

# San Luis Obispo County Sheriff's Office

## San Luis Obispo County SO Policy Manual

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Effective July 1, 2011 all employees shall follow the direction contained in this Policy Manual, revised Operational Directives, and any approved Department Directives.

All previous Sheriff's Office Policy Manuals, Operational Directives, Department Directives and past practices that have not been approved by the current Sheriff are no longer the policy of the Sheriff's Office.

Ian Parkinson

Sheriff-Coroner

# San Luis Obispo 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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### **MISSION STATEMENT**

The Mission of the San Luis Obispo County Sheriffs Office is to protect all life and property and to provide service, security and safety to our community.

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### **VISION STATEMENT**

Our vision is to be the most progressive and creative leaders within the law enforcement community and ensure our County remains one of the safest places to live and visit.

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

## Law Enforcement Authority

### 100.1 PURPOSE AND SCOPE

Law enforcement officers are granted the authority to perform their function based on established legal authority. This Office does not tolerate abuse of law enforcement authority.

### 100.2 PEACE OFFICER POWERS

Sworn members of this Office shall be considered peace officers pursuant to Penal Code § 830.1. The authority of any such peace officer extends to any place in the State of California, as follows:

- (a) As to any public offense committed or which there is probable cause to believe has been committed within the political subdivision which employs the peace officer; or
- (b) Where the peace officer has the prior consent of the chief of police, or person authorized by him or her to give consent, if the place is within a city or of the sheriff, or person authorized by him or her to give such consent, if the place is within a county; or
- (c) As to any public offense committed or which there is probable cause to believe has been committed in the peace officer's presence, and with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of the offense.

#### 100.2.1 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).

#### 100.2.2 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.
- (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.

#### 100.2.3 OREGON AUTHORITY

Sworn members of this [department/office] who enter the state of Oregon in order to provide or attempt to provide law enforcement assistance have Oregon peace officer authority within 50

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### *Law Enforcement Authority*

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miles from the California-Oregon border (ORS 133.405). Such authority shall only apply when deputies are acting:

- (a) In response to a request for law enforcement assistance initiated by an Oregon sheriff, constable, marshal, municipal police officer or member of the Oregon State Police.
- (b) In response to a reasonable belief that emergency law enforcement assistance is necessary to preserve life, and circumstances make it impractical for Oregon law enforcement officials to formally request assistance.
- (c) For the purpose of assisting Oregon law enforcement officials with emergency assistance in response to criminal activity, traffic accidents, emergency incidents or other similar public safety situations, regardless of whether an Oregon law enforcement official is present at the scene of the incident.

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

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

### **100.3 CONSTITUTIONAL REQUIREMENTS**

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

## Chief Executive Officer

### 102.1 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.

#### 102.1.1 CHIEF EXECUTIVE OFFICER REQUIREMENTS

Any chief executive officer of this Office appointed after January 1, 1999, shall, as a condition of continued employment, complete the course of training prescribed by POST and obtain the Basic Certificate by POST within two years of appointment.

#### 102.1.2 SHERIFF CANDIDATE REQUIREMENTS

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

## Oath of Office

### 104.1 PURPOSE AND SCOPE

Deputies of the Sheriff's Office are sworn to uphold the federal and state constitutions and to enforce federal, state and local laws.

#### 104.1.1 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

## 106.1 PURPOSE AND SCOPE

The manual of the San Luis Obispo County Sheriff's Office is hereby established and shall be referred to as "The Policy Manual." The Policy Manual is a statement of the current policies, procedures, rules, and guidelines of the Sheriff's Office. All employees are to conform to the provisions of this manual. All prior and existing manuals, orders, and regulations which are in conflict with this manual are revoked, except to the extent that portions of existing manuals, orders, and other regulations which have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized, however, that police work 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 the Sheriff's Office under the circumstances reasonably available at the time of any incident.

## 106.2 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 department under the circumstances reasonably available at the time of any incident.

### 106.2.1 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 San Luis Obispo 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 department administrative action, training or discipline. The San Luis Obispo County Sheriff's Office reserves the right to revise any policy content, in whole or in part.

### 106.2.2 EXECUTIVE STAFF

Staff shall consist of the following:

- Sheriff
- Undersheriff
- The Chief Deputies from the Field Operations and Investigative Services Bureaus
- The Correctional Captain from the Custody Bureau
- The Deputy Director from The Support Services Bureau.

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### *Policy Manual*

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The staff shall review all recommendations regarding proposed changes to the manual at staff meetings.

#### **106.3 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 Departmental Directives, which shall modify those provisions of the manual to which they pertain. Departmental Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

##### 106.3.1 DISTRIBUTION OF MANUAL

Hard Copies of the Policy Manual shall be distributed to the following:

- Watch Commander's Office
- Custody Sergeant's Office
- Custodian of Records

A computerized version of the Policy Manual will be made available on the Department network/ Intranet for access by all employees. The computerized version will be limited to viewing and printing of specific sections. No changes shall be made to the electronic version without authorization from Sheriff.

#### **106.4 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.

**Auxiliary Member** - A member of an organization approved by the Sheriff who volunteers services to benefit the Sheriff's Office and the community.

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

**CHP** - The California Highway Patrol.

**CFR** - Code of Federal Regulations.

**County** - The County of San Luis Obispo.

**Correctional Deputy** - A member of the Sheriff's Office who is classified as a "Safety Member," who has peace officer powers under PC 830.1(c)

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

**Department/SLOSO** - The San Luis Obispo County Sheriff's Office.

**Deputy Sheriff** - Those employees, regardless of rank, who are sworn employees under Penal Code section 830.1/830.1(c) of the San Luis Obispo County Sheriff's Office, unless specifically identified as exclusive to Correctional Deputy.

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**Dispatcher** - Those employees assigned to the Sheriff's Office dispatch/communication center.

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

**Emergency Order** - A temporary order developed to deal with a contingency, and effective and enforceable for the length of the contingency only. This order does not require changes to the Manual or Operational Directives

**Employee/personnel** - Any person employed by the Sheriff's Office.

**Immediately** - Without delay

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

**Lead Worker** - An employee who, by assignment, is directly responsible for the successful completion of a task. Responsible for training and evaluation of trainee's performance within a defined training program

**Managers** - Undersheriff, Chief Deputies, Correctional Captain, Commanders, Correctional Lieutenants, Deputy Director and other FSLA - exempt employees.

**Manual** - The San Luis Obispo County Sheriff's Office Policy Manual.

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

**Member** - Any person employed or appointed by the San Luis Obispo County Sheriff's Office, including full-time sworn deputies, reserve deputies, non-sworn employees and volunteers.

**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** - All members of the Sheriff's Office not classified as "Safety Member"

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

**Reserve Deputy** - A member of the Sheriff's Office who volunteers services or is compensated hourly and has peace officer powers (Penal Code Section 830.6)

**Safety Member** - A person covered under San Luis Obispo County's Safety Retirement

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

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

**Special Order** - A temporary order to deal with a contingency for which a policy or Operational Directive does not exist.

**Subordinate** - A person who is responsible to, and receives direction from, a Sheriff's Office employee of higher rank

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**Supervisor** - An employee responsible for training and evaluating performance of subordinates, successful completion of assigned tasks, and accomplishment of day-to-day operations within a division

**Watch Commander** - A Sergeant or Commander who, by assignment, is responsible for supervision of Sheriff's personnel and other resources during their shift

**USC** - United States Code.

#### **106.5 ISSUING THE POLICY MANUAL**

An electronic version of the Policy Manual will be made available to all members on the department 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 Departmental Directives. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

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

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

#### **106.7 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 Bureau Chief will ensure that members under his/her command are aware of any Policy Manual revision.

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Bureau Chiefs, who will consider the recommendations and forward them to the command staff as appropriate.

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

## Organizational Structure and Responsibility

### 200.1 PURPOSE AND SCOPE

The organizational structure of the Sheriff's 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.

### 200.2 BUREAUS

The Sheriff is responsible for administering and managing the San Luis Obispo County Sheriff's Office. There are four Bureaus in the Sheriff's Office as follows:

- Investigative Services Bureau
- Field Operations Bureau
- Custody Bureau
- Support Services Bureau

#### 200.2.1 INVESTIGATIVE SERVICES BUREAU

The Investigative Services Bureau commanded by a Chief Deputy whose primary responsibility is to provide general management direction and control for the Investigative Services Bureau. The Investigative Services Bureau consists of the Detective Division, Coroner's Unit, Special Operations Section (SOU/GTF), Civil Enforcement Division/Court Security, Property Office, and Administrative Services.

#### 200.2.2 FIELD OPERATIONS BUREAU

The Field Operations Bureau commanded by a Chief Deputy whose primary responsibility is to provide general management direction and control for that bureau. The Operations Bureau consists of Patrol Divisions, Patrol Headquarters and Auxiliary units such as Search and Rescue, Posse, Aero Squadron, Dive Team, and Sheriff's Auxiliary Volunteer Patrol (SAVP).

#### 200.2.3 CUSTODY BUREAU

The Custody Bureau is commanded by a Correctional Captain whose primary responsibility is to provide general management direction and control for the Custody Bureau. The Custody Bureau consists of the Jail, Honor Farm, and Court Transportation.

#### 200.2.4 SUPPORT SERVICES BUREAU

The Support Services Bureau is commanded by a Deputy Director whose primary responsibility is to provide general management direction and control for the Support Services Bureau. The Support Services Bureau consists of Finance, Human Resources, Information Technology, Administration, and Records Management.

### 200.3 COMMAND PROTOCOL

#### 200.3.1 SUCCESSION OF COMMAND

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### *Organizational Structure and Responsibility*

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The Sheriff exercises command over all personnel in the Sheriff's Office. During planned absences the Sheriff will designate the Undersheriff to serve as the acting Sheriff. Except when designated as above, the order of command authority in the absence or unavailability of the Sheriff is as follows:

- (a) Undersheriff
- (b) Field Operations Bureau Chief
- (c) Investigative Services Bureau Chief
- (d) Correctional Captain (Command over Custody Bureau only)
- (e) Division Commander
- (f) Watch Commander

#### 200.3.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Sheriff's 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, SED, SOU), any supervisor may temporarily direct any subordinate if an operational necessity exists.

#### 200.3.3 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.

#### 200.3.4 CHAIN OF COMMAND

Communication within the Sheriff's Office shall follow the chain of command. Each echelon shall forward communications via the chain of command to the addressee, with recommendations if appropriate. In the absence of a staff position, the communication will be forwarded to the next higher echelon.

## Organizational Staffing

### 201.1 PURPOSE AND SCOPE

This section lists Sheriff's Office job positions and a brief description of the position responsibilities. This does not reflect the Sheriff's Office chain of command

#### 201.1.1 SHERIFF

- (a) The Sheriff is Chief Executive Officer of the Sheriff's Office. He will establish policy, organizational structure, and discharge duties imposed on him by law and in the interest of public safety.
- (b) Administers Sheriff's Office activity through managers who serve in an advisory capacity for matters of general Sheriff's Office policy and procedure. These managers direct and control specific functions of the Office in a manner approved by the Sheriff.

#### 201.1.2 UNDERSHERIFF

Subordinate only to the Sheriff; assumes command of the Office in the absence of the Sheriff, manages, directs and administers the activities of the Sheriff's Office at the executive level; and directly supervises the Chief Deputies, Correctional Captain, Deputy Director, and Professional Standards Unit.

