suspects in reported hate crimes, or to determine suspects or suspect groups in future hate crimes or hate incidents affecting the identified individuals, groups or communities that may be victimized, and planned hate-based events.

### ***Release of Information***

Agencies should have procedure and/or policy on public disclosure of hate crimes. Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure would assist greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

1. Dissemination of correct information.
2. Assurance to affected communities or groups that the matter is being properly and promptly investigated.
3. The ability to request information regarding the commission of the crime(s) from the victimized community.

Agencies should provide the supervisor, public information officer, or designee with information that can be responsibly reported to the media. When appropriate, the law enforcement media spokesperson should reiterate that the hate crimes will not be tolerated, will be taken seriously, and will be prosecuted to the full extent of the law.

Agencies are encouraged to consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

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<sup>2</sup>As described in CPC 13519.6(b)(8)

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1. Informing community organizations in a timely manner when a community group has been the target of a hate crime.
  2. Informing the community of the impact of these crimes on the victim, the victim's family, and the community, and the assistance and compensation available to victims.
  3. Informing the community regarding hate crime law and the legal rights of, and the remedies available to, victims of hate crimes.
  4. Providing the community with on-going information regarding hate crime and/or hate incidents (if policy requires it).

## Reporting

The agency policy shall require development of a procedure for data collection, documentation, and mandated reporting requirements. The agency shall:

1. Ensure that hate crimes are properly investigated, documented and reported.
2. During documentation, ensure hate crimes are flagged properly to allow for required reporting to the California Department of Justice. This is typically indicated by the title/penal code section identifying the report as a hate crime. Some agencies have added a check box specifically indicating a hate crime that could, if required by the agency policy, require a secondary review by an investigator/detective, supervisor or other identified party. It is the agency executive's responsibility to determine the form of documentation and type of indicators on crime reports.
3. The agency head or their designee (identified in the agency policy) should make a final determination as to whether the incident should be classified as a hate crime by the agency.
4. Agencies shall develop procedures to comply with legally mandated reporting, including the California Department of Justice, pursuant to CPC 13023.

## Checklist for the agency's policy creation

- Message from the law enforcement's agency's chief executive is included
  - The updated existing policy or newly adopted policy includes the content of the model policy framework from POST.
  - Definition of "hate crime" included from:
    - CPC 422.55
    - CPC 422.56
    - CPC 422.6
  - Title by title specific protocol regarding:
    - Prevention
      - Is contact is established with identified persons and/or communities who are likely targets?
      - Have we formed and/or are we cooperating with hate crime prevention and response networks?
      - Has a plan for the agency to remedy underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes been created?
    - Response
      - Requirement that all hate crimes be properly investigated and supervised
      - Requirement that any hate crimes committed under the color of authority are investigated
    - Accessing Assistance
      - Information provided for activating the Department of Justice hate crime rapid response protocol when necessary
    - Victim assistance and follow-up
    - Reporting
      - Protocol for reporting suspected hate crimes to the Department of Justice per CPC 13023
    - Training
      - Has a checklist for first responders been created and provided personnel (see exemplar officer checklist in appendix)
        - Does the checklist include first responder responsibilities include:
          - Determining the need for additional resources if necessary?
          - Referral information for appropriate community and legal services?
          - The requirement to provide the agency's hate crimes brochure per CPC 422.92?
        - Information regarding bias motivation from CPC 422.87
        - Information regarding the general underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes
- Definitions of terms used in the policy are listed
- Specific procedure for transmitting and periodically retransmitting the policy and any related orders to officers is included.
  - Procedure shall include a simple and immediate way for officers to access the policy in the field when needed
- Title or titles of the officer or officers responsible for assuring the department has a hate crime brochure (per CPC 422.92) and ensuring that all officers are trained to distribute the brochure to all suspected hate crime victims and all other interested persons.
- A requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the law enforcement chief executive or the chief executive's designee.



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# APPENDIX

## Definitions and Laws

In accordance with CPC sections 422.55, 422.56, 422.6, and 422.87, for purposes of all other state law unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

### *Hate crime*

“Hate crime” means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- (1) Disability.
- (2) Gender.
- (3) Nationality.
- (4) Race or ethnicity.
- (5) Religion.
- (6) Sexual orientation.
- (7) Association with a person or group with one or more of these actual or perceived characteristics.

(b) “Hate crime” includes, but is not limited to, a violation of Section 422.6.

“Association with a person or group with these actual or perceived characteristics” Includes advocacy for, identification with, or being on the ground owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of those characteristics listed in the definition of “hate crime” under paragraphs 1 to 6, inclusive, of CPC 422.55 subdivision (a).

**Note:** A “hate crime” need not be motivated by hate but may be motivated by any bias against a protected characteristic.

### *Hate Speech*

The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected: fighting words, true threats, perjury, blackmail, incitement to lawless action, conspiracy and solicitation to commit any crime.

### *Hate incident*

A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:

- Name-calling
- Insults and epithets
- Distributing hate material in public places
- Displaying hate material on your own property

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## ***Bias Motivation***

Bias motivation is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.

## ***Disability Bias***

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore "deserving victims," a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator's motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

## ***Disability***

Disability includes mental disability and physical disability as defined in GC 12926, regardless of whether those disabilities are temporary, permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

## ***Gender***

Gender means sex and includes a person gender identity and gender expression. Gender expression means a person's gender-related appearance and behavior, whether or not stereotypically associated with the persons assigned sex at birth. A person's gender identity and gender related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.

## ***In Whole or In Part***

"In whole or in part because of" means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that crime would not have been committed but for the actual or perceived characteristic.

## ***Nationality***

Nationality includes citizenship, country of origin, and national origin.

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***Race or Ethnicity***

Race or ethnicity includes ancestry, color, and ethnic background.

***Religion***

Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

***Sexual orientation***

Sexual orientation means heterosexuality, homosexuality, or bisexuality.

***Victim***

Victim includes, but is not limited to, a community center, educational facility, entity, family, group, individual, office, meeting hall, person, place of worship, private institution, public



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## Statutes and Legal Requirements

Items listed in this section include sections from the California Penal Code (CPC), Welfare and Institutions Code (WI) and Government Code (GC).

### *Definitions*

CPC 422.55 - Provides general definition of hate crimes in California.

CPC 422.56- Provides definitions of terms included in hate crimes statutes.

GC 12926- Disability-related definitions applicable to some hate crime statutes.

## Felonies

### *Hate Crimes*

CPC 422.7 - Commission of a crime for the purpose of interfering with another's exercise of civil rights.

### *Related Crimes*

CPC 190.2(a)(16) - Homicide penalties related to certain hate crime related acts.

CPC 190.03(a) - Homicide penalties related to certain hate crime related acts.

CPC 288(b)(2) - Sexual assault of dependent person by caretaker

CPC 368(b) - Dependent adult abuse generally - may apply as disability-related hate crime.

CPC 594.3 - Vandalism of places of worship.

CPC 11412 - Causing or attempting to cause other to refrain from exercising religion by threat.

CPC 11413 - Arson or destructive device at place of worship.

## Misdemeanors

### *Hate Crimes*

CPC 422.6 - Use of force, threats, or destruction of property to interfere with another's exercise of civil rights.

CPC 422.77 - Violation of civil order (Bane Act) protecting the exercise of civil rights

### *Related Crimes*

CPC 302 - Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.

CPC 538(c) - Unauthorized insertion of advertisements in newspapers and redistribution to the public.

CPC 640.2 - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.

CPC 11411 - Terrorism of owner or occupant of real property. Placement or display of sign, symbol, or other physical impression without authorization, engagement in pattern of conduct, or burning or desecration of religious symbols.

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## Enhancements

**CPC 190.2(a)(16)** - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.

**CPC 190.3** - Special circumstances imposing LWOP if the victim was intentionally killed because of sexual orientation, gender, or disability.

**CPC 422.75** - Penalty for felony committed because of victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.

**CPC 1170.8** - Enhancement for robbery or assault at a place of worship.

**CPC 1170.85(b)** - Felony assault or battery enhancement due to age or disability.

## Reporting

**CPC 13023**- Requirement for law enforcement agencies to report hate crime data to DOJ.

**WI 15630** – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

## Training and Policy Requirements

**CPC 422.87** - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).

**CPC 13519.6** - Defines hate crime training requirements for peace officers.

**CPC 13519.41** - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

## Miscellaneous Provisions

**CPC 422.78** - Responsibility for prosecution of stay away order violations.

**CPC 422.86** - Public policy regarding hate crimes.

**CPC 422.89** - Legislative intent regarding violations of civil rights and hate crimes

**CPC 422.92** - Hate crimes victims brochure requirement for law enforcement agencies.

**CPC 422.93** - Protection of victims and witnesses from being reported to immigration authorities.

**GC 6254** - Victim confidentiality.

# HATE CRIME CHECKLIST

Page \_\_\_\_\_ of \_\_\_\_\_

<b>VICTIM</b>	<p style="text-align: center;"><b><u>Victim Type:</u></b></p> <p><input type="checkbox"/> <b>Individual</b>                  Legal name (Last, First): _____                  Other Names used (AKA): _____</p> <p><input type="checkbox"/> <b>School, business or organization</b>                  Name: _____                  Type: _____  <i>(e.g., non-profit, private, public school)</i>                  Address: _____</p> <p><input type="checkbox"/> <b>Faith-based organization</b>                  Name: _____                  Faith: _____                  Address: _____</p>	<p style="text-align: center;"><b><u>Target of Crime (Check all that apply):</u></b></p> <p><input type="checkbox"/> Person    <input type="checkbox"/> Private property    <input type="checkbox"/> Public property</p> <p><input type="checkbox"/> Other _____</p> <p style="text-align: center;"><b><u>Nature of Crime (Check all that apply):</u></b></p> <p><input type="checkbox"/> Bodily injury                      <input type="checkbox"/> Threat of violence</p> <p><input type="checkbox"/> Property damage</p> <p><input type="checkbox"/> Other crime: _____</p> <p>Property damage - estimated value _____</p>
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<b>BIAS</b>	<p style="text-align: center;"><b><u>Type of Bias</u></b>  <b>(Check all characteristics that apply):</b></p> <p><input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Gender</p> <p><input type="checkbox"/> Gender identity/expression</p> <p><input type="checkbox"/> Sexual orientation</p> <p><input type="checkbox"/> Race</p> <p><input type="checkbox"/> Ethnicity</p> <p><input type="checkbox"/> Nationality</p> <p><input type="checkbox"/> Religion</p> <p><input type="checkbox"/> Significant day of offense  <i>(e.g., 9/11, holy days)</i></p> <p><input type="checkbox"/> Other: _____</p> <p>Specify disability (be specific):                  _____                  _____</p>	<p style="text-align: center;"><b><u>Actual or Perceived Bias – Victim’s Statement:</u></b></p> <p><input type="checkbox"/> Actual bias [Victim actually has the indicated characteristic(s)].</p> <p><input type="checkbox"/> Perceived bias [Suspect believed victim had the indicated characteristic(s)].  <i>If perceived, explain the circumstances in narrative portion of Report.</i></p> <p style="text-align: center;"><b><u>Reason for Bias:</u></b></p> <p><b>Do you feel you were targeted based on one of these characteristics?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Explain in narrative portion of Report.</i></p> <p><b>Do you know what motivated the suspect to commit this crime?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Explain in narrative portion of Report.</i></p> <p><b>Do you feel you were targeted because you associated yourself with an individual or a group?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Explain in narrative portion of Report.</i></p> <p><b>Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Describe in narrative portion of Report.</i></p> <p><b>Are there Indicators the suspect is affiliated with a criminal street gang?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Describe in narrative portion of Report.</i></p>
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	<p style="text-align: center;"><b><u>Bias Indicators (Check all that apply):</u></b></p> <p><input type="checkbox"/> Hate speech                      <input type="checkbox"/> Acts/gestures                      <input type="checkbox"/> Property damage                      <input type="checkbox"/> Symbol used</p> <p><input type="checkbox"/> Written/electronic communication                      <input type="checkbox"/> Graffiti/spray paint                      <input type="checkbox"/> Other: _____</p> <p><i>Describe with exact detail in narrative portion of Report.</i></p>
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<b>HISTORY</b>	<p style="text-align: center;"><b><u>Relationship Between Suspect &amp; Victim:</u></b></p> <p>Suspect known to victim?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p>Nature of relationship: _____</p> <p>Length of relationship: _____</p> <p><i>If Yes, describe in narrative portion of Report</i></p>	<p><input type="checkbox"/> Prior reported incidents with suspect? Total # _____</p> <p><input type="checkbox"/> Prior unreported incidents with suspect? Total # _____</p> <p>Restraining orders?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p><i>If Yes, describe in narrative portion of Report</i></p> <p>Type of order: _____    Order/Case# _____</p>
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<b>WEAPONS</b>	<p>Weapon(s) used during incident?    <input type="checkbox"/> Yes    <input type="checkbox"/> No    Type: _____</p> <p>Weapon(s) booked as evidence?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p>Automated Firearms System (AFS) Inquiry attached to Report?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p>
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# HATE CRIME CHECKLIST

Page \_\_\_\_ of \_\_\_\_

<b>EVIDENCE</b>	Witnesses present during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No	Statements taken? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No	Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked
	Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo
	Total # of photos: _____ D#: _____ Taken by: _____ Serial #: _____	<input type="checkbox"/> Known to victim

<b>OBSERVATIONS</b>	<b><u>VICTIM</u></b>	<b><u>SUSPECT</u></b>
	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____

**ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):**

Has suspect ever threatened you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Has suspect ever harmed you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does suspect possess or have access to a firearm?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are you afraid for your safety?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Do you have any other information that may be helpful?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

**Resources offered at scene:**  Yes  No Type: \_\_\_\_\_

<b>MEDICAL</b>	<b><u>Victim</u></b>	<b><u>Suspect</u></b>	<b>Paramedics at scene?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____
	<input type="checkbox"/>	<input type="checkbox"/> Declined medical treatment	Name(s)/ID #: _____
	<input type="checkbox"/>	<input type="checkbox"/> Will seek own medical treatment	Hospital: _____
	<input type="checkbox"/>	<input type="checkbox"/> Received medical treatment	Jail Dispensary: _____
Authorization to Release Medical Information, Form 05.03.00, signed? <input type="checkbox"/> Yes <input type="checkbox"/> No			Physician/Doctor: _____
			Patient #: _____

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

## **93-1 Critical Incident Protocol 10-03-19.pdf**



# ***SONOMA COUNTY LAW ENFORCEMENT CHIEFS' ASSOCIATION***

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PROTOCOL: 93-1  
ADOPTED: 02/19/93  
REVISED: 07/1996  
11/1998  
06/2004  
02/2005  
09/2005  
04/2007  
01/2009  
09/2010  
09/2015  
06/2016  
10/2019

**SUBJECT:** LAW ENFORCEMENT EMPLOYEE-INVOLVED CRITICAL INCIDENT PROTOCOL - *(FORMERLY ENTITLED OFFICER INVOLVED CRITICAL INCIDENT PROTOCOL)*

**PURPOSE:** The purpose of this Protocol is to set forth procedures and guidelines used by Sonoma County law enforcement agencies in the criminal investigation of specifically defined incidents involving law enforcement employees. While this Protocol represents the understanding and agreement among Member Agencies about how Law Enforcement Employee-Involved Critical Incidents are to be investigated, this Protocol is neither a statute, ordinance nor regulation. Members expect that its provisions will be followed when Protocol incidents occur but it is anticipated that agencies may make minor modifications, which will not affect the Protocol's basic principles, to meet agency requirements. It is the intention of SCLECA membership that best practices have been incorporated into this protocol, including those gleaned from the guidelines of the International Association of Chiefs of Police (IACP) Police Psychological Services Section in 2013. All Sonoma County law enforcement agencies are encouraged to carefully review the guidelines ratified by the IACP, share these guidelines with all their respective personnel and consider all recommended procedures prior to, during and after a law enforcement employee-involved critical incident.

## I. DEFINITIONS

### A. Actor:

1. A person whose action is actually or conceivably a proximate cause of death, or serious bodily injury to another person or themselves; or
2. A person who intends an action to be the cause of serious bodily injury to a second party but the second party is actually injured or killed by another person.
3. An actor may be a law enforcement employee or may be a private citizen.