#### 201.1.3 CHIEF DEPUTY/CORRECTIONAL CAPTAIN/DEPUTY DIRECTOR

Under direction of the Sheriff and Undersheriff, a Chief Deputy plans, organizes, controls and directs the activities of a bureau or function of the Sheriff's Office at the executive management level or command; coordinates and directs communications, resources, and personnel in support of law enforcement activities; supervises and evaluates the performance of assigned personnel; and does other related work as required.

Under direction of the Sheriff and Undersheriff, the Correctional Captain plans, organizes, controls and directs the activities of the Custody Bureau at the executive management level or command; supervises and evaluates the performance of assigned custody personnel and does other work as required.

Under direction of the Sheriff and Undersheriff, the Deputy Director plans, organizes, controls and directs the activities of a bureau or function of the Sheriff's Office as the executive management level or command; coordinates and directs communications, resources, and personnel in support of department services and administration to ensure smooth and efficient bureau or function activities; supervises and evaluates the performance of assigned personnel, and does other related work as required.

#### 201.1.4 COMMANDER

Under direction, plans, organizes and directs the operations and activities of an assigned division, station or shift of the Sheriff's Office; supervises and evaluates the performance of assigned personnel.

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#### 201.1.5 SERGEANT

A supervisor responsible for developing subordinate compliance with Office policies and rules; conducting inspections as necessary to ensure that compliance.

#### 201.1.6 SENIOR DEPUTY

Assigned to all areas of investigation, identification, field training, and other specialty assignments; will serve as a lead worker when teamed with deputy sheriffs.

#### 201.1.7 DEPUTY SHERIFF/RESERVE DEPUTY SHERIFF

Responsible for performing a wide variety of law enforcement and crime prevention tasks as assigned. (PC 830.1)

#### 201.1.8 CORRECTIONAL LIEUTENANT

Under direction of the Custody Bureau Correctional Captain, manages and reviews the activities of the Sheriff's Custody Bureau in maintaining a county jail system; prepares a variety of budget, financial, statistical, and operating reports; assists in developing, implementing, and enforcing operational and administrative policies and procedures; coordinates the scheduling and training of custody division employees; manages jail operations including inmate reception center, male and female housing units, honor farm, and transportation detail; may act as Custody Bureau Commander in absence of the Correctional Captain

#### 201.1.9 CORRECTIONAL SERGEANT

A supervisor responsible for developing subordinate compliance with Office policies and rules; conducting inspections as necessary to ensure compliance.

#### 201.1.10 SENIOR CORRECTIONAL DEPUTY

Will serve as a lead worker when teamed with correctional deputy; may act as a supervisor in the absence of a correctional sergeant. Responsible for on-the-job training of correctional deputies.

#### 201.1.11 CORRECTIONAL DEPUTY

Under general supervision, receives, processes, transports, monitors, and cares for county jail inmates (PC 830.1 (c))

#### 201.1.12 ACCOUNTANT I/II/III

Performs accounting and budgetary work involved in establishing, analyzing, auditing, reconciling and maintaining financial records in support of designated programs; provides support in the preparation, analysis and monitoring of annual budget and accounts.

#### 201.1.13 ACCOUNTING TECHNICIAN

Under direction, independently performs complex and responsible paraprofessional accounting work; is assigned the overall technical responsibility for the financial operation of a major accounting system or entity.

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#### 201.1.14 ADMINISTRATIVE SERVICES MANAGER

Performs a wide variety of work in the overall administrative, budgetary, and personnel management of the Sheriff's Office. Supervises and coordinates work of assigned staff.

#### 201.1.15 ADMINISTRATIVE SERVICES OFFICER I/II

A civilian position; performs a wide variety of work in the overall administrative, budgetary and personnel management of the Sheriff's Office. May supervise, train and evaluate the performance of assigned personnel.

#### 201.1.16 BEHAVIORAL HEALTH CLINICIAN I/II/III

Provides a variety of professional mental health and substance use disorder assessment, counseling, education, community outreach, and case management services to inmates in the county jail.

#### 201.1.17 BEHAVIORAL HEALTH SPECIALIST I/II/III

Provides a variety of outreach, evaluation, intervention, treatment, education, and case management services to inmates in the county jail.

#### 201.1.18 BUSINESS SYSTEMS ANALYST I/II/III

Performs professional-level duties to improve departmental business and administrative processes; reviews business functions and strategies; identifies, proposes, and implements business process changes; collects and analyzes operational and systems data.

#### 201.1.19 CADET

Entry level class into deputy sheriff status. Non-sworn member who has no peace officer powers while attending a basic P.O.S.T. academy.

#### 201.1.20 CAL-ID PROGRAM COORDINATOR

Under direction of the Support Services Bureau Deputy Director, organizes and directs the activities of the California Identification system; develops and implements training programs for County criminal justice agencies; operates automated technical identification systems.

#### 201.1.21 CHIEF MEDICAL OFFICER

Under direction of the Sheriff, plans, organizes, controls, and directs all clinical functions of the Sheriff's Office Law Enforcement Health Care Services in accordance with policies established by the County Board of Supervisors and regulations issued by applicable governmental agencies.

#### 201.1.22 COOK I/II/III

Prepares and cooks food; cleans work area, dishes and equipment; serves food, maintains records of diets, and supervises minimum security inmates in the performance of food preparation and serving operations.

#### 201.1.23 CORRECTIONAL TECHNICIAN I/II/III

Under general supervision, performs a variety of clerical and technical duties in support of correctional deputies.

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#### 201.1.24 CRIME PREVENTION SPECIALIST

Under direction of the Patrol Headquarter Division Commander, coordinates and delivers crime prevention programs; assists in public relations and community service activities for the Sheriff's Office.

#### 201.1.25 DEPARTMENT ADMINISTRATOR

Under direction of the Support Services Bureau Deputy Director, plans, organizes, and directs the operations and activities of designated programs and functions in support of the Office; coordinates and directs designated personnel, administrative support, fiscal, and other technical, professional, and clerical functions and activities; supervises and evaluates the performance of assigned staff.

#### 201.1.26 DEPARTMENT PERSONNEL TECHNICIAN

Provides administrative support, assists in the personnel functions for all employees, and contributes to administration of employer-employee relations.

#### 201.1.27 DISPATCHER I/II/III

Receives, records, and dispatches radio, telephone and teletype communication; performs basic clerical duties.

#### 201.1.28 DISPATCH MANAGER

Provides oversight of operations and equipment in the Dispatch Center; performs duties related to the planning, coordination, management, and administration of all phases of the Dispatch Center; ensures compliance with changing laws and regulations; serves as the primary liaison for technical support for the computerized 9-1-1, C.A.D. (Computer Aided Dispatch), voice logging, and radio systems; establishes procedures for dispatch operations; develops and coordinates training for dispatch personnel.

#### 201.1.29 DISPATCH SUPERVISOR

Under direction, supervises assigned staff in performing duties relating to receiving and monitoring dispatch radio, telephone, C.A.D. (Computer Aided Dispatch) and teletype communications at the County Sheriff's Office; performs varied dispatcher duties; performs related clerical duties.

#### 201.1.30 FOOD SERVICE SUPERVISOR

Under general direction, plans, organizes and directs meals; supervises kitchen staff and minimum-security inmates in the performance of food preparation and serving operations.

#### 201.1.31 FORENSIC AUTOPSY TECHNICIAN

Under supervision, assists the Forensic Pathologist in the performance of autopsies; maintains facilities and equipment to ensure proper sterilization and disinfection; packages, records, discards, and transports evidentiary material; processes, prepares, and releases bodies of deceased persons for autopsy examination and final disposition.

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#### **201.1.32 FORENSIC LABORATORY SPECIALIST**

Oversees the operations of the forensic laboratory and performs forensic toxicology and chemical analyses of controlled substances; documents testing methods and prepares written reports; presents findings in court.

#### **201.1.33 FORENSIC PATHOLOGIST**

Performs autopsies and other professional work in forensic pathology to determine cause of death; acts as a professional consultant and provides expert witness services.

#### **201.1.34 FORENSIC SPECIALIST**

Performs specialized investigative assignments in the collection, preservation, and analysis of evidence.

#### **201.1.35 INFORMATION TECHNOLOGY MANAGER**

Under direction of the Support Services Bureau Deputy Director, manages, plans, designs, implements, and maintains the information technology operations for the Office; coordinates the work of vendors and manages information technology relationships with other agencies, other County departments, and the County's Information Technology Department; creates short and long-range plans; prioritizes and manages competing projects.

#### **201.1.36 INFORMATION TECHNOLOGY PROJECT MANAGER I/II/III**

Under direction, plans, organizes, communicates, and manages information technology projects to meet expectations within agreed-upon time and budget constraints.

#### **201.1.37 INFORMATION TECHNOLOGY SUPERVISOR**

Organizes and directs the activities of the Automation Unit. Coordinates communications, information, and personnel to meet Sheriff's Office technology needs. Provides expertise to Sheriff's Office staff concerning automated systems.

#### **201.1.38 LEGAL CLERK I/II/III**

Under general supervision, performs various specialized clerical, statistical and legal tasks within the various bureaus and divisions of the Sheriff's Office.

#### **201.1.39 PLANNER I/II/III**

Performs a variety of land use planning activities including: community planning, development review, and environmental review.

### **201.2 PROGRAM MANAGER I/II**

Performs a variety of professional level duties in the management and administration of assigned programs.

### **201.3 PROPERTY OFFICER**

Under direction of the Headquarters' Sergeant, serves as the custodian for all property and evidence seized by the Sheriff's Office, and controls individual issued equipment items.

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#### **201.4 RECORDS MANAGER**

Performs a variety of activities involved in the overall administrative, budgetary, and personnel management of the Office's criminal records management functions; plans and directs business activities and flow of information; provides specialized criminal, legal processing, and booking support.

#### **201.5 RESOURCE PROTECTION SPECIALIST I/II/III**

Performs code and permit enforcement activities and conduct field evaluations relating to land use regulations and ordinances; prepares evaluation reports and compliance recommendations; coordinates enforcement activities to obtain compliance with all applicable codes.

#### **201.6 SENIOR ACCOUNT CLERK**

Under direction, performs responsible accounting duties pertaining to the preparation and review of financial and statistical records and reports.

#### **201.7 SENIOR INFORMATION TECHNOLOGY SPECIALIST**

Provides expert technical and non-technical support, assistance, and training on the use of computer systems and equipment; performs the installation and upgrading of software, hardware, systems, and applications.

#### **201.8 SENIOR SOFTWARE ENGINEER**

Under general direction, conducts comprehensive systems analysis studies; coordinates and administers information technology software/hardware products and solutions to customer departments; develops and conducts training for software and hardware usage; recommends, oversees, develops and implements database policies and procedures and ensure data integrity; may act in a lead capacity over lower level staff; may handle coordination of projects between departments; oversees projects and provides training and work direction to subordinate personnel; performs project management; may act as a team leader; provides input to performance evaluations prepared by the supervisor.

#### **201.9 SENIOR SYSTEMS ADMINISTRATOR**

Provides technical direction to Systems Administrators; recommends, plans, and implements departmental and enterprise solutions; architects complex system solutions that represent business requirements and technical infrastructure; outlines and defines required process changes due to changing technologies.

#### **201.10 SOFTWARE ENGINEER I/II/III**

Performs a variety of technical duties involved in the analysis, development, and maintenance of assigned computer systems, databases, and applications; resolves technology problems and implements system enhancements; reviews, analyzes, and modifies existing programs as necessary; designs, develops, tests, documents, and implements new system applications as assigned.

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#### **201.11 STOREKEEPER I/II (COMMISSARY CLERK)**

Under general supervision, performs a variety of duties such as ordering, receiving, storing, and issuing supplies and equipment, maintaining accurate inventory and accounting records.

#### **201.12 SUPERVISING LEGAL CLERK**

A supervisor responsible for developing subordinate clerical employees' compliance with Office policies and procedures, conducting inspections as necessary to ensure compliance, and directing the daily operation of their assigned area.

#### **201.13 SYSTEMS ADMINISTRATOR I/II/III**

Performs a variety of technical duties by providing technical support including the coordination, maintenance, upgrades and overall support for computer systems; administers, evaluates and modifies systems to assure proper security and operation; plans, coordinates, and implements system software program release changes for enterprise servers; resolves technology problems and provides for system enhancements; provides technical support and assistance to customers.

#### **201.14 SECTION TITLE**

## Supervision

### 203.1 COMMAND STRUCTURE

Lines of control which permit the delegation of authority, placing of responsibility, supervision of operations, and coordination of effort are established by the Sheriff's Office Organizational Chart.

### 203.2 RESPONSIBILITY FOR SUPERVISION

Each supervisor shall, by act, manner, and attitude, promote understanding of Sheriff's Office policies, rules, and procedures; shall convey intent and spirit of Orders and Directives to subordinates; strive to create and maintain high morale

### 203.3 ACCOUNTABILITY

Supervisors shall take reasonable steps to determine that each employee under their supervision performs duties completely and promptly; accountable for proper execution of every order, whether by personal presence, rules, instructions given, or delegation of authority.

#### 203.3.1 EXERCISE OF AUTHORITY

An employee shall exercise the authority of their position, with firmness and impartiality, in the best interest of the Sheriff's Office. They shall present Office policy and objectives to subordinates through reasoned consideration of issues; guide employees with sound logic rather than arbitrary orders and commands.

#### 203.3.2 TRAINING

Supervisors shall develop an employee's effectiveness, skills and knowledge through training, exemplifying the ideals and objectives of the Office by personal conduct

#### 203.3.3 GUIDANCE

Supervisors shall evaluate subordinate performance, provide remedial training to correct deficiencies, commend outstanding effort, and be readily accessible to subordinates.

#### 203.3.4 PERFORMANCE EVALUATIONS

Will be fair, impersonal, thorough, and processed in a timely manner.

#### 203.3.5 COUNSELING

When a supervisor reprimands, corrects, counsels, or instructs a subordinate, it should be done privately unless circumstances dictate to the contrary.

#### 203.3.6 MISCONDUCT/LACK OF PERFORMANCE

Supervisors shall investigate all reports of a subordinate's deficient performance or violations of Sheriff's Office rules; after determining facts, present findings, in writing, to the Sheriff via the chain of command.

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#### 203.3.7 DISCIPLINE

A supervisor has an obligation to report behavior or acts which are contrary to the contents of this Manual, or good order, that come to his attention.

#### 203.3.8 WELFARE

Each supervisor should strive to assist subordinates and improve their welfare.

#### 203.3.9 AUTHORITY

Authority delegated or granted to supervisors is not confined to their respective divisions. This authority shall include supervision over all subordinate employees of the Office as necessary for efficient administration. However organizational authority should follow the chain of command within respected bureaus and divisions. The Sheriff's watch commander has authority over all employees in the absence of a sheriff's manager. Sworn peace officers (Penal Code 830.1) may only be supervised by supervisors who also are sworn peace officers under Penal Code section 830.1.

#### 203.3.10 DELEGATION OF AUTHORITY

Each supervisor may delegate work to subordinates for maximum efficiency. This delegation does not relieve a supervisor of responsibility for proper accomplishment of the work and performance of subordinates.

#### 203.3.11 PERFORMANCE INSPECTIONS

Supervisors shall conduct frequent but random inspections of subordinates and their work product to ensure compliance with law, this Manual, applicable Operational Directives, and Office procedures. Supervisors detecting noncompliance will take immediate corrective steps to include, as appropriate, initiation of disciplinary action. Additionally, supervisors observing noncompliance by employees subordinate to others will take immediate corrective steps to include written notification to the employee's supervisor.

## Sheriff's Office Directives

### 204.1 PURPOSE AND SCOPE

Sheriff's Office Directives establish an interoffice 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. Office Directives will immediately modify or change and supersede sections of this manual to which they pertain.

#### 204.1.1 SHERIFF'S OFFICE DIRECTIVE PROTOCOL

Sheriff's Office Directives will be incorporated into the manual as required upon approval of Staff. Office Directives will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

All existing Sheriff's Office Directives have now been incorporated in the updated Policy Manual as of the below revision date.

Any Sheriff's Office Directives 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, 11-01 signifies the first Sheriff's Office Directive for the year 2011.

### 204.2 RESPONSIBILITIES

#### 204.2.1 STAFF

The executive staff shall review and submit for approval to the Sheriff revisions of the Policy Manual, which will incorporate changes originally made by a Sheriff's Office Directive.

#### 204.2.2 SHERIFF

The Sheriff shall issue all Sheriff's Office Directives.

#### 204.2.3 STAFF

Sheriff's Office employees will review and acknowledge receipt of policy revisions through their Lexipol dashboard.

## Emergency Management Plan

### **206.1 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).

### **206.2 ACTIVATING THE EMERGENCY PLAN**

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

#### **206.2.1 RECALL OF PERSONNEL**

In the event that the Emergency Management Plan is activated, all employees of the San Luis Obispo 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.

### **206.3 LOCATION OF THE PLAN**

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

### **206.4 UPDATING OF MANUALS**

The Sheriff or designee shall review the Emergency Management Plan Manual at least once every two years to ensure that the manual conforms to any revisions made by the National Incident Management System (NIMS) and the Standardized Emergency Management System (SEMS) and should appropriately address any needed revisions.

## Training

### 208.1 PURPOSE AND SCOPE

It is the policy of this [department/office] to administer a training program that will provide for the professional growth and continued development of its personnel. By doing so, the [Department/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.

### 208.2 PHILOSOPHY

The [Department/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 [Department/Office] will use courses certified by the California Commission on Peace Officer Standards and Training (POST).

### 208.3 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 [department/office] personnel.
- (d) Ensure compliance with POST rules and regulations concerning law enforcement training.

#### 208.3.1 TRAINING REQUEST

All requests for training shall be submitted on the "Sheriff's Office Training Request" form.

- (a) All training requests will conform to the following guidelines:
  1. Requests will be submitted to the Training Unit a minimum of 10 business days prior to the starting date of the requested course.
  2. The request section is to be filled out completely by one of the following personnel:
    - (a) Individual to attend training.
    - (b) Individual's supervisor.
    - (c) Training Manager.
  3. The request section is to be signed by requestor and forwarded to employee's supervisor with a copy of the course flyer attached.
- (b) Supervisor will recommend approval or denial, sign and date the Supervisor's Recommendation section, then forward to division commander.

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- (c) Division commander will recommend approval or denial, sign and date the division commander's recommendation section, then forward to Training Unit.
- (d) Training manager will complete the Training Unit section as follows:
  - (a) Enter the title and date of the most recent training completed by the requesting employee, and the date when Advanced Officer Training (A.O.T.) must be completed.
  - (b) Enter related costs for the course being requested (i.e., tuition, lodging, meals, travel), whether budgeted for, if funds are available, the total estimated cost, if space is available, the POST or STC certification number (if applicable), and the number of hours in the course.
  - (c) Training manager will sign and date this section, then forward the request to the appropriate bureau chief.
- (e) Bureau Chief will recommend approval or denial, sign and date the bureau chief's recommendation section, then forward to Undersheriff.
- (f) Undersheriff will approve or deny request, sign and date in the undersheriff section, and return request to Training Unit.
- (g) If request is approved, Training Unit will schedule training. If denied, Training Unit will notify requestor.

#### **208.4 TRAINING PLAN**

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

- State Mandated Training
- Critical Issues Training

#### **208.5 TRAINING NEEDS ASSESSMENT**

The Training Unit will conduct an annual training-needs assessment of the [Department/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.

#### **208.6 TRAINING COMMITTEE**

The Training Manager 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.

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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 Support Services Chief Deputy 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 Training Manager. 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 Training Manager 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.

#### **208.7 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. Pre-approved 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 Training Manager to attend the required training on an alternate date.

#### **208.8 DAILY TRAINING BULLETINS**

The Lexipol Daily Training Bulletins (DTBs) is a web-accessed system that provides training on the San Luis Obispo County Sheriff's Office Policy Manual and other important topics. Generally,

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one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Training Manager.

Personnel assigned to participate in DTBs should only use the password and login name assigned to them by the Training Manager. Personnel should not share their password with others and should frequently change their password to protect the security of the system. After each session, employees should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the [Department/Office].

Employees who are assigned to participate in the DTB program should complete each DTB at the beginning of their shift or as otherwise directed by their supervisor. Employees should not allow uncompleted DTBs to build up over time. Personnel may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any Internet active computer, employees shall only take DTBs as part of their on-duty assignment unless directed otherwise by a supervisor.

Supervisors will be responsible for monitoring the progress of personnel under their command to ensure compliance with this policy.

#### **208.9 POLICY**

The [Department/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 [department/office] to provide continuing education and training for the professional growth and development of its members.

#### **208.10 TRAINING MANAGER**

The Sheriff shall designate a Training Manager who is responsible for developing, reviewing, updating, and maintaining the [department/office] training plan so that required training is completed. The Training Manager should review the training plan annually.

##### **208.10.1 TRAINING RESTRICTION**

The Training Manager 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)).

## Electronic Mail

### 212.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the Sheriff's Office electronic mail (email) system by employees of this Office. E-mail is a communication tool available to employees to enhance efficiency in the performance of job duties and is to be used in accordance with generally accepted business practices and current law (e.g., California Public Records Act). Messages transmitted over the e-mail system must only be those that involve official business activities or contain information essential to employees for the accomplishment of business-related tasks and/or communication directly related to the business, administration, or practices of the Sheriff's Office.

### 212.2 E-MAIL RIGHT OF PRIVACY

All e-mail messages, including any attachments, that are transmitted over Sheriff's Office networks are considered Office records and therefore are Office property. The Sheriff's Office reserves the right to access, audit or disclose, for any lawful reason, any message including any attachment that is transmitted over its e-mail system or that is stored on any Sheriff's Office system.

The e-mail system is not a confidential system since all communications transmitted on, to or from the system are the property of the Sheriff's Office. Therefore, the e-mail system is not appropriate for confidential communications. If a communication must be private, an alternative method to communicate the message should be used instead of e-mail. Employees using the Sheriff's Office e-mail system shall have no expectation of privacy concerning communications utilizing the system.

Employees should not use personal accounts to exchange e-mail or other information that is related to the official business of the Sheriff's Office.

### 212.3 PROHIBITED USE OF E-MAIL

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive and harassing or any other inappropriate messages on the e-mail system is prohibited and may result in discipline.

E-mail messages addressed to the entire Sheriff's Office are only to be used for official business related items that are of particular interest to all users and must be approved by the Sheriff, Undersheriff or a Bureau Chief. Personal advertisements are not acceptable.

It is a violation of this policy to transmit a message under another user's name. Users are strongly encouraged to log off the network when their computer is unattended. This added security measure would minimize the misuse of an individual's e-mail, name and/or password by others.