B. Administrative Investigation: The investigation conducted by the employer agency arising from a specific incident(s) that determines whether or not an employee has violated employer agency rules, regulations or conditions of employment.

C. Criminal Investigation: The investigation conducted by personnel from member agencies which identifies facts that demonstrate whether or not violations of criminal law occurred in a specific incident.

D. Employer Agency: The law enforcement agency from which the involved law enforcement employee is employed or affiliated. An employer agency may also be a venue agency in a specific incident.

E. Fatal Injury: Death, or injury which is so severe that death is a likely result.

F. Injured Person: Any person who sustains death or serious bodily injury as a result of an intentional or unintentional act of an actor in which force is used.

### G. Law Enforcement Employee:

1. Any sworn peace officer, whether on or off-duty, and whether or not acting within or outside the scope of employment.
2. Any law enforcement civilian employee; on-duty, or off-duty who is acting within the scope of employment at the time of a specific incident.
3. Any on-duty reserve peace officer; or any off-duty reserve peace officer who is acting within the scope of employment at the time of a specific incident.
4. Any temporary law enforcement employee or any volunteer, whether paid or unpaid, who is on-duty or who is acting within the scope of employment at the time of a specific incident.

H. Law Enforcement Employee-Involved Critical Incident: A specific incident occurring in Sonoma County involving one or more persons, in which a law enforcement employee is involved as an actor or injured person; when a fatal

injury occurs. Examples of such specific incidents may include the following:

1. Intentional and unintentional shootings.
2. Use of any dangerous or deadly weapons (e.g., firearms, knives, clubs, etc.).
3. Assaults upon sworn peace officers; assaults upon other law enforcement employees who are on duty or acting within the scope of employment.
4. Attempts by law enforcement employees, within the scope of employment, to make arrests or to otherwise gain physical control of a person.
5. Acts of physical violence in which a law enforcement employee is acting as a private citizen.
6. A law enforcement employee suicide.
7. Fatal injury while a person is in law enforcement custody which includes suicide and/or ingestion of toxic substances, or any unexplained death, but excludes the death of a person who dies as the result of a diagnosed disease or physical condition for which the person was receiving physician's treatment prior to death and a physician has agreed to sign the death certificate.
  - a. Fatal injury, while in the custodial facilities of the Sonoma County Sheriff's Office, will be investigated by the Sheriff's Office Violent Crimes Unit. The Sheriff's Office Violent Crimes Supervisor shall contact the on-call Sonoma County District Attorney's Investigator and advise them of the in custody fatal injury. The D.A. Investigator will determine if the District Attorney's Office should assist with the investigation. Depending upon the circumstances, the Sheriff's Office may request that another Sheriff's Office be the lead agency or assist in the investigation. However, an independent pathologist/Coroner's Office shall be requested to conduct the Coroner's investigation in any fatal injury occurring within the custodial facilities of the Sonoma County Sheriff's Office.
    - (1) The District Attorney's Office will review any investigation wherein they responded or assisted.
  - b. Fatal injury, while in custody at the Juvenile Justice Center shall be investigated by the Santa Rosa Police Department. Fatal injury, while in custody at the Sonoma County Juvenile Probation Camp shall be investigated by the Sonoma County Sheriff's Office.
8. Fatal injury to a person who is a passenger of an on-duty law enforcement employee (e.g., ride-along, emergency transport, etc.).

9. Vehicular collisions with fatal injury including those involving a law enforcement pursuit, except the following:
  - a. Collisions involving off-duty, civilian law enforcement employees who are not at the time of the collision acting for an actual or apparent law enforcement purpose.
  - b. Single vehicle collisions, not involving a law-enforcement pursuit, in which the injury is sustained by a law enforcement employee who was the driver and sole occupant of a vehicle which was not involved in a collision with any other person or occupied vehicle.
10. This protocol may be invoked at the discretion of the Chief of Police, the Sheriff, or Chief Probation Officer of the member agency for other employee involved incidents, which result in a significant use of force or a significant injury.

I. Lead Agency

The investigative agency charged with overall responsibility for supervising, coordinating and conducting the criminal investigation of a Law Enforcement Employee-Involved Critical Incident. The Petaluma Police Department, Santa Rosa Police Department, or the Sonoma County Sheriff's Office can be a lead agency. When the proximate cause of death or injury is a vehicle collision, the Venue or Lead Agency may, depending on the circumstances and complexity of the investigation, seek the assistance of the California Highway Patrol. Also, the CHP is not precluded from being the lead agency in such cases. (See I. H. 9.) If extraordinary circumstances exist, the District Attorney's Office is not precluded from being the lead agency.

As a matter of routine, the employer agency will not directly participate in the criminal investigation. However, if no other agency is available to assume the lead agency role, the employer agency, with the consent of the venue agency, may elect to be the lead agency. Additionally, if the member agencies are unable to provide sufficient staffing for the criminal investigation team, the employer agency can provide investigators to participate as members of the investigation team. Also, when deemed necessary and appropriate, investigators from member agencies who are experienced and trained, may be invited to join the Lead Agency investigation team, whether or not the investigator is employed by the Lead Agency. (See section III, 4 d.) Any fatal or severe injury collision involving on-duty CHP employees occurring within any jurisdiction will be investigated by the CHP Golden Gate Division Multi-disciplinary Accident Investigation Team (MAIT) in conjunction with the venue agency

J. Member Agency

Any Sonoma County law enforcement agency which is a signatory to this Protocol.

K. Proximate Cause

A cause which, in a natural and continuous sequence, produces death or fatal injury, without which cause the death or fatal injury would not have occurred.

L. Venue Agency

The law enforcement agency, or agencies, within whose primary geographical jurisdiction a specific incident occurs.

II. INVOKING PROTOCOL PROVISIONS

A. Mandatory Invoking

When a Law Enforcement Employee-Involved Critical Incident occurs, the criminal investigative provisions of this Protocol shall be immediately invoked by member agencies to ensure that the employer agency, or the venue agency if the necessary investigative resources are not available, does not lead or have overall responsibility for the criminal investigation.

B. Participation of Member Agencies

1. Member agencies shall participate and cooperate in Protocol provisions relevant to mandatory invoking. Should a member agency be unable to fulfill its responsibility in the mandatory invoking process due to lack of necessary personnel resources, or other articulable reason, such information shall be immediately relayed to the member agency requesting assistance.
2. In the event that the criminal investigative provisions of this Protocol are invoked, but necessary resources from member agencies are not sufficient to provide a lead agency to conduct the criminal investigation, or where an issue arises as to which agency should be the lead agency, the department heads of the employer agency and venue agency should consult with the Sonoma County District Attorney to discuss how to best proceed under the given circumstances. A request for investigative support may then be made to other appropriate local, state, or federal criminal investigative agencies.

C. Notification of Agencies

1. When a Law Enforcement Employee-Involved Critical Incident occurs and the criminal investigative provisions of the Protocol are invoked, the venue agency notifies the following agencies and/or persons as promptly as possible:
  - a. Intra-departmental staff as required by that agency's internal procedures.
  - b. The employer agency, if not the venue agency.
  - c. The requested lead agency.

### III. INVESTIGATIVE PROVISIONS AND RESPONSIBILITIES

#### A. Criminal Investigation

##### 1. **Intent**

The purpose of the criminal investigation is to establish the presence or absence of criminal liability on the part of those persons involved in the incident. The criminal investigation has investigative priority over an administrative investigation and begins immediately after the Law Enforcement Employee-Involved Critical Incident occurred. The investigation follows the rules of law which apply to criminal proceedings and focuses upon objectively identifying and documenting all relevant information about the Law Enforcement Employee-Involved Critical Incident.

##### 2. **Participants**

The criminal investigation is conducted by supervisors, criminal investigators and evidence technicians from member agencies in accordance with section #I, sub-section I, above.

- a. A Deputy District Attorney is assigned to provide legal support to the criminal investigator.
- b. A District Attorney Investigator is assigned to assist the deputy district attorney and provide liaison with the Office of the District Attorney.
- c. The employer agency should assign staff personnel to liaison with the lead agency. The role of the liaison is to facilitate the investigation. The assigned liaison(s) shall not be involved in the questioning of witnesses, evidence gathering, or any aspect of the criminal investigation. The employer agency liaison responsibility can include coordinating the flow of information between agencies and facilitating access to records information, personnel and facilities.

##### 3. **Venue Agency**

The employer agency makes a determination at the time of a Law Enforcement Employee-Involved Critical Incident as to which member agency will be requested to be the lead agency regardless of venue.

- a. The request for a member agency to be the lead agency, and the acceptance by that member agency to be the lead agency, is made by command staff, or an identified designee, of the respective member agencies.
- b. Within the provisions of section #I, sub-section I, above, the venue agency may also be the lead agency.

- c. When a Law Enforcement Employee-Involved Critical Incident occurs in part in two or more jurisdictions, on the boundary of two jurisdictions or at a location where the boundary is not readily ascertainable or is in dispute; the venue agency is the member agency which has the predominant law enforcement involvement in the incident and/or the majority of acts related to the fatality occur in its jurisdiction.
- d. For criminal incidents occurring on state property not otherwise under the primary jurisdiction of a state law enforcement agency, i.e., Sonoma State University, State Parks, etc., the CHP is the venue agency, e.g. the State building at 50 'D' Street, Santa Rosa; DMV offices in Santa Rosa and Petaluma, etc. The CHP may request investigative assistance from other law enforcement agencies. For criminal incidents occurring on Sonoma State University, Sonoma State University Police Services is the venue agency. For criminal incidents occurring on the property of the Santa Rosa Community College District, the Sonoma County Junior College District Police Department is the venue agency.
- e. Law Enforcement Memorandum of Understandings between two agencies that transfer venue authority from one to the other shall be honored.
- f. For incidents involving vehicular collisions occurring in areas not within the primary jurisdiction of the CHP, the CHP may be requested to provide investigative assistance to the lead agency.

4. **Lead Agency**

Pursuant to its responsibility to supervise, conduct and coordinate the criminal investigation, the lead agency does the following:

- a. Contacts the on-call District Attorney Investigator to advise them of the fatal injury investigation and/or request assistance from the District Attorney's Office.
- b. Upon confirmation of a death, notifies the Coroner's Office and other member agencies as necessary.
  - (1) If the employee agency is the Sonoma County Sheriff's Office, the Sonoma County Coroner's office will notify and request an independent pathologist/Coroner's Office to conduct the Coroner's investigation.
- c. Assigns a supervisor to manage the overall criminal investigation and has a supervisor respond to the field incident within two hours of notification. The supervisor is of the rank

of a sergeant or above, has supervised a sworn investigative unit, and has attended the following training programs:

- (1) Officer Involved Shootings Investigation
- (2) Homicide Investigation
- (3) Internal Affairs Investigations

d. Assigns a minimum of two criminal investigators to investigate the case and has them respond to the field incident within two hours of notification. Additionally, all lead agency criminal investigators shall have a minimum of five years sworn experience and be, or have been, a specifically designated investigator. A lead case investigator is designated who shall have attended the following training programs:

- (1) Officer Involved Shooting Investigations
- (2) Interview and Interrogation Techniques
- (3) Homicide Investigations

Traffic collision investigators are exempt from the requirement (3) above but shall have Advanced Accident Investigation at a minimum.

e. Obtains the assistance of sworn criminal investigators from other member agencies as needed excluding employer agency staff whenever possible. All member agency investigators assigned to assist the lead agency have a minimum of five years sworn experience and are, or have been, specifically designated detectives. These investigators work with and under the direction of the lead agency supervisor during the course of the criminal investigation.

f. Assigns a trained evidence technician or crime scene investigator to collect, preserve, process, and document evidence. The technician/investigator is or has been employed as an evidence technician/crime scene investigator and has successfully completed a POST-certified crime scene investigation training program.

g. Is responsible for documentation of the scene and for the collection, preservation and analysis of physical evidence. The lead agency may further request the assistance of experienced evidence collection personnel from other member agencies and/or the California Department of Justice when deemed necessary.

- (1) Lead agency investigators will give advance notice to the employer agency when the crime scene is expected to be released from criminal investigative processing. Administrative investigators may conduct independent

crime scene processing activities once criminal investigators have completed their tasks.

- (2) Evidentiary items are maintained by the lead agency until such time as otherwise directed by the Office of the District Attorney, court order, statute, or mutual agreement between the lead and venue agency. These items are made available for appropriate review in a timely manner to those member agencies with an identified interest in the investigation. The lead agency disposes of evidentiary items in accordance with law and shall notify other involved member agencies prior to final disposition of evidence or other property.
- h. Is responsible for ensuring that all criminal investigators write full, complete and objective reports documenting their investigative activities. The lead agency also has the responsibility to collect relevant reports from other member agencies, maintain all documentation in accordance with statutory guidelines and submit all relevant documentation and information to the Office of the District Attorney upon completion of the lead agency investigation. The lead agency should make every reasonable effort to complete their investigation within 90 days. The primary objective shall be to conduct a thorough and complete criminal investigation. Accordingly, depending on the unique circumstances involved, some investigations may require more than 90 days to complete. Subsequent supplemental information will be submitted upon completion and approval.
- i. Is responsible, unless otherwise agreed upon by the lead and employer agencies, for providing news media releases of information directly relevant to the criminal investigation for a period of a minimum of 72 hours following occurrence of the incident. Public statements regarding criminal investigative information shall only be made by the lead agency until such time as otherwise agreed upon by involved member agencies. The lead agency does not comment upon the administrative or employer-employee issues that are the responsibility of the employer agency.  
  
Refer to Section IV of this Protocol for further guidelines.
- j. Is responsible for conducting a full briefing for District Attorney staff, employer agency staff and other relevant member agency staff having a “right to know.” The briefing is conducted at a time when the criminal investigation is not yet submitted to the Office of the District Attorney for full review, but is at a stage of completion where involved member agencies provide critical analysis to ensure all investigative concerns have been satisfactorily addressed.

## 5. **Crime Scene Procedures and Security**

Emergency life saving measures have first priority in any incident and are attended to immediately by providing first aid and summoning medical support personnel when safe to do so. Supervisors and investigators need be sensitive to the possibility that involved employee(s) may have been exposed to bodily fluids during life saving measures and/or sometime during the incident. Every effort should be made to photograph employees in what they were wearing at the time of the incident. However, no employee should be kept from having bodily fluids cleaned off of them or from removing contaminated clothing to reduce the possibility of exposure to communicable diseases if a camera is not immediately available. Additionally, any employee(s) exposed to bodily fluid will not be kept from seeking medical attention as part of their agency's blood exposure protocol.

- a. When an injured person is transported to a hospital, an uninvolved law enforcement officer should accompany the person in order to:
  - (1) Locate, preserve, safeguard, and maintain the chain of physical evidence.
  - (2) Obtain information as permitted by law, including dying declarations.
  - (3) Dependent on medical condition, maintain custody if the person has been arrested.
  - (4) Provide information to medical personnel about the incident as relevant to treatment, and obtain information from medical personnel relevant to the investigation.
  - (5) Identify relevant people, including witnesses and medical personnel.
  - (6) Be available for contacts with the injured person's family, if appropriate.
- b. Each involved law enforcement agency is responsible for securing and protecting crime scenes. The venue agency assumes responsibility that includes preservation of the integrity of the scene(s) and its contents, access, control, and the identification and sequestration of witnesses. The venue agency maintains these responsibilities unless and/or until it is relieved by the lead agency.
  - (1) A secure perimeter is established ensuring that personal safety is protected and evidence is appropriately preserved.