### 212.4 MANAGEMENT OF E-MAIL

Because the e-mail system is not designed for long-term retention of messages, e-mail that the employee desires to save or that becomes part of an official record should be printed and/or stored in another database. Users of e-mail are solely responsible for the management of their mailboxes. Messages should be purged manually by the user at least once per week. All messages

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in excess of storage limits will be deleted at regular intervals from the server computer after notice to employee.

## **Administrative Communications**

### **214.1 PURPOSE AND SCOPE**

Administrative communications of the Sheriff's Office are governed by the following policies.

### **214.2 MEMORANDUMS**

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

### **214.3 CORRESPONDENCE**

In order to ensure that the letterhead and name of the Sheriff's Office are not misused, all external correspondence shall be on Sheriff's Office letterhead. All Sheriff's Office letterhead shall bear the signature of the person authoring the document. Personnel should use Sheriff's Office letterhead only for official business and with approval of their supervisor.

#### **214.3.1 SIGNATURES**

Whenever a signature is required, it is to be legible or the name printed legibly adjacent to the signature.

### **214.4 SURVEYS**

All surveys made in the name of the Sheriff's Office shall be authorized by the Sheriff, Undersheriff, or a Bureau Chief.

## Staff Meeting Protocol

### 215.1 PURPOSE AND SCOPE

The policy of the Sheriff's Office is to conduct regularly scheduled staff meetings.

These regularly scheduled meetings within specific working units, supervisors, and managers will assist in the flow of accurate information within the organization.

### 215.2 MEETING PROCEDURE

Meetings shall be held within the various units to assist in the flow of communications. The minimum frequency of identified meetings is established by policy and additional meetings may be conducted as deemed necessary or appropriate.

(a) **Briefings**

1. Conducted on a daily basis and/or prior to the start of a shift or event.
2. Shall be attended by all affected personnel.
3. The objective of the meeting is to review current issues, concerns, and plans.
4. A briefing log is recommended, but minutes are not required.
5. A formal agenda for daily briefings is not required.
6. Shall be conducted by a supervisor or senior staff member, whenever possible.

(b) **Station or Unit Meetings**

1. Shall be conducted at least twice per year by the commanding officer.
2. Shall be attended by all affected available personnel.
3. Objective is to share information, trends, goals, training concerns, liability issues, and tactics with all persons assigned to a station or work area.
4. Minutes shall be prepared to document meeting.
5. A formal agenda is required and distributed one week prior to meeting by the station or unit commander.

(c) **Division Commanders/Bureau Meetings**

1. Shall be conducted at least once per month by the commanding officer.
2. Shall be attended by all available assigned management personnel.
3. Objective is to review and critique activities, set operational goals, increase consistency between stations/units, and maintain the flow of communication.
4. Minutes shall be prepared to document meeting.
5. A formal agenda is recommended and distributed one week prior to meeting.

# San Luis Obispo County Sheriff's Office

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### *Staff Meeting Protocol*

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(d) **Administrative Staff Meetings**

1. Shall be conducted at least once per month.
2. Shall be attended by all Sheriff's Office managers or by invitation dependent upon topics for discussion or issues.
3. Objective is to set goals, discuss policy, and enhance communications through leadership.
4. Minutes shall be prepared to document meeting.
5. A formal agenda is recommended.

(e) **Executive Staff Meetings**

1. Shall be conducted at least twice per month.
2. Shall be attended by the Sheriff, Undersheriff, and Chief Deputies.
3. Objective is to discuss and set organizational goals, programs, leadership, policy, and personnel.
4. Minutes may be prepared at the direction of the Sheriff to document meeting.
5. A formal agenda at the preference of the Sheriff.

(f) **General Assembly**

1. Shall be conducted at least once per year or as directed by the Sheriff.
2. May be attended by all available personnel. Invitations may be extended to families of employees and members of the community, as may be appropriate.
3. Objective is to provide a large forum for delivering state of the organization messages, announce promotions, recognize longevity, present awards and commendations, and honor employees and the community.
4. Minutes may be prepared to document meeting.
5. A formal agenda is recommended.

## Staffing Levels

### **216.1 PURPOSE AND SCOPE**

The purpose of this policy is to ensure that proper supervision is available for all shifts. The Sheriff's 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 Sheriff's Office.

### **216.2 MINIMUM STAFFING LEVELS**

Minimum staffing levels should result in the scheduling of a supervisor on duty in the field whenever possible. Watch Commanders will ensure that the field supervisor is informed of any critical incidents throughout the county including but not limited to any incidents that require notification of executive staff per section 358.2 of this policy manual.

## License to Carry a Firearm

### 218.1 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).

#### 218.1.1 APPLICATION OF POLICY

Nothing in this policy shall preclude the Chief or other head of a municipal police [department/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 [department/office] to process all applications and license renewals for the carrying of concealed weapons (Penal Code § 26150; Penal Code § 26155).

### 218.2 POLICY

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

### 218.3 QUALIFIED APPLICANTS

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

- (a) 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 San Luis Obispo (Penal Code § 26150; Penal Code § 26155).
  1. Non-resident applicants may be eligible for a license if they are members of the California Rifle & Pistol Association, Inc., Gun Owners of America, Inc., Gun Owners of California, Inc., or The Second Amendment Foundation and who are not otherwise prohibited from possessing firearms under federal or California law. Proof of membership is required.
- (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 San Luis Obispo 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).

# San Luis Obispo County Sheriff's Office

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### *License to Carry a Firearm*

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- (j) Complete required training described in Penal Code § 26165.

#### **218.4 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.

##### **218.4.1 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 [department/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 90 days of receiving the completed application for a new license, the [Department/Office] shall give written notice to the applicant of the [Department/Office]'s initial determination, based on its preliminary investigation, whether or not the applicant is a disqualified person (Penal Code § 26202).

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### *License to Carry a Firearm*

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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.

#### 218.4.2 PHASE TWO

This phase is to be completed only by those applicants successfully completing phase one.

- (a) Fingerprints and related information required by the California DOJ shall be submitted to the California DOJ as provided in Penal Code § 26185.
- (b) The Sheriff may, based upon criteria established by the Sheriff, require that the applicant be referred to an authorized psychologist used by the [Department/Office] for psychological testing. The cost of such psychological testing shall be paid by the applicant but shall not exceed the reasonable costs to the [Department/Office] (Penal Code § 26190).
- (c) The applicant shall complete a course of training approved by the [Department/Office], which complies with Penal Code § 26165.
- (d) The applicant shall submit any firearm to be considered for a license to the Rangemaster or other [department/office] authorized gunsmith, at no cost to the applicant, 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).
- (e) The applicant shall successfully complete a firearms safety and proficiency examination with the firearm to be licensed, to be administered by the [department/office] Rangemaster, or provide proof of successful completion of another [department/office]-approved firearms safety and proficiency examination, including completion of all releases and other forms. The cost of any outside inspection/examination shall be the responsibility of the applicant.

Once the Sheriff or authorized designee has verified the successful completion of phase two, the license to carry a firearm will either be granted or denied (Penal Code § 26170).

#### **218.5 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. The license may be laminated (Penal Code § 26175).

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### *License to Carry a Firearm*

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- (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 [department/office] in writing within 10 days of any change of place of residency. Within 10 days of receiving such notice, the [Department/Office] shall notify the California DOJ (Penal Code § 26210).

#### 218.5.1 AMENDMENTS TO LICENSES

Any licensee may apply to amend a license at any time during the period of validity by completing and submitting a Modification Application on line along with the current processing fee to the [Department/Office] in order to (Penal Code § 26215):

- (a) Add or delete 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.

#### 218.5.2 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.
- (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.

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- (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 [Department/Office] will immediately notify the licensee in writing and the California DOJ (Penal Code § 26225).

#### 218.5.3 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 Rangemaster 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 [Department/Office] shall give written notice to the applicant of the [department/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 [Department/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.

#### 218.6 [DEPARTMENT/OFFICE] REPORTING AND RECORDS

The [Department/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
- (d) The amendment of a license
- (e) The revocation of a license

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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.

#### **218.7 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).

#### **218.8 LIMITED BUSINESS LICENSE TO CARRY A CONCEALED FIREARM**

The authority to issue a limited business license to carry a concealed firearm to a non-resident applicant is granted only to the Sheriff of the county in which the applicant works. A chief of a municipal police [department/office] may not issue limited licenses and these applicants should be referred to the Sheriff's Office (Penal Code § 26150).

An individual who is not a resident of the county but who otherwise successfully completes all portions of phases one and two above, may apply for and be issued a limited license subject to approval by the Sheriff and subject to the following:

- (a) The applicant physically spends a substantial period of working hours in the applicant's principal place of employment or business within the County of San Luis Obispo (Penal Code § 26150).
- (b) Such a license will be valid for a period not to exceed 90 days from the date of issuance (Penal Code § 26220).
- (c) The applicant shall provide a copy of the license to the licensing authority of the city or county in which the applicant resides (Penal Code § 26220).
- (d) Any application for renewal or reissuance of such a license may be granted only upon concurrence of the original issuing authority and the licensing authority of the city or county in which the applicant resides (Penal Code § 26220).

#### **218.9 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).

##### **218.9.1 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

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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 [Department/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).

#### **218.10 POLICY AVAILABILITY**

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

## Retiree Concealed Firearms

### 220.1 PURPOSE AND SCOPE

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

### 220.2 QUALIFIED RETIREES

Any full-time sworn deputy of this department 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 "CCW Approved" endorsement 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, however, 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).

#### 220.2.1 QUALIFIED RETIREES FROM OTHER AGENCIES

The San Luis Obispo County Sheriff's Office shall provide an identification card with a CCW Approved endorsement to honorably retired peace officers from any jurisdiction that this department 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.
- (b) This department is in possession of the retiree's complete personnel records or can verify the retiree's honorably retired status.
- (c) The retiree is in compliance with all of the requirements of this department for the issuance of a CCW Approved endorsement.

#### 220.2.2 QUALIFIED RETIRED RESERVES

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

### 220.3 MAINTAINING A CCW ENDORSEMENT

In order to maintain a "CCW Approved" endorsement on an identification card, the retired deputy shall:

- (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 Sheriff's Office rules and policies related to the use of deadly force, as well as all federal, state and local laws.

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### *Retiree Concealed Firearms*

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- (c) Only carry a concealed firearm of reputable commercial manufacture.

#### **220.4 CARRYING FIREARMS OUT OF STATE**

Subject to 18 USC § 926C and the Firearms and Qualification Policy, qualified retired deputies of this department may be authorized to carry a concealed weapon in other states.

#### **220.5 IDENTIFICATION CARD FORMAT**

The identification card issued to any qualified and honorably retired deputy shall be two inches by three inches and minimally contain the following:

- (a) Photograph of the retiree.
- (b) Retiree's name and date of birth.
- (c) Date of retirement.
- (d) Name and address of the Sheriff's Office.
- (e) A stamped endorsement "CCW Approved" along with the date by which the endorsement must be renewed. Identification cards will be renewed every five years. In the case in which a CCW endorsement has been denied or revoked, the identification card shall be stamped "No CCW Privilege".
- (f) If applicable, a notation that "This person is in compliance with 18 U.S.C. § 926C(d) (1)."
- (g) Custody Deputies notation "Only approved in State of California".