- (2) Access to the crime scene is strictly limited to those law enforcement and other authorized officials who have a right or recognized lawful need to be there for a life saving or investigative purpose.
  - (3) A written log is established as quickly as possible to identify persons entering/exiting the scene, their purpose for entry, and the times of entry/exit.
  - (4) Evidentiary items shall not be removed from the scene or manipulated without the approval of the criminal investigators or unless necessary for safety reasons or preservation of evidence.
- c. If a weapon or instrument was used in the incident, the on-scene supervisor ensures that the weapon is protected and/or collected as follows:
- (1) If the scene is secure, loose weapons or instruments are left in place until collected and processed by investigators.
  - (2) If the scene is not secure, the on-scene supervisor directs whether or not a weapon or instrument is left in place. If the weapon or instrument is moved for protection, in-place photographs are taken before movement, if possible, and the initial location of the item is marked.
  - (3) If an involved officer has personal possession of a firearm discharged in the incident, the on-scene supervisor (uninvolved in the firearm's discharge) shall assign an uninvolved officer to guard the involved officer. The guarding officer shall have the responsibility of providing security for the involved officer. The guard shall make certain that the involved officer's weapon, gear, and person remain undisturbed for the purpose of evidence collection or photographically documented by a member of the criminal investigation team, which may include processing for trace evidence, i.e., swabs, particulate matter, etc. Should the involved officer's person, uniform or gear contain bodily fluids or any other bio hazard substance, the on-scene supervisor shall have the contaminated objects removed from the officer immediately and collected and preserved as evidence. Involved officers' weapons are to remain holstered (or if already upholstered, secured as found) and not to be handled by non-investigating members unless issues of officer safety exist. The above procedures may be adjusted if exigent circumstances exist (i.e., safety,

weather, inability to secure scene, etc.). The firearm, ammunition and, if applicable, duty belt will be secured by a criminal investigation team member, adhering to chain of custody procedures. Secondary or back-up firearms in the possession of an involved officer will also be taken and secured as detailed above. When the firearm is removed from the involved officer, a supervisor from the employer agency shall consider providing a like firearm to the involved officer.

(4) Allow for the option to release non-critical equipment, personal property (safety equipment, wallets, keys, identification, etc.) after being photographed.

(5) The on-scene supervisor shall make a full account of all firearms that were present when the incident occurred. The on-scene supervisor shall confirm that all firearms and personally possessed magazines that are believed to be uninvolved (not fired) are fully loaded. If any apparently uninvolved officer is in possession of a weapon(s) or magazines that are not fully loaded, the on-scene supervisor shall place a guard on this officer, in accordance with the manner stated in paragraph (3), above. All firearms that were present at the time of the occurrence shall be examined by a member of the criminal investigative team to determine if they have been fired. All firearms that were discharged shall be identified and collected. If a back-up weapon clearly has not been fired, or played any role in the incident, then the firearm may be photographically documented and released. If the supervisor is an actor or injured person, the responsibility for security of weapons or instruments then rests with an uninvolved supervisor or senior uninvolved officer.

d. Any other physical evidence at the scene which is at risk of contamination, destruction, or removal is observed, recorded and protected for collection. At risk evidence requiring immediate and special care includes gunshot residues on involved persons, blood stains, footprints, fingerprints, and volatile substance, etc.

6. **Interviewing Non-Law Enforcement Witnesses**

Sequestered witnesses, excluding witnesses who are taken into custody or lawful detention, shall not be unnecessarily deprived of any freedom of movement. All reasonable efforts should be made to gain and retain their patience and cooperation.

## 7. **Interviewing Law Enforcement Employees**

Law enforcement employees are protected by the same constitutional provisions as are all citizens. As Law Enforcement Employee-Involved Critical Incident Protocol investigations are criminal investigations, criminal case law provisions (Miranda, et al) are followed whenever lawfully required.

- a. Law enforcement employees are treated as witnesses or victims unless factual circumstances dictate they be treated otherwise.
- b. Law enforcement employees may consult with a representative prior to interview and have the representative present during the interview.
  - (1) The contents of private conversations between the representative and the law enforcement employee may not be privileged absent statutory authority, i.e., doctor, attorney, psychotherapist, etc.
  - (2) The representative is allowed to privately consult about the facts of the incident with only one law enforcement employee at a time.
  - (3) The lead agency investigator(s) may wish to conduct a walk-through of the crime scene with the actor(s). When deciding whether or not to conduct a walk-through, the lead agency investigator(s) should consider the emotional state of the actor(s), the possible contamination of the crime scene and the timeliness of the walk-through. The actor(s) shall not be compelled to participate in the walk-through.
  - (4) An Employee-Involved Critical Incident is one of the most stressful and time-consuming incidents an officer may encounter. The emotional and physiological effects of an event of this magnitude will often be taxing on all involved parties. Care should be taken to weigh the need to obtain an immediate statement with the need to maintain the involved officers' well-being. While it is always a good idea to obtain a statement immediately following the incident, there may be times when allowing one or all of the involved officers to obtain sleep and sustenance prior to the interview is warranted.

If circumstances dictate that interviews of the involved officers be conducted at a later time, that decision should be a collaborative one between the involved officer, his/her counsel and the Lead Agency investigators. "Reasonable preparation" with the

involved officer's counsel shall be permitted and each case should be evaluated on a case-by-case basis with all parties equally informed as to the necessity and gravity of this action, prior to the final decision being made. Officers may be allowed up to a 48-hour sleep cycle prior to interviewing to ensure the most accurate statement can be obtained. Length of time between the incident and the interview may vary based upon the circumstances. Officers who are allowed to provide interview information at a later time based on the event circumstances or conditions used to invoke this decision, should be advised not to discuss the circumstances of the case with anyone or subject themselves to sources of information that would alter their understanding or perception of the incident.

- (5) During the interview of the involved officer(s), investigators may elect to use a pre-designated questionnaire as part of their approach to obtain basic information before beginning direct questions about the specific actions of the officer(s). The questionnaire shall be consistent with all Member Agencies.
- c. California Government Code Section 3300 et seq (Public Safety Officers Procedural Bill of Rights) does not apply to:
- (1) A law enforcement employee who is not a peace officer; or
  - (2) A law enforcement employee being interviewed by someone other than their employer; or
  - (3) A law enforcement employee being interviewed for a criminal investigation that is solely and directly concerned with alleged criminal activities.
- d. The criminal investigators are not accompanied by staff from the employer agency during interviews with employer agency employees.
- e. To ensure proof of voluntary statements in a non-custodial interview, the criminal investigators should advise the interviewee that:
- (1) The interviewee is not in custody and is free to leave at any time.
  - (2) The interviewee is not obligated to answer any questions asked by the investigators.
    - (i) In the event the interviewee elects to refuse to provide a voluntary statement, all questioning shall cease. However, if there is a public safety

emergency, further questions may be compelled of the interviewee.

- f. Law enforcement employees present at the scene when the incident occurs, whether as actors or witnesses, are relieved of their duties as soon as is safe and practical. First priority for relief is for an actor(s), who is then driven to the police station or other secure location by a supervisor or designated uninvolved law enforcement officer. Other involved employees drive or are transported to their own station or other agreed upon secure location. Sworn personnel not involved in the incident are assigned to accompany the involved employees.
- g. Evidence collection needs regarding involved employees are accomplished prior to the employee engaging in any activity that may destroy evidence.
- h. An uninvolved sequestering officer remains with the involved employees until relieved by a supervisor. The sequestering officer ensures the involved employees are appropriately situated, and the integrity of each employee's later statements to investigators is not tainted by group or outside discussion. The sequestering officer is not present during confidential (privileged) conversations between the employee and any designated representative(s). The sequestering officer has an affirmative obligation to report information relevant to the criminal investigation to the lead agency.
- i. Viewing of video and audible recording: Officers shall be allowed to view any video or audio recordings captured by them prior to being interviewed. Care should be given not to allow the involved officer(s) to view any video or hear any audio recordings captured on any device other than their own prior to the interview by the Lead Agency investigators. However, if requested, the involved officer's legal counsel may be allowed to view such recordings prior to the initial interview. After the initial interview with the involved officer, and with the concurrence of the officer's legal counsel, the officer may view or hear any collected recordings, prior to any follow up interview.
  - (1) The following admonition should be provided to Involved Law Enforcement Employees prior to viewing any audio/visual recordings:
    - i. In this case there is audio/video evidence that you will have an opportunity to view after you have given your initial statement. Video evidence has limitations and may depict the events differently than you recall, and may not depict all of the

events as seen or heard by you. Video has a limited field of view and may not capture events normally seen by the human eye. The “frame rate” of video may limit the camera’s ability to capture movements normally seen by the human eye. Lighting as seen on the video may be different than what is seen by the human eye. Videos are a two-dimensional medium and may not capture depth, distance or positional orientation as well as the human eye. Remember, the video evidence is intended to assist your memory and ensure that your initial statement explains your state of mind at the time of the incident.

- ii. You should not feel in any way compelled or obligated to explain any difference in what you remember and acted upon from what viewing the additional evidence provides you. If listening to audio recordings or viewing video recordings provides additional clarity to what you remember that is fine; if it doesn’t, that’s fine too.

- j. All interviews are conducted separately and are audio recorded.

8. **Intoxicant Testing**

- a. The rules of criminal law apply to intoxicant testing in a Law Enforcement Employee-Involved Critical Incident investigation. As standard procedure, all actors are requested to voluntarily submit to a blood test to determine if intoxicants are present.
- b. The request for a voluntary blood sample shall be made by the investigator from the lead agency during the collection of evidence from the officer.
- c. If an actor elects not to voluntarily submit to intoxicant testing and when investigators determine that an actor’s state of potential impairment is relevant to the investigation, the following options are available when lawfully permissible:
  - (1) Obtain the test sample incidental to valid arrest; or,
  - (2) Obtain a search warrant.

9. **Autopsy**

- a. Prior to any post-mortem examination, the autopsy pathologist receives a briefing on all relevant case information from investigators representing the lead agency.
- b. At least one investigator from the lead agency and one from the Office of the District Attorney attend the autopsy.

10. **Office of the District Attorney**

- a. The Office of the District Attorney has the following responsibilities in the investigative process:
- (1) Participate with the lead agency in conducting the investigation.
  - (2) Provide advice and direction to the investigators on relevant criminal law issues.
  - (3) Upon receipt of the investigation from the Lead Agency, analyze the facts of the incident in light of relevant statutes to determine whether or not violations of criminal law are believed to have occurred. The Office of the District Attorney will make every reasonable effort to prepare a summary report within ninety (90) days of receiving the completed investigation with the recognition that additional investigation and/or receipt of autopsy findings may result in a delay of the summary report beyond the ninety day goal. The Lead Agency shall be given the opportunity to review the District Attorney's summary prior to its dissemination.
  - (4) As deemed appropriate, prosecute those persons believed to have violated criminal law.
  - (5) Provide the Deputy District Attorney's summary of the incident and recommendation to the Foreperson on the Sonoma County Grand Jury.
  - (6) Upon request, present investigative information to the Sonoma County Grand Jury for their consideration and review.
- b. The Office of the District Attorney has investigative authority independent of that of other member agencies. When deemed appropriate by the District Attorney, the Office of the District Attorney may perform an independent investigation separate from the lead agency.

11. **Report Writing and Dissemination of Reports**

- a. Law enforcement employees who witnessed or were involved in the occurrence (or who have specific information related to the occurrence) shall not write a report in most instances. Instead these individuals shall be interviewed by a member(s) of the criminal investigative team. Law enforcement employees who are involved in conducting the criminal investigation shall prepare a report that fully documents their investigation. Law enforcement employees who are not a part of the criminal investigation team, but who assist in the

furtherance of the investigation (i.e., scene security, transportation of witnesses, etc.) shall document their involvement in a report. All original reports shall be forwarded to the lead agency's supervising investigator for review and approval. Once approved, the reports shall be retained by the lead agency as part of the cumulative investigative report. A copy of any approved report may be retained by the employing agency of the report writer, if desired. The immediate supervisor of the criminal investigation is authorized to request a written report from any law enforcement employee, including management, if it is deemed to be in the best interest of the criminal investigation.

- b. Documentation of any Body Worn Camera (BWC) footage, video footage, surveillance footage etc.. should be written in summary form. Information such as camera view, lighting, video quality and the existence of such evidence should be documented, however Investigators should use caution in interpreting video as it may leave out other information not captured in a two-dimensional video. The video evidence should be presented and interpreted based on the information available and interpreted by the audience it is intended for.
- c. It is the responsibility of each involved agency to direct the necessary writing of reports by their employees. Reports should be written and distributed to the lead agency within 72 hours of actions taken or investigated.
- d. The lead agency has the ultimate responsibility to ensure that reports are collected from other agencies.
- e. Upon completion of the lead agency investigation, the Lead Agency shall provide copies of the entire case to the District Attorney's Office, and the Employer Agency. Once the District Attorney has completed their review and issued a finding, the District Attorney will provide a complete copy to the Sonoma County Civil Grand Jury. In the event that additional case work is performed after submission of the case to the above parties, it shall be the responsibility of the Lead Agency to provide subsequent reports or investigation documentation to the above entities.

## B. ADMINISTRATIVE INVESTIGATION

### 1. Intent

An administrative investigation is an investigation conducted by the employer agency for the purposes of:

- a. Determining whether or not an employee violated rules, regulations or conditions of employment of the employer agency.

- b. Determining the adequacy of employer agency policies, procedures, training, equipment, personnel and supervision. Nothing in this Protocol prohibits the employer agency from compelling a statement during the course of an administrative investigation. Prior to taking a compelled statement, every effort shall be made to consult with the District Attorney to ensure the criminal investigation is not compromised.

2. **Responsibility**

Whether or not an administrative investigation is conducted is the concern and responsibility solely of the employer agency.

- a. The criminal investigation conducted by the lead agency is always given investigative priority over an administrative investigation. It is intended that this prioritization will minimize conflict between the two investigations and it will prevent the criminal investigation from being compromised by an untimely exercise of employer agency administrative action.

3. **Disclosure**

Interview statements, physical evidence, toxicology test results and investigative leads which are obtained by administrative investigators when ordering law enforcement employees to cooperate shall not be revealed to criminal investigators unless clear legal authority exists and then only when directed by the District Attorney. Results of the administrative investigation may or may not be privileged from disclosure to others, depending upon applicable law.

4. **Investigator**

The employer agency may assign an administrative investigator to conduct independent administrative investigative activities.

- a. An administrative investigator has access privilege to briefings, crime scenes, physical evidence and interviewees' statements in the criminal investigation. The administrative investigator does not accompany the criminal investigator during interviews.

5. **Intoxicant Testing**

- a. Intoxicant test results obtained in the criminal investigation are available for use in an administrative investigation.
- b. In the event the criminal investigation does not obtain samples for intoxicant testing or the employer agency wishes its own independent samples, the employer agency may seek samples following the criminal investigator's intoxicant testing actions by:
  - (1) Obtaining valid consent from the employee; or,

- (2) When lawfully permissible, ordering the employee to provide samples based upon an employment relationship.

#### IV. RELEASE OF INFORMATION TO THE NEWS MEDIA

##### A. General Information

1. The community's interest to know what occurred in a Law Enforcement Employee-Involved Critical Incident must be balanced with investigative responsibilities and the rights of involved individuals. In all cases, the information released to the public and manner in which it is released by member agencies is in accordance with legal mandates.
  - a. Member agencies ensure that intentionally misleading, erroneous, or false statements are not made.
  - b. Only those individuals with appropriate knowledge and member agency approval should make public statements regarding an incident.
  - c. Member agencies communicate directly with each other to ensure information releases and community statements do not jeopardize the integrity of the criminal investigation.

##### B. Lead Agency

1. Unless otherwise agreed upon by the lead and employer agencies, the lead agency is responsible for providing news media releases of information directly relevant to the criminal investigation.
2. Release of criminal investigative information, including public statements about the investigation, is only done under the guidance and/or approval of the lead agency until such time as otherwise agreed upon by involved member agencies.
3. The lead agency does not comment upon the employer-employee issues that are the responsibility of the employer agency.

##### C. Employer Agency

1. The employer agency is responsible for providing news media release of information directly relevant to the employer-employee relationship, including the status of any administrative investigation.
2. The employer agency may prepare the initial press release involving the incident. The press release will be confined to the following areas:
  - a. The initial statement about what occurred.
  - b. An employee of the employer agency was involved.
  - c. The Sonoma County Law Enforcement Employee-Involved Critical Incident Protocol has been invoked.
  - d. The identification of the lead and participating agencies.

- e. The employment status of the involved employee(s).
3. The employer agency should coordinate the release of any employer-employee information so that it does not conflict with criminal investigative concerns.
4. The employer agency may make statements or issue press releases regarding the criminal investigation when approved by the lead agency as long as it does not conflict with a criminal investigation or concern.

D. Office of the District Attorney

1. The Office of the District Attorney is responsible for providing news media release of information directly relevant to the District Attorney's statutory authority. News media releases regarding investigative findings and any subsequent prosecution based upon the criminal investigation are the responsibility of the Office of the District Attorney.

E. SB 1421/AB 748

It is the responsibility of the employer agency to release body worn camera footage and audio files directly related to the critical incident, or use of force resulting in great bodily injury, as required by Assembly Bill 748. The lead investigative agency will be responsible for redacting and releasing all investigative reports generated as part of the investigation and shall be released under the guidelines established in Senate Bill 1421.

V. REPORTING IN-CUSTODY DEATH

Pursuant to Government Code Section 12525, each law enforcement agency in which a person dies while in their custody, shall report, in writing to the Attorney General, within 10 days after the death, all facts concerning the death. Deaths occurring in the Sonoma County Jail shall be reported to the Attorney General by the Sonoma County Detention Division per policy entitled "Emergencies – Inmate Death."

## **Policy-6-3-Temporary-Transitional-Duty-Program.pdf**



## ADMINISTRATIVE POLICY 6-3:

# Temporary Transitional Duty Policy

Approved: County Administrator

Authority: County Administrator

Revised Date: 01/20/06

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## 1. PURPOSE & OBJECTIVES

The purpose of the Temporary Transitional Duty Program is to provide early intervention for those injured or ill employees who are expected to return to full duty.

The objectives of the Temporary Transitional Duty Program are as follows:

- Retain and support injured or ill employees
- Help employees transition back to their regular job duties
- Decrease costs associated with lost time from work

This policy establishes the roles and responsibilities and defines the guidelines of the Temporary Transitional Duty Program.

Temporary Transitional Duty is distinguished from Permanent Accommodations in that the effects from the injury or illness are temporary, and are expected to result in a full recovery.

Where restrictions are permanent, departments should refer to and follow the County's Disability Guidelines.

Departments should also be mindful that there are other leave provisions that may need to be coordinated with this policy and should consult the appropriate County staff knowledgeable in those areas.

## II. PROGRAM DEFINITION

The Temporary Transitional Duty Program has been established in an effort to retain our qualified work force and to promote early return to work while supporting the employee recovering from an injury or illness.

Sonoma County's Temporary Transitional Duty Program is designed to encourage the department and the employee to work cooperatively toward the goal of transitioning the employee with temporary medical restrictions back into the work environment. The employee will be paid at their regular rate of pay for a specified period of time. This allows the employee to continue to develop and utilize work skills and abilities that are not limited by the injury or illness, while transitioning back to their regular assignment. It also allows the department to retain a valuable employee.

### **III. DEFINITIONS**

Temporary: Typically lasting from one to ninety days, not permanent.

Transitional Duty: Selected assignments that take employees in stages from tasks they can perform within medical work restrictions to performing their regular job duties.

Medical Restrictions: Physician specified work activities that are limited due to an injury or illness.

### **IV. POLICY GUIDELINES**

All non-probationary permanent County employees, including those who are probationary within their original job class series for the purpose of promotion such as Eligibility Worker I, II and III, who are unable to work due to a work related or non-work related injury or illness will be considered for a temporary transitional duty assignment based on their medical restrictions.

#### **A. Occupational Illness or Injury**

The duration of the temporary transitional duty assignment for occupational injuries or illnesses will typically be up to 90 days, as the needs of the department allow. An extension beyond 90 days may be granted with Department Head approval. In no event shall temporary transitional duty assignments exceed 365 days for industrial injuries or illnesses.

#### **B. Non-Occupational Illness or Injury**

The duration of the temporary transitional duty assignment for non-occupational injuries or illnesses will typically be up to 90 days, as the needs of the department allow. Extensions beyond 90 days may be granted with Department Head approval. In no event will temporary transitional duty assignments for non-occupational conditions be allowed beyond 180 days without the review and approval of the Human Resources Director.

Extensions past 180 days will only be considered by the Human Resources Director when:

1. The department and the employee both request an extension.
2. The employee has made progress in transitioning back to the regular assignment during their 180-day Transitional Duty Assignment.
3. The extension is for a specific, short period of time with a date certain for return; and the employee's medical treater indicates that the employee will be cleared to return to work in their regular assignment on the date the extension will end.

Assignments are determined based upon the individual's work restrictions, the skills of the employee, and the needs of the Department.

- If the temporary condition appears to be from a serious or chronic medical condition, the departments will consult with appropriate county staff to determine the correct course of action.
- As medical restrictions change, the temporary transitional duty assignment also may change.
- If temporary transitional duty assignments are limited, employees with work related injuries have priority over employees with non-work related injuries.
- Departments will provide temporary transitional duty assignments utilizing existing budgeted resources. Fund augmentation will be considered by the County Administrator's Office (CAO) if transitional duty related costs are likely to cause the department to exceed their budgeted net cost or appropriations for the fiscal year.
- An employee's refusal to accept or act in accordance with the medically approved duties assigned in a temporary transitional duty assignment may result in the loss of Workers' Compensation wage replacement benefits in accordance with State law, or long-term disability benefits. Employees will be entitled to any applicable state or federal leave as required by law.
- The department, in conjunction with Risk Management, will provide a status report to the CAO annually. The status report will include information regarding implementation of the temporary transitional duty program within the department. The CAO will address the content of the report directly with each department.

## **V. DISPUTE RESOLUTION:**

In the case of disputes regarding the denial of a temporary transitional duty assignment or the denial of an extension of a transitional duty assignment the employee or department may:

- Elevate the dispute by requesting a meeting that includes the employee, an employee representative and the department in an effort to resolve the dispute.
- Elevate the dispute by requesting the Human Resources Director to assist in the resolution of any disputes.
- Elevate the dispute to the attention of the CAO or his or her designee by requesting that the Human Resources Director contact the CAO or his or her designee for a review where a resolution cannot be reached. The CAO or his or her designee will be the final internal administrative review. The denial of a transitional duty assignment is not covered by grievance procedures in the memoranda of understanding between the County and the employee organizations.

This dispute resolution process is not intended to eliminate any legal or contractual rights the employee may otherwise have, such as the ability to file a discrimination complaint if they believe the application of this policy has been influenced by discriminatory actions, or appeal processes they have a right to under workers' compensation laws.

## **VI. ROLES AND RESPONSIBILITIES**

### **Employees are responsible to:**

- Notify their department representative immediately of any work related or non-work related injury or illness that may relate to, or impacts their medical eligibility for temporary transitional duty.
- Notify their department representative immediately of any changes to their medical restrictions identified or changed by their physician.
- Work within their established medical restrictions and provide written medical documentation, prior to being returned to full duty by their Department.
- Return to their normal duties as soon as they are able.

**Department Heads/Designees/Supervisors are responsible to:**

- Deliver any medical restrictions to their departmental liaison within 24 hours of receipt.
- Review the description of the employee's medical restrictions and identify potential temporary transitional duty assignments.
- Serve as the primary point of contact with Risk Management throughout the process of identifying and monitoring temporary transitional duty assignments.
- Strive to assign employees to the same work schedule with the same days off and hours as their regular full duty assignment. However, the Department reserves the right to modify any work schedule, and/or work hours based on the needs of the Department and applicable MOUs.
- Send a Letter of Temporary Transitional Duty Assignment specifying the parameters of the temporary transitional duty assignment to the employee.
- Monitor work assignments to ensure the employee is working within the established medical restrictions.
- Evaluate all available funding and resources, coordinating with Risk Management to make every effort to implement temporary transitional duty assignments within existing budgeted resources.
- Report to the CAO, as needed, regarding implementation of the temporary transitional duty program.
- In conjunction with Risk Management provide an annual status report to the CAO.

**Risk Management (for occupational illness or injuries) and Human Resources (for non-occupation illness or injuries) are responsible to:**

- Assist in the implementation of establishing temporary transitional duty assignments within departments.
- Review all injuries or illnesses that result in seven days lost time from work to determine when temporary transitional duty is appropriate for those employees.

- Collaborate with the appropriate medical provider in an effort to identify work restrictions.
- Monitor and track all temporary transitional duty assignments, as required by Cal/OSHA.
- Develop an annual report on utilization of the Temporary Transitional Duty Program to the CAO.
- Assess and facilitate appropriate appeals to the CAO as needed.

**IT-Use-Security-Policy-Manual\_-(004).pdf**

# Administrative Policy 9 - 2



## Information Technology Use And Security Policy Manual

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# Information Technology Use and Security Policy Manual

**Approved by:** Board of Supervisors of the County of Sonoma (“County”), and the Boards of Directors of the Northern Sonoma County Air Pollution Control District, the Russian River County Sanitation District, Sonoma Valley County Sanitation District, Occidental County Sanitation District, South Park County Sanitation District, and the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District (collectively referred to hereinafter as “Special Districts”), and the Sonoma County Water Agency (“Agency”), and the Board of Commissioners of the Sonoma County Community Development Commission (“Commission”). The County, Special Districts, Agency and Commission are collectively referred to herein as “Local Agencies” or singularly as “Local Agency.”

**Authority:**

**Origination Date:**

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## Purpose

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This Policy manual provides directives to all users on the general use and protection of Local Agency IT resources and data.

## Scope

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This Policy manual applies to all Local Agencies. Where a conflict exists between this Policy manual and a Local Agency’s policy, the more restrictive policy will take precedence.

## Maintenance

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This Policy manual is subject to a policy review at least annually by the Information Security Steering Committee.

## Exceptions

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Requests for exceptions to this Policy manual must be reviewed by the Information Security Steering Committee (ISSC) and approved by the Chief Information Security Officer (CISO) or Designee. Local Agencies requesting exceptions must provide such requests to the ISSC. The request should specifically state the scope of the exception along with justification for granting the exception, the potential impact or risk attendant upon granting the exception, risk mitigation measures to be undertaken by the Local

Agency, initiatives, actions and a time frame for achieving the minimum compliance level with the policies set forth herein. The ISSC will review such requests, confer with the requesting Local Agency and forward to the CISO along with a recommendation for action.

## **Adverse Action**

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Failure to comply with this Policy manual may result in disciplinary action up to, and including termination, in accordance with County Civil Service Rules, or a Local Agencies' separate and distinct disciplinary rules and procedures

## **Policy**

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### **I. Introduction**

Information is an asset which, like other important business assets, has value to an organization and consequently needs to be suitably protected. The County of Sonoma has an obligation to the public and is mandated by laws and standards (see Appendix A) to protect the information maintained on Local Agency IT resources from unauthorized use, disclosure, modification, loss or denial.

This Policy manual has been developed to be in alignment with the International Organization for Standardization ISO/IEC 27002 (Code of Practice for Information Security Management framework) and to meet County compliance obligations. This manual together with the IT Professional Policy manual establishes the foundation for information technology and security in the County to assure appropriate and authorized access, usage and integrity of information.

### **II. Roles and Responsibilities**

Information security extends well beyond Information Technology (IT). Information security is a critical business function that touches all aspects of an organization. The County of Sonoma (County) is fully committed to information security and asserts that every person employed by or on behalf of the County has important responsibilities to maintain the security of Local Agency IT resources and data.

#### **A. Users**

Users are all workforce members (employees or any other individual performing work on behalf of, or with approval of Local Agencies) authorized to access Local Agency IT resources and are responsible for:

1. Complying with County Information Technology and Security policies;

2. Maintaining the security of Local Agency IT resources and data associated with their role(s) as defined in this Policy manual;
3. Storing original Local Agency data on the Local Agency network to ensure compliance with County or Local Agency records retention policy,
4. Protecting Sensitive information against loss, unauthorized use, access, or disclosure, by the following:
  - a. Using Sensitive information only for the stated legal and/or business purpose.
  - b. Disclosing Sensitive information as permitted by law or with the express consent of the Data Owner.
  - c. Not making copies of Sensitive information except as required in the performance of assigned duties.
  - d. Keeping Sensitive information out of plain sight.
5. Not sharing User accounts and passwords;
6. Creating, changing and storing passwords in accordance with established policies and standards;
7. Locking or logging off unattended workstations.
8. Using only assigned Local Agency electronic messaging accounts, i.e., e-mail, to conduct Local Agency business communication, and refraining from conducting Local Agency business with personal electronic messaging accounts (e.g., Yahoo, Gmail). Law enforcement and/or other Local Agency workforce may be exempted from these restrictions during the performance of legitimate job responsibilities;
9. Not violating copyright law, and conforming to software licensing restrictions by:

Only using software that has been installed by their Local Information Service Provider or other authorized individual.
10. Not engaging in any use of Local Agency IT resources that violates federal, state, local laws, Local Agency or County policy;
11. Reporting any known or suspected information security incident to their manager/supervisor, Information Security Representative or Local Information Service Provider;

12. Compliance with VII. Mobile Computing Policy if using a mobile device to work on or access Local Agency IT resources or data.

B. Local Agency Department Head/General Manager

Local Agency Department Head/General Manager and/or Designee are responsible for:

1. Enforcing this Policy manual within their Local Agency;
2. Ensuring all Users of Local Agency IT resources and data are made aware of County information technology and security policies and that compliance is mandatory;
3. Ensuring all Users receive education regarding their security responsibilities before accessing Local Agency IT resources and data;
4. Establishing supplemental information technology and security policies, standards, procedures, or guidelines as needed for their business purposes, provided they are not less restrictive than County policies. Prior to final approval Local Agency Department Head/General Manager and/or Designee are responsible for:
  - a. Providing supplements to Human Resources for review.
  - b. Providing notice to employee organizations regarding any proposed supplements; and
  - c. Providing supplements to Local Agency's Local Information Service Provider to review for consistency with County/Local Agency IT security policies.
5. Provide training in support of established procedures and guidelines
6. Obtaining a signed acknowledgment from Users that they have had an opportunity to read and will comply with this Policy manual before accessing Local Agency IT resources and data;
7. Designating or serving as an information security representative; and
8. Submitting to the ISSC any needed requests for exceptions to this Policy manual.

C. Information Security Representative

The Information Security Representative is designated by the Local Agency Department Head/General Manager to coordinate information security within their Local Agency and is responsible for:

1. Assisting in the development of any Local Agency information technology and security policy;
2. Reviewing Local Agency information technology and security policies for compliance with County policies;
3. Representing the Local Agency's information security concerns countywide.

D. Local Information Services Providers

The County Information Systems Department, the Human Services Department Information Integration Division, the Sonoma County Sheriff's Office Technical Services Bureau, and the County Water Agency Computer Application and Instrumentation Support Section serve as Local Information Service Providers and are responsible for:

1. Providing network infrastructure, network access, data storage and e-mail services to Local Agencies;
2. Maintaining an inventory of Local Agency IT resources;
3. Configuring Local Agency IT resources in accordance with County information technology and security policies and standards;
4. Implementing and maintaining technology-based services that adhere to the intent and purpose of information technology and security policies, standards and guidelines;
5. Investigation, remediation, and documentation of information security incidents; and
6. Establishing and implementing standards, procedures and guidelines as needed for this Policy manual.

E. Chief Information Security Officer

The County Information Systems Director serves as the Chief Information Security Officer and is responsible for:

1. Overseeing and managing the County Information Technology and Security Program, this includes;

- a. Developing and maintaining the County information security strategy;
- b. Providing information security related technical, regulatory and policy leadership;
- c. Facilitating the implementation of County information technology and security policies; and
- d. Approving or denying policy waivers.

F. Information Security Steering Committee

The Information Security Steering Committee (ISSC) is the coordinating body for all County information security-related activities and is composed of the County Privacy Officer, Information Security Officer, and individuals designated by the IT Governance Council. The Information Security Steering Committee is responsible for:

1. Developing and proposing County information technology and security policies, standards, and guidelines;
2. Reviewing County information technology and security policies annually and policy waivers.
3. Reviewing Local Agency policy exception requests and making recommendations for CISO approval or denial;
4. Maintaining documentation of policy waivers;
5. As requested, reviewing Local Agency information technology and security policies for compliance with County policies; and
6. Identifying and recommending industry best practices for information security.