#### **220.6 DENIAL OR REVOCATION OF STATE CCW ENDORSEMENT**

The CCW endorsement under Penal Code § 26300 (b) for any deputy retired from the Sheriff's Office may be denied or permanently revoked only upon a showing of good cause. Any denial or revocation under this section shall also be considered disqualification under 18 U.S.C. § 926C(d). The CCW endorsement may be immediately and temporarily revoked by the Watch Commander when the conduct of a retired peace officer compromises public safety. Good cause, if challenged, shall be determined in the following manner:

- (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, the 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 § 26312)
  1. The retiree shall have 15 days from the date of service to file a written request for a hearing.

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2. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received (Penal Code § 26312 (d))
  3. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.
- (c) The hearing for the denial or revocation of any CCW endorsement shall be conducted before a hearing board composed of three members, one selected by the Sheriff's 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 Sheriff's 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. The Sheriff's Office will then reissue a new identification card which shall be stamped "No CCW Privilege".

#### 220.6.1 WATCH COMMANDER RESPONSIBILITY

Employees who have reason to suspect a retiree's conduct has compromised public safety should notify the Watch Commander as soon as practical. The Watch Commander should take the following steps in these instances:

- (a) Take appropriate steps to promptly look into the matter.
- (b) If warranted, contact the retiree in person and advise him/her in writing of the following:
  1. The retiree's CCW endorsement is immediately and temporarily revoked.
  2. The retiree will have 15 days to request a hearing to determine whether the temporary revocation should become permanent.
  3. 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.
- (c) A current copy of Penal Code § 26312 should be attached to the written notice.
- (d) 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 peace officer. For example, if a retiree was arrested or detained by a distant agency, the Watch Commander may request that a peace officer of that agency act as the Sheriff's Office agent to deliver the written notification.
- (e) 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)

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- (f) The Watch Commander should document in a memo the investigation, the actions taken, and, if applicable, any notification made to the retiree. The memo should be forwarded to the Sheriff.

## **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 [department/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

Definitions related to this policy include:

**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).

**Feasible** - 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.

**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).

### 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. Deputies are involved on a daily basis 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 Sheriff's 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.

#### **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 USE OF KICKS AND PUNCHES**

Deputies shall be instructed in a variety of self-defense techniques. The trained and approved use of punching and kicking techniques shall only be used in self-defense. For purposes of this policy, self-defense includes the defense of others.

#### **300.2.3 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.

#### **300.2.4 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.

#### **300.2.5 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

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appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

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 [Department/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 USE OF FORCE TO EFFECT AN ARREST

Any peace officer may use objectively reasonable force to effect an arrest, to 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 on the part of the person being arrested; nor shall a deputy be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape, or to overcome resistance. Retreat does not mean tactical repositioning or other de-escalation techniques (Penal Code § 835a).

#### 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).
- (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).

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- (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 physically or actively resisting individual. Deputies may only apply those pain compliance techniques for which they have successfully completed [department/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 person can comply with the direction or orders of the deputy.
- (c) Whether the person has been given sufficient opportunity to comply.

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

#### 300.3.4 CAROTID CONTROL HOLD

On September 30, 2020 Governor Gavin Newsom signed Assembly Bill 1196 which prohibits a law enforcement agency from authorizing the use of the Carotid Control Hold.

The Sheriff's Office does not authorize the use of the Carotid Control Hold by any deputy sheriff employed by this agency (Government Code § 7286.5 (a)).

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Government Code § 7286.5 (a) A law enforcement agency shall not authorize the use of a carotid restraint or choke hold by any peace officer employed by that agency.

Government Code § 7286.5 (b) As used in this section, the following terms are defined as follows:

(1) "Carotid restraint" means a vascular neck restraint or any similar restraint, hold, or otherwise 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.

(2) "choke hold" means any defensive tactic or force option in which direct pressure is applied to a person's trachea or windpipe.

(3) "Law enforcement agency" means any agency, department, or other entity of the state or any political subdivision thereof, that employs any peace officer described in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code.

#### 300.3.5 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.

#### 300.3.6 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

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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 shall not use deadly force against a person whose actions are a threat solely to property unless the person poses an imminent danger of death or serious physical injury to the deputy or others in close proximity.

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 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

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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 force by a member of this [department/office] shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The deputy should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the [Department/Office] may require the completion of additional report forms, as specified in [department/office] policy, procedure or law.

##### **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) Use of control holds.
- (b) Use of a takedown.
- (c) The application caused a visible injury.
- (d) The application would lead a reasonable deputy to conclude that the individual may have experienced more than momentary discomfort.
- (e) The individual subjected to the force complained of injury or continuing pain.
- (f) The individual indicates intent to pursue litigation.
- (g) Any application of a TASER device or control device.
- (h) Any application of a restraint device other than handcuffs, shackles, VFIX leg restraints, or belly chains.

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- (i) The individual subjected to the force was rendered unconscious.
- (j) An individual was struck or kicked.
- (k) An individual alleges unreasonable force was used or that any of the above has occurred.
- (l) Use of oleoresin capsicum (OC) spray or pepper projectiles.

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

#### **300.5.2 USE OF FORCE INVOLVING GREAT BODILY INJURY OR ACTIONS CAUSING SIGNIFICANT LIABILITY**

If the employee's use of force caused great bodily injury (GBI) or if their actions caused significant liability, the watch commander shall notify the Professional Standards Unit commander. The Professional Standards Unit commander shall determine if the incident qualifies as a GBI or a significant liability case. If the incident qualifies as such, the Professional Standards Unit commander shall conduct the administrative investigation.

Great bodily injury (GBI) means significant or substantial physical injury. In most cases, the subject would require continued hospitalization due to the injury. An example of a situation of significant liability could include a vehicle pursuit resulting in major injuries or death.

Upon assuming an investigation, the Professional Standards Unit commander may use other supervisors, detectives or non-involved deputies to assist in the investigation such as interviewing and canvassing for witnesses.

Absent an allegation of misconduct, the interrogation of the involved employee shall be considered the normal course of duty. However, since the involved employee in a GBI or significant liability case shall have their statement recorded, the involved employee will be afforded all subject rights provided under the Public Safety Officers Procedural Bill of Rights Act. This includes the right to be represented by a representative of their choice.

#### **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 CONSIDERATIONS**

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

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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 practicable and have medical personnel stage away if appropriate.

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.
- (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.

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- (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) The investigating supervisor will document their findings in either a Level 1 Use of Force Administrative Review or Level 2 Use of Force Administrative Review.
  - 1. Level 1 Use of Force is defined as all uses of force such as control holds, takedowns, and use of the WRAP or similar restraint that do not result in injury, complaint of injury or threat of intent to pursue litigation.
  - 2. All other uses of force are considered a Level 2 Use of Force and shall be documented in a Level 2 Use of Force Administrative Review.

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.

### **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**

Required annual training shall include:

- (a) Legal updates.
- (b) De-escalation tactics, including alternatives to force.
- (c) The duty to intercede.
- (d) The duty to request and/or render medical aid.
- (e) Warning shots (see the Firearms Policy).
- (f) 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).
- (g) 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.

#### **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)).

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#### **300.9 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)).

#### **300.10 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)).

#### **300.11 POLICY AVAILABILITY**

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

#### **300.12 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)).

## Use of Deadly Force Review

### **302.1 PURPOSE AND SCOPE**

This policy establishes a process for the San Luis Obispo County Sheriff's Office to review the use of force by its employees.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or evaluation of the use of deadly force.

### **302.2 POLICY**

The San Luis Obispo County Sheriff's Office will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy.

### **302.3 REMOVAL FROM LINE DUTY ASSIGNMENT**

Generally, whenever an employee's actions or use of force in an official capacity, or while using department equipment, results in death or very serious injury to another, that employee will be placed in a temporary administrative assignment pending an administrative review. The Sheriff may exercise discretion and choose not to place an employee in an administrative assignment in any case.

## Handcuffing and Restraints

### 305.1 PURPOSE AND SCOPE

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

### 305.2 POLICY

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

### 305.3 USE OF RESTRAINTS

Only members who have successfully completed San Luis Obispo 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.
- 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.

#### 305.3.1 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.

#### 305.3.2 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 and in no event shall these persons be restrained by the use of leg irons, waist chains or handcuffs behind the body.

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

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determination that such restraints are necessary for the safety of the arrestee, deputies or others (Penal Code § 3407; Penal Code § 6030).

#### 305.3.3 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.

#### 305.3.4 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 subject (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during transportation to the jail.

#### **305.4 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 Department. 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.

#### **305.5 APPLICATION OF SPIT HOODS/MASKS/SOCKS**

Spit hoods/masks/socks 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.

Deputies utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Deputies should provide assistance during the movement of restrained individuals due to the potential for impaired or

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distorted vision on the part of the individual. Deputies should avoid comingling individuals 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 except when needed for evidentiary purposes..

#### **305.6 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 [department/office]-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

#### **305.7 APPLICATION OF LEG RESTRAINT DEVICES**

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest, or transportation. Only restraint devices approved by the [Department/Office] shall be used.

In determining whether to use the leg restraint, deputies should consider:

- (a) Whether the deputy or others could be exposed to injury due to the assaultive or resistant behavior of a person.
- (b) Whether it is reasonably necessary to protect the person from his/her own actions (e.g., hitting his/her head against the interior of the patrol vehicle, running away from the arresting deputy while handcuffed, kicking at objects or deputies).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol vehicle).

##### **305.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS**

When applying leg restraints the following guidelines should be followed:

- (a) If practicable, deputies should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.

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- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the deputy arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person should be continually monitored by a deputy while in the leg restraint. The deputy should ensure that the person does not roll onto and remain on his/her stomach.
- (e) The deputy should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by ambulance/paramedic unit, the restrained person should be accompanied by a deputy when requested by medical personnel. The transporting deputy should describe to medical personnel any unusual behaviors or other circumstances the deputy reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

#### **305.8 REQUIRED DOCUMENTATION**

If an individual is restrained and released without an arrest, the deputy shall document the details of the detention and the need for handcuffs or other restraints.

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.

#### **305.9 TRAINING**

Subject to available resources, the Training Manager should ensure that deputies receive periodic training on the proper use of handcuffs and other restraints, including:

- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the [Department/Office].
- (b) Response to complaints of pain by restrained persons.
- (c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.
- (d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

## Control Devices and Techniques

### 307.1 PURPOSE AND SCOPE

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

### 307.2 POLICY

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

### 307.3 ISSUING, CARRYING AND USING CONTROL DEVICES

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

Sworn Deputies assigned to uniformed duties shall carry a department approved baton on their person, along with a department issued TASER device, or department approved OC spray, or both.

Only deputies who have successfully completed department-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.

### 307.4 RESPONSIBILITIES

#### 307.4.1 WATCH COMMANDER RESPONSIBILITIES

The Station Commander, Correctional Lieutenant and/or Supervisor shall monitor the use of control devices in the same manner as all other use of force incidents.

- (a) The Station Commander, Correctional Lieutenant, Watch Commander, and/or Field Supervisor may authorize the use of a control device by selected personnel or members of specialized units provided the person(s) authorized has/have the required training. The request for a control device should be made through the Station Commander, Correctional Lieutenant, Watch Commander and/or Field Supervisor.
- (b) The Station Commander or Correctional Lieutenant shall ensure training on the use of control devices is provided as needed.

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- (c) Station Commander or Correctional Lieutenant shall review each use of control devices by any personnel within his or her command.

#### **307.4.2 RANGEMASTER RESPONSIBILITIES**

The Rangemaster shall control the inventory and shall issue kinetic energy munitions. All damaged, inoperative and/or expended kinetic energy munitions shall be returned to the Senior Rangemaster for disposition or replacement.

#### **307.4.3 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 Rangemaster for disposition.

#### **307.4.4 LEG RESTRAINT DEVICES**

Refer to policy section 306.

### **307.5 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.

#### **307.5.1 ELECTRONIC IMMOBILIZATION DEVICE (RESTRAINT BELT)**

The electronic immobilization device (restraint belt) is a non-lethal weapon that, when applied, interrupts neuromuscular impulses which control and direct voluntary muscle movements. The interruption is intended to cause disorientation, loss of balance, and usually a passive condition for several minutes.

- (a) Immobilization devices will be activated only by persons who have been trained and qualified in their use.
- (b) Electronic immobilization devices may not be used on pregnant women or subjects known to have heart, neurological, or muscular disease.
- (c) Only electronic immobilization devices that have been Sheriff's Office approved are authorized for employee use.
- (d) The immobilization device may be placed on a subject to provide added security and restraint in dealing with high risk or violent offenders in court settings or during transportation.

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- (e) The immobilization device may be activated when a subject wearing the device attempts to escape, tampers with the device, or becomes violent and assaultive.
- (f) Activation of an immobilization device will be long enough to gain control. After a single activation and the subject continues to actively resist, a second activation may occur before other physical efforts to control the subject are attempted.
- (g) Medical evaluation will be provided when any subject is restrained by electronic activation and unusual effects are observed or the subject requests such attention. Whenever possible, subjects exposed to activation should be held and monitored for 4 hours following application.
- (h) Activation of an immobilization device to restrain a subject will require a complete report by the deputy initiating the activation. The deputy's report will reflect the date and time the subject wearing the immobilization device was given the advisement of the wearer's responsibilities, the number of times the device was activated, duration of activation and the reason for activation. Photographs will be taken of signature marks (probe contacts) and any secondary injuries.
- (i) As soon as practicable after the incident, a review will be conducted by the activating deputy's Division Commander/Lieutenant. A synopsis and evaluation of the incident will be done in memorandum form and forwarded to the Sheriff via the chain of command.

#### **307.6 TEAR GAS GUIDELINES**

The use of tear gas for crowd control, crowd dispersal or against barricaded suspects shall be based on the circumstances. The Watch Commander, Incident Commander or Special Enforcement Detail Commander may authorize the delivery and use of tear gas, evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practical, fire personnel should be alerted or summoned to the scene to control any fires and to assist in providing medical aid or gas evacuation when the scene is safe.

Only deputies trained in the use of tear gas weapons should discharge such devices at the scene.

#### **307.7 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.

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#### **307.7.1 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.

All personnel authorized to carry oleoresin capsicum spray, shall complete the required course of instruction prior to possessing and using the oleoresin capsicum spray.

#### **307.7.2 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 shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system 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. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Accidental discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

#### **307.7.3 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.

#### **307.8 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.

#### **307.9 KINETIC ENERGY PROJECTILE GUIDELINES**

This department 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.

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#### 307.9.1 DEPLOYMENT AND USE

Only department-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.
- (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.

40-mm launchers supplied with direct impact munitions will serve as the departments primary kinetic energy weapon system. Shotguns specifically designated for use with kinetic energy projectiles (kinetic energy projectile shotguns) may also be used.

#### 307.9.2 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.

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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.

#### **307.9.3 SAFETY PROCEDURES**

Deputies will inspect the 40-mm launcher and projectiles at the beginning of each shift to ensure that the launcher is in proper working order and the projectiles are of the approved type and appear to be free from defects.

When carried on patrol, 40-mm launchers will be properly and securely stored in the 40-mm launcher rack of each Sheriff's vehicle so equipped. While in the rack of an equipped patrol vehicle, the 40-mm launcher will be stored in the cruiser ready configuration (hammer forward, empty chamber, loaded ammunition caddy). When not in service, 40-mm launchers shall be stored in the station armory.

Kinetic energy projectile shotguns shall be specially marked in a manner that makes them readily identifiable as such.

Fielding a kinetic energy projectile shotgun is not required unless a 40-mm launcher is not available. Kinetic energy projectile shotguns will be available at all patrol stations in the event they are needed.

If a deputy fields a kinetic energy projectile shotgun, they shall 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 carried on patrol, kinetic energy projectile shotguns will be stored in the locked storage compartment in the rear of the patrol vehicle in the cruiser ready configuration (hammer forward, empty chamber, loaded magazine tube). If a less-lethal shotgun is carried, a lethal shotgun shall not be carried as well. When not in service, kinetic energy shotguns shall be stored in the station armory.

When deploying the kinetic energy projectile shotgun, the deputy shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition has not been loaded into the shotgun.

#### **307.10 TRAINING FOR CONTROL DEVICES**

The Training Manager 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.

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- (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.

#### **307.11 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

### 308.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of TASER devices.

### 308.2 POLICY

The TASER® device is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to deputies and suspects.

### 308.3 ISSUANCE AND CARRYING TASER DEVICES

Only members who have successfully completed department-approved training may be issued live cartridges and carry the TASER device.

Deputies shall only use the TASER device and cartridges that have been issued by the Department. Uniformed deputies who elect to carry the TASER device shall wear the device in an approved holster affixed to either the duty belt or external vest carrier. External vest carrier mounting shall use the department issued TASER holster with appropriate MOLLE mounting plate attachment. All TASER devices shall be carried on the side of the body opposite the duty weapon. Non-uniformed deputies may secure the TASER device in the driver's compartment of their vehicle.

Members carrying the TASER device should perform a spark test on the unit prior to every shift.

- (a) All TASER devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Deputies shall be responsible for ensuring that their daily issued TASER device is properly maintained and in good working order.
- (c) Deputies shall be responsible to ensuring their issued TASER cartridges are properly maintained and in good working order.
- (d) Deputies shall be responsible for ensuring their issued TASER holster is properly maintained and in good working order.
- (e) Deputies should not hold both a firearm and the TASER device at the same time.

#### 308.3.1 USER RESPONSIBILITIES

Deputies shall be responsible for ensuring that the Taser device 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.

Taser devices that are damaged or inoperative, or cartridges/magazines that are expired or damaged, shall be returned to the Rangemaster 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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#### **308.4 VERBAL AND VISUAL WARNINGS**

A verbal warning of the intended use of the TASER 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:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other deputies and individuals with a warning that the TASER device 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, display the electrical arc, or the laser in a further attempt to gain compliance prior to the application of the TASER device. The aiming 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 TASER device in the related report.

#### **308.5 USE OF THE TASER DEVICE**

The TASER device has limitations and restrictions requiring consideration before its use. The TASER device should only be used when its operator can safely approach the subject within the operational range of the device. Although the TASER device is generally 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 Taser device may be considered for officer safety.

Definitions:

- (a) **TASER Deployment** - The TASER is removed from the holster and armed with intent to activate however the subject complies and no activation is needed.
- (b) **TASER Activation** - The TASER is deployed and activated by firing probes or direct contact method (drive stun).

##### **308.5.1 APPLICATION OF THE TASER DEVICE**

The TASER device may be used in any of the following circumstances, when the circumstances perceived by the deputy at the time indicate that such application is reasonably 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 TASER device to apprehend an individual.

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The Taser device shall not be used to psychologically torment, elicit statements, or to punish anyone.

#### 308.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the TASER device 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 risk of using the device. This includes:

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

Because the application of the TASER device in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally 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.

#### TASER device

#### 308.5.3 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.

#### 308.5.4 MULTIPLE APPLICATIONS OF THE TASER DEVICE

Deputies should apply the TASER device for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the TASER device against a single individual are generally not recommended and should be avoided unless the deputy reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

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If the first application of the TASER device appears to be ineffective in gaining control of an individual, the deputy should consider certain factors before additional applications of the TASER device, including:

- (a) Whether the probes are making proper contact.
- (b) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (c) Whether verbal commands, other options or tactics may be more effective.

Deputies should generally not intentionally apply more than one TASER device at a time against a single subject.

#### **308.5.5 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.

#### **308.5.6 DANGEROUS ANIMALS**

The TASER device may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

#### **308.5.7 OFF-DUTY CONSIDERATIONS**

Deputies are not authorized to carry department TASER devices while off-duty. Tasers will be checked in and secured at the deputies assigned station at the end of their shift.

TASER device

### **308.6 DOCUMENTATION**

After a TASER has been activated and as soon as the situation is stable, the Watch Commander or a Field Supervisor shall be notified of the activation. All TASER deployments/activations shall be documented in the related arrest/crime report. Supervisors will complete required use of force reports and forms. Accidental activations of a TASER cartridge will be documented on a memorandum via the chain of command to the Operations Chief Deputy. Accidental activations that result in a electric pulse to another person use of force reporting will be followed. Activation to control a viscous animal will be documented in an incident report. Any report documenting the activation of a TASER cartridge will include the cartridge's serial number and an explanation of the circumstances surrounding the activation. The discharged Taser cartridge and probes shall be dealt with as a bio hazard and booked into evidence. Along with the report full photographic documentation and a supervisor's review of the use of force will be conducted. When the battery pack is placed into a charger, the on-board TASER memory will be uploaded

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securely to Axon Evidence (Evidence.com) services. It will be saved with the related arrest/crime report. When deployment or activation of the TASER has taken place the operator will write either "TASER DEPLOYMENT" or "TASER ACTIVATION" on the RMS person page in the "Comments" section. The person inputting the report into the computer will type either "TASER DEPLOYMENT" or "TASER ACTIVATION" under the person section in the Clothing/Comments/Description section. Additional comments will be entered underneath "TASER DEPLOYMENT" / "TASER ACTIVATION". Quarterly, Division Commanders will ensure that all Tasers issue to employees under their command have the Taser synchronized. This will be documented in the division inventory.

#### **308.6.1 REPORTS**

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

- (a) Identification of all personnel deploying/activating TASER devices
- (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

#### **308.7 MEDICAL TREATMENT**

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove TASER device probes from a person's body. Used TASER device probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken. Appropriate medical personnel includes paramedics and emergency medical technicians.

##### TASER device

All persons who have been struck by TASER device probes and who have been subjected to the electric discharge of the device or who have been subjected to the electric discharge of the device from a drive stun shall be medically cleared by qualified hospital medical staff prior to booking. Additionally, any such individual who falls under any of the following categories should be transported, as soon as practicable, to the nearest hospital for examination and medical clearance by qualified medical staff:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The TASER device probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).

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- (e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported, by ambulance, to a medical facility for examination and medical clearance 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 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 TASER device.

#### **308.8 SUPERVISOR RESPONSIBILITIES**

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

A supervisor should review each incident where a person has been exposed to an activation of the TASER device. Use of Force policy needs to be followed. The device's onboard memory should be downloaded by a supervisor and saved with the related arrest/crime report/use of force report. The data is uploaded securely to Axon Evidence (Evidence.com) services via the battery pack being placed onto the charger. Photographs of probe sites should be taken and witnesses interviewed. Use of Force form needs to be completed and forward to Professional Standards Unit.

#### **308.9 TRAINING**

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

Proficiency training for personnel who have been issued TASER devices should occur every year. A reassessment of a deputy's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Manager. All training and proficiency for TASER devices will be documented in the deputy's training file.

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

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

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

Application of TASER devices during training could result in injury to personnel and should not be mandatory for certification.