G. HIPAA County Privacy Officer

The HIPAA County Privacy Officer is responsible for:

1. Making required publication, consumer notice and regulatory filing, in response to data breaches involving Electronic Protected Health Information (ePHI) and/or personal information.

H. Data Owner

The Data Owner is the Local Agency Department Head/General Manager or other individual authorized by law, regulation or policy to collect and manage the data that supports their business operations and is responsible for:

1. Identifying applicable law, regulations, or standards that contain information security requirements for the data they own;
2. Classification of Local Agency data and IT resources they own based upon law, regulation, common business practice, liability or reputational factors;
3. Establishing as needed, Local Agency policies and procedures for the data and IT resources they own;
4. Responsible for ensuring mitigation of known or suspected information security incidents, and notification to individuals or agencies in the event of a data breach involving unencrypted personal information; and
5. Designating or serving as the Data Steward.

I. Data Steward

The Data Steward is designated by the Data Owner to protect the confidentiality, integrity, and availability of the data that supports their business operations and is responsible for:

1. Assisting the Data Owner in the classification of Local Agency data;
2. Implementing protection requirements for the data and IT resources entrusted to their stewardship; and
3. Authorizing access to Local Agency data in accordance with the classification of the data.

J. Data Custodian

The Local Information Service Provider serves as the Data Custodian and is responsible for:

1. Implementing the necessary safeguards to protect Local Agency data and IT resources at the level classified by the Data Owner or the Data Steward;
2. Granting access privileges as authorized by the Data Owner or Data Steward;
3. Complying with any additional security policies and procedures established by the Data Owner and/or Data Steward;

4. Advising the Data Owner and/or Data Steward of vulnerabilities that may present a threat to their Local Agency data and of specific means of protecting that data; and
5. Notifying the Data Owner of any known or suspected information security incident.

### **III. Information Technology and Security Governance Policy**

This Policy serves as the governing policy for Information Technology and Security. Security measures for Local Agency IT resources and data must be implemented to provide:

1. Confidentiality – Ensures information is accessible to only those authorized to have access
2. Authentication – Establishes the identity of the sender and/or receiver of information.
3. Data Integrity - Ensures information is complete, accurate and protected against unauthorized modification.
4. Availability - Ensures information is accessible to authorized users when required.
5. Accountability - Ensures correct use and individual responsibility of Local Agency IT resources and data.
6. Auditing - Ensures the collection of data and processes to provide assurance of the effectiveness of controls.
7. Appropriate Use – Ensures Users conform to County rules, ordinances, policies, state and federal laws.

### **IV. Use of Local Agency IT Resources and Data Policy**

This Policy establishes acceptable use of Local Agency Information Technology (IT) resources and data.

#### **A. General Use and Ownership**

1. Access to Local Agency IT resources may be provided for conducting Local Agency business. Access may be wholly or partially restricted without prior notice or consent of the User.
2. The Data Owner retains the rights of ownership to all data created on IT resources, unless the legal ownership is otherwise defined by law.

3. Local Agency IT resources and data are to be used for conducting business authorized by and related to Local Agency operations.
4. Local Agency data must only be used for authorized purposes and must not be disclosed to anyone not authorized to receive such data.
5. All Users of Local Agency IT resources and data must sign an acknowledgment of this Policy manual prior to being granted access.

B. IT Resource Monitoring

1. Data Owners and/or Data Stewards with express consent of the Data Owner may monitor any and all aspects of Local Agency data access and use.
2. Local Information Services Providers may monitor and log all activities on the IT resources they own, control or manage for security, network maintenance, and/or policy compliance.

C. User Access Monitoring

1. Monitoring or investigating User access to Local Agency IT resources and data must be approved by the Data Owner, Data Steward or designee.
2. County Counsel approval with the express consent of the Data Owner is required for monitoring of User's work generated data files, Internet access logs, or electronic messaging (e.g., e-mail, and instant messaging).
3. Upon request by the Data Owner, Data Steward or designee, Local Information Service Providers may monitor or investigate User access to Local Agency IT resources and data, without advance notice to the User.

D. No Expectation of Privacy

Users have no expectation of privacy when using Local Agency IT resources, or in any data they access, create, store, send or receive on any Local Agency IT resources.

E. Public Records Act Compliance and Records Retention

1. Any records created while conducting Local Agency business using Local Agency IT resources, including personal and county provided mobile devices, may be subject to disclosure.

2. To ensure compliance with County or Local Agency records retention policy, original Local Agency data must be stored on the Local Agency network.

#### F. Use of Sensitive Information

Sensitive information as defined in this Policy manual is information classified as either *Confidential - Information protected from use and/or disclosure by law, regulation or standard, and for which the highest level of security measures*, or *Restricted - Information that requires special precautions to protect from unauthorized use, access, or disclosure*.

To protect Sensitive information against loss, unauthorized use, access, or disclosure the following must be adhered to:

1. Sensitive information must only be used or disclosed as permitted by law and/or policy.
2. Sensitive information that is not controlled by law or policy can only be disclosed with express consent of the Data Owner.
3. Copies of Sensitive information must not be made except as required in the performance of assigned duties.
4. Sensitive information must be kept out of plain sight and must not be displayed in any form when it is not being used.
5. Unattended workstations must be locked or have password protected screen savers enabled in accordance with Local Information Service Provider standards.

#### G. User Accounts and Passwords

1. User accounts and User passwords must not be shared.
2. User passwords may only be created, changed and stored in accordance with established policies and standards.

#### H. Use of Electronic Messaging

1. Users must only use assigned Local Agency electronic messaging accounts conduct Local Agency business, and are prohibited from conducting Local Agency business using personal electronic messaging services, social media accounts or email accounts (e.g., texting, Twitter, Facebook Messenger, Yahoo, Gmail). Law enforcement and/or other Local Agency workforce may be exempted from these restrictions during the performance of legitimate job responsibilities.

I. Use of the Internet

1. Local Agency IT resources that allow access to the Internet are provided to facilitate the effective and efficient use of Local Agency business. With Local Agency approval, Users are permitted access to the Internet to assist in the performance of their assigned duties, and must comply with all acceptable use described in this Policy and any other Local Agency or County Policy.

J. Personal Use/Union Use

Except as otherwise stated, reasonable and limited personal use of Local Agency IT resources or use of Local Agency e-mail between recognized County unions and Local Agency workforce is allowed under the following circumstances:

1. Does not involve unacceptable use as defined in section IV.N of this Policy or in any other County Policy;
2. Does not interfere with Local Agency IT resources and;
3. Does not interfere with the User's job performance and/or obligations as a public employee.

K. Use of Authorized Software

All software installation and use must conform to licensing restrictions. These products include those that are not appropriately licensed for use by the Local Agency or those that violate the rights of any person or organization protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the installation or distribution of "pirated" or other software is prohibited.

1. Only software that has been installed by the Local Information Services Provider or other authorized individuals may be used.
2. Software purchased by the Local Agency must not be loaded on a personally owned device, unless specifically authorized by the Local Agency Department Head/General Manager and/or Designee and the manufacturers licensing agreement.

L. Use of Authorized Devices

1. To maintain the security of the Local Agency network, only devices authorized by the Local Information Service Provider may be connected. Any device found to be in violation of this Policy is subject to immediate disconnection from the Local Agency network.

## M. Unacceptable Use

Any use which violates federal, state, local laws, Local Agency or County policies is prohibited. Law enforcement and/or other Local Agency workforce may be exempted from these restrictions during the performance of legitimate job responsibilities.

The following activities are prohibited on Local Agency IT resources; examples include, but are not limited to:

1. Representing yourself as someone else, real or fictional, or sending information anonymously;
2. Sending messages or accessing data with content that violates any county policies, rules or other applicable laws;
3. Sending messages or accessing data that contain inappropriate, defamatory, obscene, harassing or illegal material;
4. Sending information that violates or unlawfully infringes on the rights of any other person (including but not limited to copyrights and software licenses);
5. Engaging in activity that may harass, threaten or abuse others;
6. Conducting political activity, business for fraudulent activity, personal profit or gain, or other improper activities as defined in Local Agencies Incompatible Activities Policy;
7. Downloading, installing or running security programs or utilities such as password cracking programs, packet sniffer, or port scanners that reveal or exploit weaknesses in the security of Local Agency IT resources;
8. Engaging in activity that may degrade the performance of Local Agency IT resources;
9. Accessing or attempting to access Local Agency IT resources which have not been authorized;
10. Restricting or denying authorized Users access to Local Agency IT resources; and Circumventing Local Agency security measures.

## V. **Data Classification Policy**

This Policy directs Local Agencies to classify their data to ensure the required security measures are applied.

Local Agencies may not rely on this Policy to make determinations or implement the requirements of the California Public Records Act (Government Code Sections 6250-6265).

A. Data Categories

Data Owners must classify Local Agency data into one of the following categories:

1. Confidential – Information protected from use and/or disclosure by law, regulation or standard, and for which the highest level of security measures are required.
2. Restricted – Information that requires special precautions to protect from unauthorized use, access, or disclosure.
3. Public - Information that is available for general access without review by the Data Owner and/or County Counsel.

B. Data Classification Assignment

1. Default classification assignment for data is Restricted.
2. Any collection of data containing different classification assignments must be classified as a whole at the level applicable to the data with the highest assignment.
3. Classifications assigned to Local Agency data must be reviewed upon changing usage or law, and reclassified if necessary.
4. The classification level of replicated data must remain consistent with the original data.

C. Security Requirements

1. Each data category has security requirements based on law, regulation, common business practice, liability or reputational factors.
2. Security controls must be applied to each data category based upon the identified security requirements, and commensurate with the value of the information and risk of loss.

**VI. Information Security Incident Management Policy**

This Policy establishes requirements for reporting and responding to information security events and vulnerabilities.

A. Information Security Incident Reporting

1. Users must immediately report any known or suspected Information Security Incident (e.g., virus/worm attacks, actual or suspected loss or disclosure of confidential data) or system vulnerability to their manager/supervisor, Information Security Representative or Local Information Services Provider. Local Agencies must ensure that their Local Information Service Provider is informed.

The above requirement does not authorize or condone an intentional search for system weaknesses and/or malfunctions.

#### B. Information Security Incident Response

Local Information Service Providers must have a current documented working plan for reporting on, responding to, recovering from and preventing recurrence of information security incidents. The plan must be labeled Confidential and distributed on a need-to-know-basis.

The plan must incorporate the following practices:

1. Collection and protection of evidence, to include a chain-of-custody;
2. Documentation of information security incidents;
3. Implementation of remediation strategies;
4. Notification to the County Privacy Officer of information security incidents involving actual or suspected loss or disclosure of electronic protected health information (ePHI);
5. Notification to the Data Owner of information security incidents involving actual or suspected loss or disclosure of personal information;
6. Reporting to the Chief Information Security Officer (CISO) and or authorized designee and
7. Application of lessons learned from incidents.

### **VII. Mobile Computing**

This section establishes requirements for the use of mobile devices (both personally owned and Local Agency provided) to work on or access Local Agency resources and data.

#### A. Personally Owned Devices

Personally-owned devices include, but are not limited to, smartphones, laptops, notebooks, tablets( e.g. iPads, Android) including, but not limited to

any such devices for which Staff Development or other similar County-provided funds were used to purchase the device in whole or in part.

1. The Expectation of Privacy: The County of Sonoma will respect the privacy of a user's voluntary use of a personally-owned device to access Local Agency IT resources. Users cannot be required and/or can refuse to use their personally-owned devices to work on or access Local Agency resources.
2. The County of Sonoma will only request access to the personally-owned device and password in order to implement security controls; to respond to litigation hold (aka e-discovery) requests arising out of administrative, civil, or criminal directives, Public Record Act Requests, and subpoenas; or as otherwise required or permitted by applicable state or federal laws. Such access will be performed by an authorized Local Information Service Provider technician or designee using a legitimate software process.
3. Users should receive prior approval from their manager to use their personally owned mobile device to access Local Agency IT resources or data.
4. Users should be aware that the Data Owner retains ownership of Local Agency data created or stored on their personally-owned device. Users should also be aware that they can view but not store and/or download confidential or restricted data when technically feasible on their personally owned device.
5. Users are responsible for backing up their personal data, settings, media, and applications on their personally owned device.
6. Users should be aware that some personally owned devices may require the purchase of a software application and corresponding software license and/or subscription, to allow the device to comply with County and/or Local Agency policy and/or standards, and that they may be responsible for all costs of required software applications.
7. Users are responsible for maintaining their personally-owned device with the manufacturer's security and operating system updates.
8. Users will not install software on their personally owned device that bypasses the built-in security features and controls.
9. Users should use the built-in encryption feature on their personally-owned device when available.

10. Users should remove Local Agency data from their personally-owned device, prior to removing access to Local Agency IT resources or data, leaving county employment, or disposing of their personally-owned device.
11. Users should be aware that it is their responsibility to immediately report a lost or stolen personally-owned device to their manager/supervisor and Local Information Services Provider. Users should be aware that if their personally-owned device is lost or stolen, their personally-owned device will attempt to be remotely wiped of all data.
12. Users should be aware that is their responsibility to setup their individual cellular plan with their provider and to pay all or a portion of the charges incurred, in accordance with applicable law. Any service or billing issues with the cellular or data provider may be the user's sole responsibility and obligation.
13. Physical Protection: Unattended mobile devices must be physically stored in a safe and secured manner.

B. Local Agency Provided Devices

1. The Data Owner retains the right of ownership to all data created or stored on mobile devices in support of Local Agency business.
2. Use of a mobile device to work on or access Local Agency IT resources and data must be first approved by the User's supervisor/manager based on its benefit to Local Agency operations.
3. The Local Agency may install security controls to manage the local agency provided mobile device.
4. Right to IT Resource Monitoring: The Local Information Service provider has the right to monitor any and all aspects of Local Agency data access and use from mobile devices.
5. Physical Protection: Unattended mobile devices must be physically stored in a safe and secured manner.
6. Users of mobile devices accessing or storing Local Agency data must comply with all applicable local, state and federal laws related to the use of mobile devices.
7. Remote Access: All users authorized to connect remotely to any Local Agency network and access Local Agency IT resources and data via the Internet must do so via the appropriate encrypted connection, such as a virtual private network or other secure method (e.g. SSL or TLS ).

8. Data Security Measures: All users of mobile devices must employ security measures in accordance with their Local Information Service Provider standards.
9. Disposition: Local Agencies must ensure that prior to reuse, recycle, or disposal of any mobile device, that Local Agency data is removed. Any mobile device assigned to an employee no longer employed by the county that was used to access or store Local Agency data must be remotely wiped of all data. Loss or Theft: The loss or theft of any mobile device used to access or store Local Agency data must be reported as soon as possible to the User's manager/supervisor, Information Security Representative or Local Information Services Provider.

## **VIII. Security Awareness Training and Education Policy**

This Policy defines the criteria for security awareness training and education in all Local Agencies.

### **A. Security Awareness Training**

Security awareness training is designed to educate Users of their responsibilities to protect Local Agency IT resources and data, and to provide the knowledge and skills necessary to fulfill IT security responsibilities for the Local Agency.

1. Users must be made aware of County/Local Agency information and technology security policies and their security responsibilities, prior to accessing Local Agency IT resources and data.
2. Users must receive appropriate security awareness training and education relevant to their assigned job function, addressing topics including:
  - a. Appropriate use of Local Agency IT resources and data;
  - b. Responsibilities to report and/or respond to Information Security incidents;
  - c. Incident response procedures;
  - d. Expectation of privacy;
  - e. Right to monitor;
  - f. Ownership and classification of data;
  - g. Personally owned devices; and

- h. Virus and malicious code protection.
- 3. Users will have their security awareness training not less than every two years or upon a change in their access to Local Agency IT resources and data.
- 4. As applicable, Users must be informed of updates and/or changes to County/Local Agency Information Technology Security Policies.
- 5. Users must be provided periodic reminders that cover general security topics.
- 6. Records of User security awareness training must be documented and maintained by the Local Agency Department Head/General Manager or Designee.