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The Training Manager should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws to reduce the possibility of accidentally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the accidental application of probes near the head, neck, chest and groin.
- (e) Handcuffing a subject during the application of the TASER device and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the TASER device.

## Officer-Involved Shootings and Deaths

### 309.1 PURPOSE AND SCOPE

The intent of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured as the result of a police shooting or an in-custody death and to ensure that such incidents be investigated in a fair and impartial manner.

### 309.2 INVESTIGATION RESPONSIBILITY

The primary investigative responsibility will rest with the Detective Division under the direction of the Detective Division Commander and/or Investigative Services Bureau Chief Deputy or person designated by the Sheriff and/or Undersheriff. If the use of deadly force was employed by detectives, the investigation will be conducted by other uninvolved detectives assigned by the Division Commander.

### 309.3 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

- A criminal investigation of the suspect's actions.
- A criminal investigation of the involved officer's actions.
- An administrative investigation as to policy compliance by involved deputies.
- A civil investigation to determine potential liability.

### 309.4 JURISDICTION

Jurisdiction is determined by the location of the shooting and the agency employing the involved officer(s). The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings:

#### 309.4.1 SAN LUIS OBISPO COUNTY SHERIFF DEPUTY WITHIN THIS JURISDICTION

The San Luis Obispo County Sheriff's Office is responsible for the criminal investigation of the suspect's actions and the administrative investigation. The criminal investigation of the officer-involved shooting shall be conducted by the Sheriff's Office with assistance from the District Attorney's Office.

#### 309.4.2 ALLIED AGENCY'S OFFICER WITHIN THIS JURISDICTION

The San Luis Obispo County Sheriff's Office is responsible for the criminal investigation of the suspect's actions. The criminal investigation of the officer-involved shooting shall be conducted by the Sheriff's Office with assistance from District Attorney's Office. The officer's employing agency will be responsible for the administrative investigation.

#### 309.4.3 SAN LUIS OBISPO COUNTY SHERIFF DEPUTY IN ANOTHER JURISDICTION

The agency where the incident occurred has criminal jurisdiction and is responsible for the criminal investigation of the incident. That agency may relinquish its criminal investigation of the suspect(s)

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to another agency. The San Luis Obispo County Sheriff's Office will conduct the administrative and civil investigations.

#### 309.4.4 INVESTIGATION RESPONSIBILITY MATRIX

The following table identifies the possible scenarios and responsibilities for the investigation of officer-involved shootings:

	<b>Criminal of Suspect(s)</b>	<b>Criminal of Officer(s)</b>	<b>Administrative</b>
<b>SLOSO in This Jurisdiction</b>	SLOSO Investigators	Sheriff's Office	SLOSO
<b>Allied Agency's Officer in This Jurisdiction</b>	SLOSO Investigators	Sheriff's Office	Involved Officer's Department
<b>SLOSO in Another Jurisdiction</b>	Agency where incident occurred	Decision made by agency where incident occurred	SLOSO

#### 309.5 THE INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved shooting.

##### 309.5.1 DUTIES OF INITIAL ON SCENE SUPERVISOR

Upon arrival at the scene of an officer-involved shooting, the first uninvolved supervisor should:

- (a) Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals.
- (b) Attempt to obtain a brief overview of the situation from any non-shooter deputy(s).
  1. In the event that there are no non-shooter deputies, the supervisor should attempt to obtain a brief voluntary overview from one shooter deputy.
- (c) If necessary, the supervisor may administratively order any deputy from the Sheriff's Office to immediately provide public safety information necessary to secure the scene and pursue suspects.
  1. Public safety information shall be limited to such things as outstanding suspect information including vehicle, weapons, and direction of travel, crimes the suspect is wanted for, number and direction of shots fired, parameters of the incident scene, identity of known witnesses, any known or possible injuries, and weapons or evidence that need to be secured or protected.
- (d) Absent a voluntary statement from any deputy(s), the initial on scene supervisor shall not attempt to order any deputy to provide other than public safety information.
- (e) Provide all available information to the Watch Commander and the Dispatch Center. If feasible, sensitive information should be communicated over secure networks.
- (f) Take command of and secure the incident scene with additional personnel until relieved by a detective supervisor or other assigned personnel.
  1. Ensure removal from the scene of all unnecessary personnel.

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2. Assign personnel to injured subjects at hospitals for evidence preservation or dying declarations if applicable.
  3. Identify and isolate any witnesses.
  4. Defer all media requests to Detective Division Commander or PIO upon their arrival. Any information regarding an officer-involved shooting must be approved by the Sheriff or the Sheriff's designee.
- (g) As soon as practical, shooter deputies should respond or be transported (separately, if feasible) to the station for further direction.
- (h) Each involved deputy should be given an administrative order not to discuss the incident with other involved deputies pending further direction from a supervisor.
- (i) Duty weapons, duty belts with all accessories, backup weapons, ammunition, magazines and uniforms that an involved employee had at the time of the incident may be taken for evidence. These items should be received in private and out of the presence of the public. Arrangements for replacement weapons should be made as soon as possible with instructions that the employee shall qualify with the weapon prior to returning to duty

#### 309.5.2 WATCH COMMANDER DUTIES

Upon learning of an officer-involved shooting, the Watch Commander or on-scene supervisor shall be responsible for coordinating all aspects of the incident until relieved by the Sheriff, a Bureau Chief or a Commander.

#### 309.5.3 NOTIFICATIONS

The following person(s) shall be notified as soon as practical:

- Sheriff
- Undersheriff
- Field Operations Bureau Chief
- Detective Division Commander
- Professional Standards Unit
- Psychological/Peer support personnel
- Coroner (if necessary)
- Deputy representative (if requested)

All outside inquiries about the incident shall be directed to the Watch Commander or PIO.

#### 309.5.4 MEDIA RELATIONS

A single press release shall be prepared with input and concurrence from the Detective Division Commander and/supervisor and agency representative responsible for each phase of the

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investigation. This release will be available to the Watch Commander, Operations Bureau Chief and Public Information Officer in the event of inquiries from the media.

It will be the policy of the Sheriff's Office to not release the identities of involved deputies absent their consent or as required by law. Moreover, no involved deputy shall be subjected to contact from the media (Government Code § 3303(e)) and no involved deputy shall make any comments to the press unless authorized by the Sheriff or the Sheriff's designee.

Law enforcement officials receiving inquiries regarding incidents occurring in other agency jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

#### 309.5.5 INVOLVED OFFICERS

Once the involved deputy(s) have arrived at the station, the Watch Commander or supervisor should admonish each deputy that the incident shall not be discussed except with authorized personnel or representatives. The following shall be considered for the involved deputy:

- (a) Any request for Sheriff's Office or legal representation will be accommodated, however, no involved deputy shall be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report (Government Code § 3303(i)).
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) The involved employees will be allowed to contact their family to notify them of their well being and obtain support as needed
- (d) Discussions with Sheriff's Office representatives (e.g., employee association) will be privileged only as to the discussion of non-criminal information.
- (e) A licensed counselor shall be provided by the Sheriff's Office to each involved deputy, or any other deputy, upon request or directed by the Sheriff.
  - 1. Interviews with a licensed counselor will be considered privileged and will not be disclosed except to the extent that the deputy is or is not fit for return to duty.
  - 2. An interview or session with a licensed counselor may take place prior to the involved deputy providing a formal interview or report, but the involved deputies shall not be permitted to consult or meet collectively or in a group with a licensed counselor prior to providing a formal interview or report.
- (f) Although the Sheriff's Office will honor the sensitivity of communications with peer counselors, there is no legal privilege to such. Peer counselors are cautioned against discussing the facts of any incident with an involved or witness deputy.

Care should be taken to preserve the integrity of any physical evidence present on the deputy's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can

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properly retrieve it. Exception: If a deputy needs to remove blood soaked clothing, photograph the deputy in the clothing, remove it but take necessary precautions to preserve it for evidence.

Detectives shall make reasonable accommodations to the deputy's physical and emotional needs (Government Code § 3303(d)).

Each involved deputy shall be given reasonable paid administrative leave following an officer-involved shooting. It shall be the responsibility of the Watch Commander or supervisor to make schedule adjustments to accommodate such leave.

#### **309.5.6 NOTIFICATION TO DEPARTMENT OF JUSTICE**

The California Department of Justice (DOJ) is required to investigate an officer-involved shooting resulting in the death of an unarmed civilian. The Watch Commander should promptly notify the DOJ in all incidents involving an officer-involved shooting resulting in the death of an unarmed civilian, including where it is undetermined if the civilian was unarmed.

For purposes of notification, "unarmed civilian" means anyone who is not in possession of a deadly weapon (Government Code § 12525.3).

### **309.6 THE SHOOTING INCIDENT CRIMINAL INVESTIGATION**

#### **309.6.1 DETECTIVE PERSONNEL**

Once notified of an officer-involved shooting, it shall be the responsibility of the Detective Division Commander or supervisor to assign appropriate detective personnel to handle the investigation of related crimes. Detectives may be assigned to work with investigators from the District Attorney's Office.

All related Sheriff's Office reports except administrative and/or privileged reports will be forwarded to the designated detective supervisor for approval. Privileged reports shall be maintained exclusively by those personnel authorized such access. Administrative reports will be forwarded to the appropriate Bureau Chief.

#### **309.6.2 CRIMINAL INVESTIGATION**

Detective Division will conduct the criminal investigation into the circumstances of any officer-involved shooting involving injury or death.

The District Attorney's Office shall be contacted in all officer-involved shootings involving injury or death or at the direction of the Sheriff or the Sheriff's designee.

If available, detective personnel from the Sheriff's Office may be assigned to partner with investigators from the District Attorney's Office so as to not duplicate efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators will be given the next opportunity to interview involved deputies in order to provide them with an opportunity to give a voluntary statement. The following shall be considered for the involved deputy:

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- (a) Supervisors and Professional Standards Unit personnel should not participate directly in any voluntary interview of deputies. This will not prohibit such personnel from monitoring such interviews or indirectly providing areas for inquiry.
- (b) If requested, any involved deputy will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney, prior to speaking with criminal investigators. However, in order to maintain the integrity of each individual deputy's statement, involved deputies shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (c) Any voluntary statement provided by the deputy(s) will be made available for inclusion in the administrative or other related investigations.
- (d) Absent consent from the involved deputy or as required by law, no administratively coerced statement(s) will be provided to any criminal investigators.
- (e) A voluntary walk through of the scene may be conducted as part of the interview
- (f) Interview team will be limited to no more than two interviewers. One interviewer will be identified as the primary questioner.
- (g) Follow up interviews may be required, and will be arranged by appointment.
- (h) All interviews will be electronically recorded, With the exception of the walk through. The purpose of the walk through is to re-familiarize the deputies with the scene prior to their recorded interview and for positioning purposes enabling photographic documentation. All salient information gleaned through the walk through should be revisited during the formal recorded interview.

#### 309.6.3 REPORTS BY INVOLVED OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, the Sheriff's Office shall retain the authority to require involved deputies to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals (Government Code § 3304(a)).

While the involved deputy may write the report, it is generally recommended that such reports be completed by assigned investigators who should interview involved deputies as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved deputies should focus on evidence to establish the elements of criminal activities by involved suspects. Care should be taken not to duplicate information provided by involved deputies in other reports.

Nothing in this section shall be construed to deprive an involved deputy of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures, but should also be included for reference in the investigation of the officer-involved shooting.