**County of Sonoma  
Information Technology and Security  
Policy Manual**

**Acknowledgment**

I acknowledge that I have received, have been given the opportunity to read and will comply with the County of Sonoma Administrative Policy 9-2 – Information Technology Use and Security Policy Manual, issued on

I understand I have the obligation to know the responsibilities to maintain the security of Local Agency IT resources and data associated with my role(s) as defined in this Policy manual.

I understand that if I voluntarily use my personally owned device to access Local Agency IT resources and data that I will comply with the personally owned section of the Mobile Computing Policy section on page 19.

I further, acknowledge that my use of Local Agency IT resources and data may be monitored, and that I have no expectation of privacy when using Local Agency IT resources or in any data I access, create, store, send or receive on any Local Agency IT resources.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Local Agency

\_\_\_\_\_  
Date

## Appendix A - Guidelines

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### I. Data Classification

The Data Classification policy of this manual directs Local Agencies to identify and classify Local Agency data.

These Guidelines provide examples to assign the appropriate data classification.

	<b>Confidential</b> <b>(highest level of sensitivity)</b>	<b>Restricted</b> <b>(moderate level of sensitivity)</b>	<b>Public</b> <b>(low level of sensitivity)</b>
<b>Description</b>	Information protected from use and/or disclosure by law, regulation or standard, and for which heightened security measures are required.	Information maintained that requires special precautions to protect from unauthorized use, access, disclosure, modification, loss, or deletion.	Information that is available for general access without review by the Data Owner and/or County Counsel.
<b>Data Breach notification requirements</b>	Yes. Notification required for unencrypted data. Mandated reporting and notification are not required for encrypted data.	No data breach notification requirements for Restricted data.	No data breach notification requirements for Public data.
<b>Reputational Risk</b>	High	Medium	Low
<b>Disclosure Requirements</b>	Confidential data must not be disclosed without proper prior consent from the Data Owner and/or County Counsel. To prevent inappropriate disclosure; removal, redaction, de-identification or masking of Confidential data may be required.	Restricted data must not be made available for general public access without the consent of the Data Owner and/or County Counsel. To prevent inappropriate disclosure; removal, redaction, or masking of Restricted data may be required.	Subject to Local Agency policies, Public data may be disclosed without review by the Data Owner or County Counsel

	<b>Confidential</b> <b>(highest level of sensitivity)</b>	<b>Restricted</b> <b>(moderate level of sensitivity)</b>	<b>Public</b> <b>(low level of sensitivity)</b>
<b>Common Data Elements</b>  <b>(not all-inclusive)</b>	<p>Personal Information as defined by California Civil Code Section 1798.82:</p> <p>An individual's first name or first initial and last name in combination, with any one or more of the following:</p> <ul style="list-style-type: none"> <li>• Social Security Number</li> <li>• Driver's license number</li> <li>• California Identification (ID) number</li> <li>• Account number, credit or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account</li> <li>• Medical information, including any information regarding an individual's medical history, mental or physical condition, or medical treatment or diagnosis by a health care professional</li> <li>• Health insurance information</li> </ul>	<p>Network/Systems Data</p> <p>Event logs</p> <p>Risk assessments</p> <p>Disaster recovery plans</p> <p>Configurations</p> <p>Employee Data</p> <p>Employee ID numbers</p> <p>Employee applications</p>	<p>Business Data</p> <p>Job postings</p> <p>Board Agendas and Meeting Minutes</p> <p>Maps</p> <p>Budget</p> <p>Administrative Policies</p> <p>Employment Data</p> <p>Salary</p> <p>Job Classification</p> <p>Memorandum of Understanding</p>

	<b>Confidential</b> <b>(highest level of sensitivity)</b>	<b>Restricted</b> <b>(moderate level of sensitivity)</b>	<b>Public</b> <b>(low level of sensitivity)</b>
	<ul style="list-style-type: none"> <li>• Cardholder Information</li> </ul> <p>Credit card number/primary account number and one or more of the following:</p> <ul style="list-style-type: none"> <li>• Cardholder name</li> <li>• Security Code</li> <li>• Expiration date</li> </ul> <p>Peace Officer Bill of Rights (California Government Code 3300-3313)</p> <p>A peace officer's :</p> <ul style="list-style-type: none"> <li>• Personnel records</li> <li>• Home address</li> <li>• Phone number</li> <li>• Date of birth</li> <li>• Photograph</li> </ul>		

## Appendix B – Information Security Laws and Standards

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### I. Federal Laws

#### A. [Health Insurance Portability and Accountability Act of 1996 \(HIPAA\)](#)

Congress enacted HIPAA, in part, to protect the privacy and security of protected health information (PHI) maintained by covered entities. Covered entities include most healthcare providers (i.e., those who use HIPAA-mandated electronic codes for billing purposes), health insurance companies, and employers who sponsor self-insured health plans. The U.S. Department of Health and Human Services (HHS) is responsible for enforcing HIPAA. The two principal sets of regulations issued by HHS to implement HIPAA are the Standards for Privacy of Individually Identifiable Health Information (the “HIPAA Privacy Rule”) and the Security Standards for Individually Identifiable Health Information (the “HIPAA Security Rule”). The HIPAA Privacy Rule requires covered entities to implement policies and procedures to ensure that (a) workforce members use and disclose PHI only for permissible purposes and (b) patients and insured’s can exercise their HIPAA-mandated rights, such as the rights to access and to amend PHI. The HIPAA Security Rule requires covered entities to implement policies and procedures to ensure the confidentiality, integrity, and availability of PHI in electronic form; to protect against reasonably anticipated threats or hazards to the security or integrity of electronic PHI; and to protect against reasonably anticipated uses or disclosures of electronic PHI in violation of the HIPAA Privacy Rule.

#### B. [Health Information Technology for Economic and Clinical Health \(HITECH\) Act](#)

The HITECH Act, effective February 17, 2010 supplements the requirements of the HIPAA Privacy Rule and the HIPAA Security Rule. The Act requires covered entities to notify patients and insured’s whose PHI is compromised by a security breach. It extends many of the requirements of the HIPAA Privacy Rule and the HIPAA Security Rule to vendors — such as insurance brokers, billing services, and third-party administrators — who create or receive PHI when providing services to covered entities. The HITECH Act increases the penalties that HHS can impose on a covered entity for violating HIPAA or its implementing regulations.

## II. State of California Laws

### A. [Data Breach Notification Law \(CA Civil Code 1798.29\)](#)

California's Data Breach Notification Law requires any agency that owns or licenses computerized data that includes personal information to disclose any breach of the security of the system following discovery or notification of the breach in the security of the data to any resident of California whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person.

### B. [California Public Records Act \(Government Code 6250-6276.48\)](#)

The California Public Records Act (PRA) established in 1968, describes what information is available to the public. The PRA also defines required communications to the requestor and the records that are confidential under law and therefore, exempt from disclosure.

### C. [Social Security Numbers Protection \(CA Civil Code 1798.85-1798.89\)](#)

Limits the use of social security numbers by restricting public posting and display to others, e.g., in printed or mailed materials unless required by law, on identification cards, and over the Internet without proper security measures.

Privacy Electronic Communications (SB178) CA Civil Code 1798.90 SB178 describes that a government entity is prohibited from access to electronic communication or electronic device communication without a search warrant, wiretap order or electronic reader records except for emergency situations.

## III. Standards

### A. [Payment Card Industry Data Security Standard \(PCS DSS\)](#)

PCI DSS is an information security standard for organizations that store, process and transmit card holder data.

### B. [Federal Bureau of Investigation Criminal Justice Information Services Standard \(FBI CJIS\)](#)

CJIS is an information security standard for organizations that store, process, and transmit Criminal Justice Information.

### C. [International Organization for Standardization \(ISO\) 27002](#)

ISO 27002 is an information security standard that provides best practice recommendations on information security management.

## Appendix C – Security Policy/Standard Waiver

### County of Sonoma Security Policy/Standard Waiver

**Local Agency Name:**

**Date:**

**Waiver Requestor Name/Title:**

**Phone Number:**

**Email:**

**County Policy/Standard:**

**Exception Scope:**

*Identify the scope of the exception being requested (i.e., for all systems/Users? One system/group of Users:*

**Justification for Exception:**

*Explain why compliance with this policy/standard is not possible due to technical limitations, conflict with business requirements, or other circumstances:*

**Exception Risk**

*Explain the potential impact or risk attendant upon granting the exception:*

**Compensating Controls**

*In the absence of the controls specified by this policy/standard, what compensating controls will be implemented?*

## Approval and Conditions

I, hereby, acknowledge that I have reviewed the aforementioned request for a policy/standard waiver and certify that the compensating controls necessary to justify the policy/standard waiver are adequate.

<sup>1</sup>County Chief Information Security Officer or  
approved designee

Date

Local Agency Department Head,  
General Manager or approved designee

Date

Upon approval, scan and e-mail to [issc@sonoma-county.org](mailto:issc@sonoma-county.org). The approver shall retain the original.

**Please note:** This waiver and its applicability must be reviewed at least annually by the requesting Local Agency. Waivers must be renewed every three years or when significant changes which affect the system categorization (e.g., Confidential, Restricted or Public), justification for noncompliance, and/or compensating controls are made.

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<sup>1</sup> In most cases the Information Systems Director who serves as the Chief Information Security Officer will be the appropriate approver, unless otherwise noted in the individual policy or standard for which the waiver is submitted.

## Information Technology and Security Terminology Glossary

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**Accountability** – The system’s ability to determine the actions and behavior of a single user within a system. Accountability shows that a particular user performed a particular action. Audit logs and monitoring are used to track a user’s activity.

**Administrative Measures** – Defines and guides an individual’s actions to preserve the security of IT resources and data; e.g., policies, procedures, security awareness training. Also referred to as administrative controls.

**Administrator Accounts** – Accounts that have elevated privilege to IT resources. Such accounts have the capability to circumvent security controls, configure systems, and may create other accounts as well as assign access rights to them. These accounts are limited to staff whose business function requires the use of such an account.

**Availability** – Ensures information is accessible to authorized users when required.

**Authentication** – A procedure to unambiguously establish the identity of a user, machine, device or application process before allowing access to an information resource. Authentication is typically with a password but other credentials such as digital certificates may be used

**Authorization** – Determines which IT resources, User, machine, device or application process is entitled to access.

**Back-Up** – The process of making copies of data to be used in the event of a data loss.

**Breach Notification** – Notification required to individuals or agencies in the event of a data breach.

**Change** – Any notable alteration to a system, data, and/or its configuration that could affect information security, compliance and reliable service delivery.

**Compliance** – Ensures compliance with laws and regulations and County policies, standards and procedures relevant to information security.

**Confidential Data** – Information protected from use and/or disclosure by law, regulation or standard, and for which the highest level of security measures are required.

**Confidentiality** – Ensures information is accessible to only those authorized to have access.

**Controls** – Administrative, technical, or physical measures and actions taken to try and protect systems, includes safeguards and countermeasures.

**Countermeasures** – Controls applied to mitigate risk; reactive in nature.

**County** – The County of Sonoma

**Credit Card Information** – Credit card number (primary account number or PAN) and one or more of the following: cardholder name, service code, expiration date.

**Data** – Local Agency information that is stored, processed or transmitted in electronic, optical or digital form.

**Data Breach** – An information security incident in which confidential data is copied, transmitted, viewed, stolen or used by an unauthorized individual.

**Data Center** – Centralized storage facility that houses computer, network and telecommunications equipment.

**Data Classification** – A method of assigning a level of sensitivity to data to determine the extent to which it needs to be controlled and secured.

**Data Custodian** – Individual responsible for maintaining the confidentiality, integrity and availability of data.

**Data Owner** – Local Agency Department Head/General Manager or other individual authorized by law, regulation or policy to collect and manage the data that supports their business operations.

**Data Steward** – Individual assigned by the Data Owner to protect the confidentiality, integrity, and availability of the data that supports their business operations.

**Decryption** – The process of converting encrypted data back into its original form, so it can be understood.

**Designee** – Individual designated by a Local Agency Department Head/General Manager to perform some duty or carry out a specific role.

**E-Discovery:**

- Discovery documents produced in electronic formats rather than hardcopy.
- A process that includes electronic documents and email into a collection of "discoverable" documents for litigation. This normally involves both software and a process that searches and indexes files on hard drives or other electronic media. Extracts metadata automatically for use as an index.
- The process of finding, identifying, locating, retrieving, and reviewing potentially relevant data in designated computer systems.

- The process of identifying, preserving, collecting, processing, searching, reviewing and producing Electronically Stored Information(ESI) that may be relevant to a civil, criminal, or regulatory matter.

**Efficiency** – Ensures that implemented security safeguards do not unduly interfere with efficient and effective service delivery.

**Electronic Protected Health Information (ePHI)** – Individually identifiable health information that is transmitted by electronic media, or maintained in electronic media.

**Electronically Stored Information(ESI)** – Writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations—stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form

**Elevated Privilege** – Administrative permission to IT resources. See also – [Administrator Accounts](#).

**Encryption** – A process that transforms readable data into a form that appears random and unreadable to unauthorized users.

**Exploit** – A process or tool that will attack a vulnerability in an asset.

**Guest Account** – Also, known as a Guest User ID, used to access very limited network resources (i.e., the Internet)

**Guidelines** – General recommendations or instructions that provide a framework for achieving compliance with information security policies.

**High-Risk application** – The loss of confidentiality, integrity, or availability of the data or system that could have a significant adverse impact on the county’s operations.

**Identification** – Means to distinguish individual users, machines, devices and application processes. Multiple identifiers can be associated with a given subject for different purposes. An individual user, for example, may be known by an account name in a Microsoft windows domain, by the distinguished name on a digital certificate or by a Microsoft windows issued security identifier.

**Information Security Incident** – An Information Security Incident is defined as any adverse event that compromises the security of Local Agency IT resources or data, or otherwise violates Local Agency or County Information Security Policy. Information Security Incidents may involve:

- Attempts (either failed or successful) to gain unauthorized access to Local Agency IT resources
- Unwanted disruption or denial of service

- Unauthorized or inappropriate use of Local Agency IT resources
- Unauthorized change to a Local Agency IT resource's hardware, firmware or software
- Virus, worm or other malicious code attacks
- Loss, or unauthorized disclosure, use or access of Confidential Data
- Compromised User account or password
- Loss or theft of any Local Agency IT resource

**Information Security Representative** – Individual designated by Local Agency Department Head/General manager who is responsible for coordinating information security within their Local Agency.

**Information Security Steering Committee** – Coordinating body for all County information security-related activities and is composed of the County Privacy Officer, Information Security Officer and individuals designated by the IT Governance Council.

**Information Technology (IT) Resources** – Information Technology (IT) resources include but are not limited to the following:

- Computers and any electronic device including personally owned devices, which, create, store or process Local Agency data:
- Servers, workstations, desktops, mainframes, copiers, faxes, related peripherals;
- Mobile Devices
  - Portable computers such as laptops, notebooks, netbooks, and tablet computers
  - Portable storage media such as tapes, compact disks (CDs), digital versatile disks (DVDs), flash drives, and universal serial bus (USB) drives
  - Smart Phones, pagers, digital cameras, cell phones, digital voice recorders
- Electronic messaging systems e.g., electronic mail (e-mail), instant messaging;
- Network connections (wired and wireless) and IT infrastructure including, routers, switches, firewalls and;
- County licensed or developed software

**Information Technology (IT) Resource Owner** – Individual assigned from within the Local Agency who is responsible for ensuring appropriate protection from unauthorized use, access, disclosure, modification, loss or deletion.

**Integrity** – Ensures information is complete, accurate and protected against unauthorized modification.

**Litigation Hold** – A written directive advising data custodians of certain documents to preserve all data including Electronically Stored Information (ESI) that may relate to a legal action.

**Local Information Services Provider** – Provider of network infrastructure, network access, data storage or e-mail services to Local Agencies. This refers to the County Information Systems Department, Human Services Department Information Integration Division, Sonoma County Sheriff's Office Technical Services Bureau, and County Water Agency Computer Application and Instrumentation Support Section.

**Logical Measures** – Please see [technical measures](#).

**Logon Banner** - Notice presented to an individual prior to accessing Local Agency IT Resources, which prohibits unauthorized access, and includes notice of monitoring and recording an individual's activities.

**Malicious Software (Malware)** – Programming or files developed for the purpose of doing harm. Malware includes, viruses, worms, Trojan horses, etc.

**Mobile Devices** – The following is a representative and non-inclusive list of mobile devices:

- Portable computers such as laptops, notebooks, netbooks, and tablet computers
- Pagers, digital cameras, cell phones, digital voice recorders
- Portable storage media such as tapes, CDs, DVDs, flash drives, and USB drives
- Smart Phones

**Notice Triggering Data** – Data if breached requires notification to individuals and/or agencies.

**Patch** – Software to repair a defect in an operating system, application or device.

**Personal Information** – Information containing any of the following in combination with a first initial or first name and a last name:

- Social Security number;

- driver's license number or California Identification Card number;
- an account number, credit or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account;
- medical information, including any information regarding an individual's medical history, mental or physical condition, or medical treatment or diagnosis by a health care professional or;
- Health insurance information.

**Personally owned Devices** – The following is a representative and non-inclusive list of mobile devices wholly owned by a user to work on or access Local Agency data:

- Portable computers such as laptops, notebooks, netbooks, and tablet computers
- Pagers, digital cameras, cell phones, digital voice recorders
- Portable storage media such as tapes, CDs, DVDs, flash drives, and USB drives
- Smart Phones

**Physical Measures** – Controls the physical access to preserve the security of IT resources and data; e.g., locked doors, surveillance cameras, proximity identification cards. Also referred to as physical controls.

**Piggybacking** – The attempt to gain physical access that has not previously been authorized i.e.; one person following another without individually swiping his or her Proximity Identification Card.

**Policy** – High level statements providing information security directive and mandates for the County workforce.

**Public Data** – Information that is available for general access without review by the Data Owner and/or County Counsel.

**Procedure** – Step-by-step instructions for reinforcing information security policies.

**Restricted Data** – Information that requires special precautions to protect from unauthorized use, access, or disclosure.

**Safeguards** – Controls applied to mitigate potential risk; proactive in nature.

**Security** – Preservation of the confidentiality, integrity and availability of IT resources and data.

**Security Measures** – A combination of controls and safeguards to preserve the security of IT resources and data.

**Secure Socket Layer (SSL)** – Encryption technology that provides a secure connection between a web system and a user's web browser.

**Sensitive Information** – Information classified as either Confidential - Information protected from use and/or disclosure by law, regulation or standard, and for which the highest level of security measures, or Restricted - Information that requires special precautions to protect from unauthorized use, access, or disclosure.

**Shared Account (also known as a Shared User ID)** – Account shared among more than one individual for a specific business purpose (i.e., an e-mail resource/calendar).

**Standards** – Defined minimum requirements to ensure compliance with an information security policy.

**Store** – The placement of data in either temporary or permanent memory (that is, in "storage"), such that the information can be accessed or retrieved.

**Storage** – See [Store](#).

**Strong passwords** – Passwords provide the first line of defense against unauthorized access to your computer. The stronger your password, the more protected your computer will be from malicious individuals and malware. Passwords may not contain two consecutive characters of the user's full name or User ID (Account Name).

The strong password contains characters from three of the following categories:

1. Password must be 8 characters in length.
2. Passwords must combine three or more of:
  - a. Uppercase letters of European languages (A through Z)
  - b. Lowercase letters of European languages (A through Z)
3. Base 10 digits (0 through 9).
4. Non-alphanumeric characters (special characters) (for example, \$, #, %)

**Technical Measures** – Utilizes technology to preserve the security of IT resources and data, e.g., anti-virus software, encryption, firewalls. Also referred to as logical controls.

**Telework** – A work flexibility arrangement under which an employee performs the duties and responsibilities of such employee's positions, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work.

**Third-Party** – Any non-County individual or organization that develops, installs, delivers, manages, monitors, or supports any Local Agency IT Resource.

**Threat** – Any potential danger to an IT Resource.

Transport Layer Security (TLS) - secure protocol that provide communication security in the county work. TLS is the successor to SSL.

**User** – Workforce members authorized to access Local Agency IT Resources.

**User Provisioning** – Creation, maintenance, privilege assignment and deactivation of individual accounts.

**User ID** – Unique identifier assigned to an individual, for example, JSMITH.

**Vulnerability** – A flaw or weakness in system security procedures, design, implementation, or internal controls that might be exercised (whether accidentally or intentionally) and cause a security breach or a violation of the system's security policy.

**Workforce** – Employees or any other individual performing work on behalf of or with approval of Local Agencies.



Version	Date	Chapter/Section/Page#	Details
			<p>Updated Table of contents to include Appendix C</p> <p>Removed “when technically possible language under VII.G.2</p> <p>Removed “when technically possible</p>
5.0	4/7/2016	Page 19	<p>Mobile Computing</p> <p>A2. Revised Mobile Computing to “Users refusing to sign the Personally Owned Mobile Device agreement will not result in disciplinary action.”</p>
6.0	5/13/2016	Page 19	<p>Removed Appendix C “Personally owned Mobile Device agreement”. Moved language to Mobile Computing section to include user friendly language</p>
7.0	6/10/2016	Page 19	<p>Minor proposed updates in the mobile computing section.</p>
8.0	6/29/2016	Page 25	<p>Updated security awareness training section item 3 to include regular security awareness training and upon a change a change in their access.</p>
9.0	8/18/2016	Page 18	<p>Removed Unacceptable use #2 and added specific statements of unacceptable use from the current computer use policy</p>
10.0	8/18/2016	Page 19	<p>A. Personally Owned Mobile Device</p>

Version	Date	Chapter/Section/Page#	Details
			<p>Revised Item #1 Expectation of Privacy to say : “Users cannot be required to use their personally owned mobile devices to work on or access Local Agency IT Resources”</p> <p>Item #3”: Modified sentence to “view” Users should also be aware that they can view but not store confidential or restricted data on their personally owned device</p> <p>Item 9: Removed: Any changes in services must be reported to their supervisor or manager.</p>
11.0	8/24/2016	Page 18	<p>Unacceptable Use: Feedback that the phrase “which the Local Agency may deem inappropriate” was too broad; added specific language from current Computer Use Policy, as discussed.</p>
12.0	9/29/2016	Page 8	<p>Added under Users:</p> <p>Complying with the Mobile Computing section of this policy if using a mobile device to work on or access Local Agency IT resources or data.</p> <p>Use of Electronic Messaging</p>





Version	Date	Chapter/Section/Page#	Details
		Page 14-Page 15	<p data-bbox="938 296 1321 363">Added in “when technically feasible” under #4.</p> <p data-bbox="938 470 1419 758">Removed “Users should not use a personal email account (e.g. yahoo.com,gmail.com) to conduct Local Agency business on their personally owned mobile device.” This is already addressed on Page 15 (Use of Electronic Messaging).</p> <p data-bbox="938 793 1414 932">Added in a sentence on Physical Protection: “Unattended mobile devices must be physically stored in a safe and secured manner.”</p> <p data-bbox="938 1041 1419 1367">Added this wording to the Acknowledgment, “I understand that If I voluntarily use my personally owned device to access Local Agency IT resources and data that I will comply with the personally owned section of the Mobile Computing Policy section on page 19.”</p>

Version	Date	Chapter/Section/Page#	Details
		Page 23	

## **CLETS misuse protocol.pdf**

## **CLETS misuse protocol**

The purpose of this document is to establish a protocol in the event there is suspected misuse of the CLETS information system. If it is suspected an employee with the Sheriff's Office has misused the CLETS information system, the following steps will be taken.

- 1) Whoever discovers the possible misuse will write a memorandum detailing what they discovered and will forward it to the Professional Standards Bureau Lieutenant.
- 2) The Professional Standards Lieutenant will review the memorandum and assign it to an investigator for follow-up.
- 3) Once the investigation is complete, it will be forwarded up the chain of command for review.
- 4) If it is determined no violation of policy or law occurred, no further action will be taken.
- 5) If it is determined a violation did occur, the case will be forwarded to the Sheriff to consider potential discipline.

**BOF\_4074\_LE.pdf**



# CALIFORNIA DEPARTMENT OF JUSTICE BUREAU OF FIREARMS

## Law Enforcement Report of Firearm Prohibition

\* Required Information

\*\* Recommended Information

### Subject Information

Last Name:*		First Name:*		Middle Name:	
Alias Last Name (if any):		Alias First Name:		Alias Middle Name:	
Subject's Mailing Address:*		City:*		State:*	Zip Code:*
Date of Birth (mm/dd/yyyy):*		Approx. Age:*	Social Security Number:**		Drivers License/ID Number:**
Sex:	Race:	Height:	Weight:	Eye Color:	Hair Color:

### Law Enforcement Agency Information

Date Threat Reported to Law Enforcement (mm/dd/yyyy):*		Agency Report Number:*		Agency ORI Number:	
Law Enforcement Agency:*				Agency Telephone No:*	
Agency Contact Person and Title:*				Date:*	

### Instructions

Pursuant to Welfare and Institutions Code section 8100, subdivision (b)(1), any person who communicates to a licensed psychotherapist, a serious threat of physical violence against a reasonably identifiable victim or victims, is prohibited from possessing, having under custody or control, purchasing, receiving, or attempting to purchase or receive any firearms or other deadly weapon for five years.

Pursuant to Welfare and Institutions Code section 8105, subdivision (c), licensed psychotherapists shall, within 24 hours, report the identity of persons subject to this prohibition to local law enforcement. The firearms prohibition begins on the date the licensed psychotherapist reports the identity of the prohibited person to the local law enforcement agency. **Upon receipt of the report from the licensed psychotherapist, the local law enforcement agency must, within 24 hours, complete and submit this report to the Department of Justice, Bureau of Firearms.**

The subject's complete name, date of birth or approximate age, sex, race and complete address is required on this report. The date the threat was reported to law enforcement, agency report number, law enforcement agency, agency contact person, agency telephone number, and the current date are also required.

The Department of Justice is required to notify the individual of the firearms prohibition by certified mail. **This form must include the subject's complete mailing address.**

If you have any questions or would like to request training regarding firearms prohibition reporting requirements please contact the Bureau of Firearms at (916) 227-7527. **SUBMIT COMPLETED FORM TO:**

**Bureau of Firearms - Prohibition Reporting Unit  
P.O. Box 168048  
Sacramento, CA 95816-8048  
Fax: (916) 227-1021**

**PLEASE RETAIN A COPY FOR YOUR RECORDS**

## **Flag Handling and Use Guidelines .pdf**

# Flag Handling and Use Guidelines

## A. Exterior Flag Display (USC Title 36)

1. It is the universal custom to display the flag only from sunrise to sunset on buildings and on stationary flagstaves in the open. However, when a patriotic effect is desired, the flag may be displayed twenty-four hours a day if properly illuminated during the hours of darkness.
2. The fundamental rule of flag etiquette is to treat all flags with respect and common sense. The American Flag takes precedence over all other flags when flown within the United States. It shall not be flown lower than another flag, nor shall it be smaller than another flag flown with it. Other flags may, however, be flown at the same height and in the same size.
3. The point of honor is on the extreme left from the standpoint of the observer ("the flag's right"). The order from left to right of flags flown together is: the American Flag, other national flags in alphabetical order, state flags, county and city flags, organizational flags, personal flag.
4. The American flag should be at the center and at the highest point of the group when a number of flags of States or localities or pennants of societies are grouped and displayed from staffs.
5. When flags of States, counties, cities, or localities, or pennants of societies are flown on the same halyard with the flag of the United States, the latter should always be at the peak. When the flags are flown from adjacent staffs, the flag of the United States should be hoisted first and lowered last. No such flag or pennant may be placed above the flag of the United States or to the United States flag's right.
6. The flag should be hoisted briskly and lowered ceremoniously.
7. If one flag is at half-staff in mourning, other flags flown with it should be at half-staff. The American Flag is raised first and lowered last.

## B. Interior Display (staff mounted flag)

1. When displayed from a staff in a building or public auditorium, the American flag should hold the position of superior prominence, in advance of the audience, and in the position of honor at the speaker's right as he faces the audience. Any other flag displayed, should be placed to the left of the speaker, or to the right of the audience.
2. In locations without a stage or raised platform, the position of the American flag remains in the position of honor to the right of the speaker, with the State flag, and or organizational colors to the left of the speaker or podium.

3. When used on a speaker's platform, the flag, if displayed flat, should be displayed above and behind the speaker. The important thing to remember about such display is the position of the Union (blue field of stars). The flag displayed in this manner should be positioned so the Union is always to the Flag's own right, or to the left of the viewer. If you are not sure, stand in the entrance of the room and look at the flag, making certain, from your position, the Union is to your left side.
4. When the flag is suspended vertically from a corridor, the field of blue should be to the left of persons as they enter the corridor or hall. If there are multiple entrances to the corridor or hall, then the UNION should be either facing north (in an east/west corridor), or east (in a north/south corridor).
5. When the American flag is displayed on a staff mounted to the wall of a room, it should flown to the right at the front of the room, and any other flags displayed from separate staffs should be to the American flag's left. If several flags are flown from the same mounting, the American flag should be centered and hold prominence. When displayed against a wall with another flag on crossed staffs, the American flag should be to its own right, and the staff of the American flag should be in front of the staff of any other flag displayed.
6. When the flag is displayed in a window, keep in mind you are displaying your patriotism to people outside the building, and they are the "audience". This means the blue field of stars (The Union) should be to the flag's own right when viewed from the street, sidewalk, or parking lot. To be certain you have displayed the flag properly in the window, view it from outside. If the Union is to your left as the observer, (the flag's own right), your display is properly and correctly done.

### C. Saluting the Flag

#### 1. National Anthem:

When the flag is displayed:

- All present except those in uniform, should stand at attention facing the flag with the right hand over the heart;
- Men not in uniform should remove their headdress with their right hand and hold the headdress at the left shoulder, the hand being over the heart.
- Individuals in uniform should give the military salute at the first note of the anthem and maintain that position until the last note.

When the flag is not displayed:

- All present should face toward the music and act in the same manner they would if the flag were displayed (USC Title 36).

2. **Pledge of Allegiance:** The Pledge of Allegiance should be rendered by standing at attention facing the flag with the right hand over the heart. When not in uniform men should remove any non-religious headdress with their right hand and hold it at the left shoulder, the hand being over the heart. **Persons in uniform should remain silent, face the flag, and render the military salute** (USC Title 4).

3. **Hoisting, lowering or passing of flag:** During the ceremony of hoisting or lowering the flag or when the flag is passing in a parade or in review, all persons present except those in uniform should face the flag and stand at attention with the right hand over the heart. Those present in uniform should render the military salute. When not in uniform, men should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. The salute to the flag in a moving column should be rendered at the moment the flag passes (USC Title 4 Section 9).

#### **D. Respect for the flag**

1. No disrespect should be shown to the flag of the United States of America; the flag should not be dipped to any person or thing. Regimental colors, State flags, and organization or institutional flags are to be dipped as a mark of honor.
2. The flag should never be displayed with the union down, except as a signal of dire distress in instances of extreme danger to life or property.
3. The flag should never touch anything beneath it, such as the ground, the floor, water, or merchandise.
4. The flag should never be carried flat or horizontally, but always aloft and free.
5. The flag, when it is in such condition that it is no longer a fitting emblem for display, should be destroyed in a dignified way, preferably by burning.

#### **E. Presenting Colors – Color Guard Detail**

The majority of times, colors will be moved into position for either posting or presenting abreast or single file. This may be done at either port, shoulder arms or with flag belts. Presentation indoors is usually conducted at port due to low ceilings, or poor visibility as it relates to irregular marching surfaces or other peculiarities of a particular site.

The Honor / Color Guard leader will have previously surveyed the place where the colors are to be presented in order to determine the proper stopping point. At the time of presentation, the Color Guard members will stop at the pre-determined spot, and after posting, will automatically turn to face the American flag.

Following the presentation of arms (saluting the Flag), the members will be called to face in the appropriate direction, pivot into position and face the audience. The color team will move off in the same form used to get into position, either single file or abreast, and call to exit.

#### **F. Posting Colors – Color Guard Detail**

1. Generally, presentations will take place in front of the stage or podium. During the presentation, the colors will be moved to the place where they will be posted. The Color Guard will come to the pre-determined location and post in front of the designated flag base. The colors will then be posted using a series of two commands. The leader will give the preparatory command of "Post", followed by second command or the command of execution of "Colors", upon which the following actions will be taken:

- The flags will be moved from the position of which they were marched in to immediately in front of the individual flag bearer and over the flag base;
  - The flags will be placed into the bases;
  - The flags will be turned so that the eagle and spears are straightened with the seam of the flag along the back of the pole;
  - The flag bearer's arms are outstretched, straight from the shoulder with the palms down and lowered slowly to the sides.
2. There will be some occasions, typically when colors are to be posted in front of a stage, where their presence in the center would obstruct the view. In these circumstances it will be necessary to split the flags, placing them at either end of the stage or posting area. In order to accomplish this, the color team will approach the location as previously described. Any additional trailing members will halt near the audience and maintain their respective posts until the presentation has been completed. The trailing members will reunite with the team and exit the facility in a similar manner of the approach.

#### **G. Retiring the Colors**

1. For the purpose of retiring colors, the Color Guard will approach in a single-file column. When the members reach their pre-determined locations, they will stand at attention until the leader gives a two part command. The leader will give the preparatory command of "Retire", followed by the second command, or command of execution, of "Colors". The following actions will be taken:
  - Taking hold of the flags;
  - Removing the flags from the bases; and
  - Moving the flags to the position of in which they were marched in.
2. On the command of "Colors," the flag bearers will retrieve the flags. In the event the Color Team has been split, it will be necessary for the members to make the necessary movements to rejoin. Trailing members will rejoin the Color Team at a pre-determined location to conduct a proper exit.

#### **H. Saluting the Flag – All Organizational Members**

1. During the ceremony of hoisting or lowering the flag or when the flag is passing in a parade or in review, all persons present except those in uniform should face the flag and stand at attention with the right hand over the heart. When not in uniform, persons should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Those present in uniform should render the hand salute (USC Section 17). The hand salute to the flag in a moving column should be rendered at the moment the flag passes.
2. During rendition of the national anthem when the flag is displayed, all present, except those in uniform, should stand at attention facing the flag with the right hand over the heart. Persons not in uniform should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Persons in uniform should render the hand salute (USC 36 Section 171) at the first

note of the anthem and retain this position until the last note. When the flag is not displayed, those present should face toward the music and act in the same manner they would if the flag were displayed there.

3. The Pledge of Allegiance to the Flag should be rendered by standing at attention facing the flag with the right hand over the heart. When not in uniform, persons should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Persons in uniform should remain silent, face the flag and render the hand salute (USC Section 172)

#### **I. The Flag in Mourning**

1. To place the flag at half staff, hoist it to the peak for an instant and lower it to a position half way between the top and bottom of the staff. The flag is to be raised again to the peak for a moment before it is lowered.
2. The flag is to be flown at half staff in mourning for designated, principal government leaders and upon presidential or gubernatorial order.
3. Upon the death of a member of the Armed Forces from any State, who dies while serving on active duty, the Governor of that State may proclaim the National flag shall be flown at half-staff.
4. When used to cover a casket, the flag should be placed with the union at the head and over the left shoulder. The flag should not be lowered into the grave or allowed to touch the ground.

#### **J. Folding of the American Flag (Graveside)**

1. Folding of the colors at graveside can be done as a four, six, or eight person fold team. Commands are usually silent nods from the leader of the fold team, but at times may be verbal.

When appropriate, the leader will make calls from the head of the casket above the field of stars. Members will post at the four corners of the casket once the pallbearers have placed the casket and the pallbearers have cleared the area. Members will stand guard over the casket throughout the graveside services.

Once the time has come to fold the flag, the team leader will nod slightly. This tells the other team members to reach down and remove the cord that is securing the flag to the casket. The cord is gathered by one team member and placed on the ground in an out of the way spot.

The second nod tells team members to grasp the corners of the flag and pull them taught.

The third nod tells the team to side step so that the flag is between the audience and the casket. This is the time when other team members may enter to aid with the folding of the flag. They will position themselves evenly down each side of the flag.

The fourth nod starts the first fold. Remember, stripes over stars, stars over

stripes. Each member slides his inside hand to the center of the flag. Then the edges are brought up and together. The stripe side is then turned up.

The fifth nod starts the second fold. The inside hands are again brought to the middle and the edges are brought up and together. When the flag is flattened, the stars are now showing (thus, stripes over stars, stars over stripes).

The sixth nod initiates the beginning of the triangular fold of the flag. One of the team members at the striped end begins by folding the folded edge of the striped end toward the open edge. This will create a pointed end, which is then folded parallel up the open edge to square the end again. This is repeated until the flag reaches the end of the field of stars.

As the fold leaves a member's hands and is passed off, that member will bring his hands down and assume the position of attention. Once at the end, the remaining margin is folded so that it will tuck into the pocket formed by the folds at the blue field edge of the flag.

The team leader then cradles the flag in his arms and allows the rest of the team to salute the flag.

The team leader will then present the flag to the Sheriff, or designated person. The flag team leader then presents the hand salute, and escorts the Sheriff or designated person to the person to be presented the flag. After the presentation, the flag team leader returns to the team and follows the team out of the area. (Remember, never relinquish or accept a flag without a salute if you are in full uniform.

## 2. Folding the American Flag – (Flag pole catch or standard post)

Folding of the colors following the catch and removal from a flag pole, or at a posted position, can be done as a two, four, six, or an eight person fold team. Commands are usually silent nods from the leader of the fold team, but at times may be verbal. When appropriate, the leader will make calls from a pre-determined location, by which he can observe the folding of the flag by the team. The commands, folds, and the presentation procedure are as previously indicated.

## **Canine Proficiency Standard.pdf**

## CANINE PROFICIENCY STANDARD

- K-9 handlers are required to respond to dangerous incidents that often require physical conditioning above and beyond the normal expectations of a Deputy Sheriff. Therefore, K-9 handlers are expected to maintain a level of physical fitness proficiency over and above that expected of a Deputy Sheriff. As a measure of that requirement, K-9 handlers will be required to complete a physical qualification test at least once per year. If, for some reason, a handler cannot complete or pass the test due to absence, or poor physical condition, he/she shall be given four weeks to remediate. Failure to successfully pass the test after such time may be cause for dismissal from the k-9 unit. Based upon an individual handler's physical conditioning, some operators may need to physically train on their own in order to maintain the required fitness level.
- Physical agility testing requirements shall be maintained in the K-9 unit training file.
- Members who are unable to complete the physical agility test due to an industrial injury/illness:
  - Members shall immediately notify their K-9 Sergeant of any industrial injury/illness that prevents members from completing the K-9 physical agility test and provide medical documentation in support. The K-9 Sergeant shall so notify the K-9 unit Lieutenant as soon as practical.
  - If a member has not been approved for Transitional Duty, he may not participate in K-9 call-outs and/or training.
  - If a member has been approved for Transitional Duty, or cleared for "regular" duty, but restricted by their physician from completing the K-9 physical test, the K-9 Lieutenant may place the member on an Inactive Status, depending on the severity of the injury/illness and the restrictions placed by a physician.
  - Inactive members may, consistent with the above-listed restrictions and Sheriff's Office policy, be used in administrative roles during K-9 training.
  - Once cleared for full, unrestricted duty (including the K-9 physical agility test), members will be given at least four weeks to complete the K-9 physical agility test. Members may be in an Inactive Status for up to one year if supported by a physician's note. At the conclusion of one year from date of injury/illness, members will be given four weeks to complete the K-9 physical agility test. Failure to complete the K-9 physical agility test after one year plus four weeks could be cause to remove the member from the team.
  - Members who are removed from the team under this section may apply for future K-9 openings.
- Members who are unable to complete the physical agility test due to a non-industrial injury/illness:
  - Members shall immediately notify their K-9 Sergeant of any non-industrial injury/illness that prevents members from completing the K-9 physical agility test, and provide medical documentation in support. The K-9 Sergeant shall so notify the K-9 Lieutenant as soon as practical.
  - If a member has not been approved for Transitional Duty, he may not participate in K-9 call-outs and/or training.

- If a member has been approved for Transitional Duty, or cleared for “regular” duty, but restricted by a physician from completing the K-9 physical agility test, the K-9 Lieutenant may place the member on an Inactive Status depending on the severity of the injury/illness and restrictions placed by the physician.
- Inactive members may, consistent with the above restrictions and Sheriff’s Office policy, be used in administrative roles during K-9 training.
- Members shall be given six months from the date of injury/illness to successfully complete the K-9 physical agility test. The K-9 Lieutenant may extend the recovery time an additional six months depending on the severity of the injury, prognosis for recovery, and needs of the Sheriff’s Office. The total time from the date of the injury shall not exceed one year.
- Members who are removed from the team under this section may apply for future K-9 openings.
- Members who are removed from the K-9 unit pursuant to this policy may appeal the decision to the Law Enforcement Assistant Sheriff.

## Radio Frequencies.pdf

**COMMUNICATIONS RESOURCE AVAILABILITY WORKSHEET**  
**ICS 217-A** Page 1 of 1

Description

**SONOMA COUNTY XBAND INTEROP**

Ch #	Ch Config	Channel Name	Primary Users	Rx Frequency	Wide/Narrow	RX Tone	Tx Frequency	Wide/Narrow	Tx Tone	Mode (A/D)	Remarks
<b>COMMON EAST</b>											
		<b>LOW</b>	ALL PUBLIC SAFETY	39.4600	N	156.7	45.8600	N	162.2	A	<b>Sonoma Mountain (Operational)</b> <b>WQOM497 / KK3942</b>
1		<b>VHF</b>	ALL PUBLIC SAFETY	154.4525	N	156.7	156.0675	N	162.2	A	<b>WQOM497 / WQPV746</b>
2		<b>UHF</b>	ALL PUBLIC SAFETY	453.4625	N	156.7	458.4625	N	162.2	A	<b>WQOM497 / WQEN775</b>
3		<b>800</b>	ALL PUBLIC SAFETY	851.5125	N	156.7	806.5125	N	162.2	A	<b>WQQL647 / WPAT870</b>
4											
<b>COMMON WEST</b>											
		<b>LOW</b>	ALL PUBLIC SAFETY	39.8000	N	156.7	45.3400	N	162.2	A	<b>Mt Jackson (Operational)</b> <b>WQJY585 / WQOZ318</b>
5		<b>VHF</b>	ALL PUBLIC SAFETY	151.1375	N	156.7	158.7675	N	162.2	A	<b>WQOM497 / KMA392</b>
6		<b>UHF</b>	ALL PUBLIC SAFETY	453.8625	N	156.7	458.8625	N	162.2	A	<b>WQOM497 / WQEN775</b>
7		<b>800</b>	ALL PUBLIC SAFETY	851.0125	N	156.7	806.0125	N	162.2	A	<b>WQQL647 / WPAT870</b>
8											
<b>COMMON NORTH</b>											
		<b>LOW</b>	ALL PUBLIC SAFETY	39.3200	N	156.7	45.2600	N	162.2	A	<b>Oak Ridge (Operational)</b> <b>WQOZ318 / WQOZ318</b>
9		<b>VHF</b>	ALL PUBLIC SAFETY	158.7375	N	156.7	156.1500	N	162.2	A	<b>WQOM497 / WQPV746</b>
10		<b>UHF</b>	ALL PUBLIC SAFETY	453.7125	N	156.7	458.7125	N	162.2	A	<b>WQOM497 / WQEN775</b>
11		<b>800</b>	ALL PUBLIC SAFETY	852.0125	N	156.7	807.0125	N	162.2	A	<b>WQQL647 / WPAT870</b>
12											
<b>COMMON COAST</b>											
		<b>LOW</b>	ALL PUBLIC SAFETY	39.3800	N	156.7	45.1800	N	162.2	A	<b>Sea View Ridge (Operational)</b> <b>WQOZ319 / WQOZ319</b>
13		<b>VHF</b>	ALL PUBLIC SAFETY	154.4000	N	156.7	158.8725	N	162.2	A	<b>WQPV746 / WQPV746</b>
14		<b>UHF</b>	ALL PUBLIC SAFETY	453.1500	N	156.7	458.1500	N	162.2	A	<b>WQOZ319 / WQOZ319</b>
15		<b>800</b>	ALL PUBLIC SAFETY	852.5125	N	156.7	807.5125	N	162.2	A	<b>WQQL647 / WPAT870</b>
16											

Sonoma County Licensed Frequencies

## **Supplemental Hate Crime Report.pdf**

**Hate incident (No Crime Committed)**

**Hate Crime (422.6 PC, 51.7 CC, 52.1 CC)**

**VICTIM**

**VICTIM TYPE**

**Individual**

Legal name (Last, First): \_\_\_\_\_

Date of Birth	Age	Sex	Race

**School, business or organization**

Name: \_\_\_\_\_

Type: \_\_\_\_\_  
 (e.g., non-profit, private, public school)

**Faith-based organization**

Name: \_\_\_\_\_

Faith: \_\_\_\_\_

**Other**

Name: \_\_\_\_\_

Type: \_\_\_\_\_

Address: \_\_\_\_\_

Date and time of incident: \_\_\_\_\_

Location of incident: \_\_\_\_\_

Date and time of report: \_\_\_\_\_

Location of report: \_\_\_\_\_

Agency Case #: \_\_\_\_\_

**NATURE OF CALL FOR SERVICE (check all that apply)**

Crime against persons

Crime against property

Gang activity

Other \_\_\_\_\_

**BIAS**

**TYPE OF BIAS**

*(Check all characteristics that apply)*

Disability

Gender

Gender identity/expression

Sexual orientation

Race

Ethnicity

Nationality

Religion

Significant day of offense

*(e.g., 9/11, holy days)*

Association with a person or group with one or more of these characteristics (actual or perceived)

Other: \_\_\_\_\_

**ACTUAL OR PERCEIVED BIAS – VICTIM’S STATEMENT**

Actual bias [Victim has the indicated characteristic(s)].

Perceived bias [Suspect believed victim had the indicated characteristic(s)].

**REASON FOR BIAS:**

Do you feel you were targeted based on one of these characteristics?

Yes  No

Do you know what motivated the suspect to commit this crime?

Yes  No

Do you feel you were targeted because you associated yourself with an individual or a group?

Yes  No

Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?

Yes  No

Are there Indicators the suspect is affiliated with a criminal street gang?

Yes  No

**BIAS INDICATORS (CHECK ALL THAT APPLY):**

Hate speech

Acts/gestures

Property damage

Symbol used

Written/electronic communication

Graffiti/spray paint

Other: \_\_\_\_\_

**HISTORY**

<b>SUSPECT INFORMATION</b>				<b>RELATIONSHIP BETWEEN SUSPECT &amp; VICTIM</b>			
Legal name (Last, First): _____				Suspect known to victim: <input type="checkbox"/> Yes <input type="checkbox"/> No			
Other Names used (AKA): _____				Nature of relationship: _____			
Date of Birth	Age	Sex	Race	Length of relationship: _____			
				<input type="checkbox"/> Prior reported incidents with suspect: <i>Total #</i> _____			
Relationship to Victim: _____				Prior unreported incidents with suspect: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown			

**WEAPONS/FORCE**

Weapon(s) used during incident?  Yes  No      Type: \_\_\_\_\_

Force used during incident?  Yes  No      Type: \_\_\_\_\_

**EVIDENCE**

Witnesses present during incident?  Yes  No      Statements taken?  Yes  No

Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No	Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked	
Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo/video <input type="checkbox"/> Known	

**RESOURCES**

Resources offered at scene:  Yes  No

Marsy's Law Handout       Hate Crimes Brochure       Other: \_\_\_\_\_

**MEDICAL**

Victim	Suspect	
<input type="checkbox"/>	<input type="checkbox"/>	Declined medical treatment
<input type="checkbox"/>	<input type="checkbox"/>	Will seek own medical treatment
<input type="checkbox"/>	<input type="checkbox"/>	Received medical treatment
<input type="checkbox"/>	<input type="checkbox"/>	Injuries observed

Completed by	Date
Name/Title/ID number	

## **INDEX / TOPICS**