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#### 309.6.4 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or other major incident may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available personnel for the following:

- (a) Identify all persons present at the scene and in the immediate area.
  - 1. When feasible, a recorded statement should be obtained from those persons 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 Sheriff's Office personnel.
  - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a Sheriff's Office vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Assign available personnel to promptly contact the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to contact with deputies. Consider the use of search warrants to search the suspect's residence prior to contacting suspect's family.

#### **309.7 ADMINISTRATIVE INVESTIGATION**

In addition to all other investigations associated with an officer-involved shooting, the Sheriff's Office will conduct an internal administrative investigation to determine conformance with Sheriff's Office policy. This investigation will be conducted under the supervision of the Professional Standards Unit and will be considered a confidential peace officer personnel file.

- (a) Any deputy involved in a shooting may be administratively compelled to provide a blood sample for alcohol/drug screening if objective symptoms exist. Absent consent from the deputy, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any deputy has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved deputy.

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1. If a further interview of the deputy is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved deputy shall be provided with a copy of his or her prior statement before proceeding with any subsequent interview(s) (Government Code § 3303(g))
- (c) In the event that an involved deputy has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the deputy's physical and psychological needs have been addressed before commencing the interview.
  2. If requested, the deputy shall have the opportunity to select an uninvolved representative to be present during the interview (Government Code § 3303(i)). However, in order to maintain the integrity of each individual deputy's statement, involved deputies shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
  3. Administrative interview(s) should be recorded by the investigator (the deputy may also record the interview) (Government Code § 3303(g)).
  4. The deputy shall be informed of all constitutional *Miranda* rights (Government Code § 3303(h)) and, assuming no voluntary waiver, will then be given an administrative order to provide full and truthful answers to all questions (Government Code § 3303(e)). The deputy shall be informed, however, that the interview will be for administrative purposes only and that the statement cannot be used criminally (The *Lybarger* or *Garrity* admonishment).
  5. The administrative interview shall be considered part of the deputy's confidential personnel file, but subject to discovery via California Penal Code § 832.7.
  6. The Professional Standards Unit shall compile all relevant information and reports necessary for the Sheriff's Office to determine compliance with applicable policies.
  7. The completed administrative investigation may be submitted to the Critical Incident Review Board who shall provide the Sheriff with an advisory opinion regarding tactics and force with respect to established policy.
  8. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

#### 309.7.1 CIVIL LIABILITY RESPONSE

A member of the Sheriff's Office may be assigned to work exclusively under the direction of the legal counsel for the Sheriff's Office to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation, but shall be given reasonable access to all other investigations.

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#### **309.8 AUDIO AND VIDEO RECORDINGS**

Any deputy involved in an incident may be permitted to review available Mobile Audio Video (MAV) or other video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV or other video or audio recordings with approval of assigned investigators or a supervisor.

## Firearms

### 312.1 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 a firearm 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.

### 312.2 AUTHORIZED WEAPONS

No firearms will be carried either on duty or off duty that have not been thoroughly inspected by the Senior Rangemaster or their designee. Thoroughly inspected is defined as field stripped and function tested. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that weapon at an authorized department range.

All other weapons, 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 department policy, may not be carried by personnel in the performance of their official duty without the express written authorization of the employee's Bureau Chief. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

#### 312.2.1 DUTY, OFF DUTY, AND BACKUP WEAPONS

The Sheriff's Office authorizes several different weapons for duty, off duty and backup use that meet certain specifications..

Each handgun purchased by any Sheriff's Office armed employee, for either on-duty or off-duty use, will meet the specifications listed below. No more than (2) two handguns will be approved per category of use. Handguns used by Sheriff's sworn members on-duty prior to November 1, 1988, will not be affected by these specifications.

- (a) Manufacturers: Smith & Wesson, Sig Sauer, Glock, Heckler & Koch, or Springfield Armory.
- (b) Caliber: 9mm, .40 Smith & Wesson, and .45 ACP for semiautomatics, and .38 special or .357 magnum for revolvers. In addition, off-duty and backup firearms may be .380.
- (c) Barrel Length: Minimum 4 inches and maximum 6 inches for on duty. Deputies in plain clothes assignments may carry a firearm with a 3 inch barrel. For off duty and backup firearms, minimum barrel length of 1-1/2 inches to maximum of 6 inches is authorized.
- (d) Finish: The only acceptable finishes are blue steel, gray, matte black and matte stainless.
- (e) Ammunition Capacity: Minimum of 6 rounds for on-duty, 5 rounds for off-duty and backup.
- (f) Action: All handguns will be double action, double action/single action of striker fired.

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- (g) The above specifications apply to all assignments, both uniform and plain clothes.
- (h) Following an inspection by the Senior Rangemaster or their designee, and approval of the Sheriff, a handgun of other than the specifications enumerated above may be carried by an officer assigned to undercover duty.
- (i) Only one backup or off duty weapon will be carried at one time.
- (j) The purchase of all duty, off duty, and backup handguns is the responsibility of employee, unless specified otherwise by a bureau chief.
- (k) Off duty and backup weapons shall be carried out of sight at all times in a suitable holster of reputable manufacture, and in such a manner as to prevent accidental cocking, discharge, or loss of physical control.
- (l) All firearms shall be inspected by the Senior Rangemaster or their designee prior to being carried and thereafter be subject to inspection whenever deemed necessary.
- (m) Ammunition carried in all the above firearms shall be Sheriff's Office issued.
- (n) Prior to carrying any of the above firearms, personnel shall successfully complete a qualification course of fire administered by a department rangemaster, and thereafter shall qualify in accordance with the department qualification schedule. Deputies must demonstrate their proficiency with, safe handling of, and the serviceability of, the weapon.
- (o) When armed, either on or off duty, employees shall carry their Sheriff's Office identification card.

#### 312.2.2 ALCOHOL AND DRUGS

Weapons shall not be carried by any deputy who has consumed any amount of an alcoholic beverage or taken any drug that would tend to adversely affect the deputy's senses or judgment.

Deputies assigned to an undercover assignment may be exempted from this policy section on a case by case basis only with the expressed exemption by the Sheriff or his designee.

#### 312.2.3 SHOTGUNS

- (a) Shotguns shall be properly maintained and carried in the rear storage compartment of each Sheriff's vehicle so equipped, or in the trunk of unmarked vehicles in the holder provided.
  1. When in a Sheriff's vehicle the shotgun shall be carried in the following configuration: empty chamber, action open, empty magazine tube, and if so equipped, a loaded side saddle ammunition carrier
  2. At the beginning of their shift deputies shall inspect the shotgun for serviceability. Any equipment failures or malfunctions of the shotgun shall be reported to a supervisor immediately. The shotgun shall be removed from service and turned over to the Sheriff's Office Senior Rangemaster for repair, or replacement, as soon as possible.
- (b) Shotguns shall not be removed from the rack or displayed to the public unless:

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1. There exists an apparent need for additional fire power at the scene of an incident.
  2. Directed to do so by a supervisor or authorized officer.
- (c) It shall be the responsibility of Sheriff's Office personnel going off-duty to:
1. Remove the shotgun from the vehicle and unload it in a proper manner, utilizing the firearms clearing station. The deputy shall place the shotgun barrel into the clearing station anytime the shotgun is loaded or unloaded..
  2. Ensure the shotgun bore is clear of obstructions.
  3. Secure the shotgun in its proper storage location with the chamber open.
  4. immediately report all instances of misuse of a shotgun to a supervisor.
- (d) Shotguns shall be inspected annually for serviceability by the Senior Rangemaster or his designee, and cleaned as needed by deputies assigned to weapon maintenance at their station.
- (e) Each commander and supervisor who has charge of shotguns shall ensure the entire inventory is rotated during the specified qualification period. Deputies shall qualify with the shotgun and if necessary shotguns with ghost ring sights shall have the sights zeroed by Sheriff's Range Masters. These settings shall not be altered and the sights shall not be changed except by Sheriff's Range Masters.

#### 312.2.4 USE OF AUTOMATIC WEAPONS

Specifically authorized deputies may be assigned Sheriff's Office owned automatic weapons in the performance of their assigned duties and use them pursuant to this Policy.

- (a) Definitions
1. Automatic Weapon - A firearm capable of sustained continuous fire while the trigger is held back.
  2. Specifically Authorized Deputies - Those individuals, authorized to be issued an automatic weapon by the Sheriff, for a specific assignment, who are trained and qualified with that weapon.
- (b) Deputies issued an automatic weapon, for a specific assignment, shall adhere to the "Use of Force" and "Deadly Force" Policies.
- (c) Deputies who may be assigned an automatic weapon, for a specific assignment, shall qualify once every four months.
- (d) Under emergency circumstances, responsibility for selecting a mode of fire (e.g. semiautomatic, three round burst or full automatic) will lie with the authorized deputy. Considerations in exercising that discretion shall include but not be limited to:
1. The potential for reduced accuracy common to automatic, as opposed to semiautomatic, fire.
  2. The Sheriff's policies on Use of Force and Deadly Force.

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3. If there is a possibility of innocent persons being injured by automatic weapon fire, it will not be used unless there is greater likelihood that an equal or greater number of innocent people will be injured by suspect actions.
  4. Under emergency circumstances, the Sheriff will deploy automatic weapons to meet the law enforcement needs of the County.
- (e) Training:
1. Personnel who are authorized to use automatic weapons shall have specialized training in the use of automatic weapons such as a basic S.W.A.T. school or operators course for a fully automatic weapon.
  2. Personnel who are authorized to use automatic weapons shall review this policy on an annual basis.

#### 312.2.5 LASER SIGHTS

Laser Sights may only be installed on a weapon carried on or off-duty after they have been examined and approved by the Senior Rangemaster or his designee.

- (a) Any approved laser sight shall only be installed in strict accordance with manufacturer specifications.
- (b) Once approved laser sights have been properly installed on any weapon, the deputy shall qualify with the weapon to insure proper functionality and sighting of the weapon prior to carrying it.
- (c) Due to the unique nature and mission of certain specialized units (Special Operations Unit, Special Enforcement Detail, etc.), specialized equipment installed onto patrol rifles may be required to meet operational needs. Equipment may include visible/IR laser equipment to be used in conjunction with night vision or forward-looking infrared equipment (FLIR). For rifles that are approved to have visible/IR laser equipment installed that also have an optical sighting system installed, the laser equipment may be considered the backup sighting system. In that case, the traditional equipment may be considered the backup sighting system. In that case, traditional iron or "flip up" iron sights are not required to be installed on the rifles. These modifications may only be done with the permission of the Senior Rangemaster and with the approval of a bureau chief.

Except in an approved training situation, a deputy may only activate a laser sight when the deputy would otherwise be justified in pointing a weapon at an individual or other authorized target.

#### 312.2.6 RED DOT HANDGUN SIGHTS

- (a) All Red Dot Sights (RDS) will be from the following authorized manufactures only: Trijicon, Leopold, Holosun, Aimpoint, Sig Sauer, and Steiner, and approved by the Senior Range Master, or authorized designee.
- (b) The RDS must be mounted on the slide of the handgun in addition to iron sights, so that if the optic becomes inoperable or fails, the iron sights may be utilized to aim the firearm. Suppressor height iron sights will be authorized for this purpose.

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- (c) The deputy must use an optic ready factory handgun, or have it milled by a reputable vendor. Dovetail mounts are not authorized. Aftermarket optic ready slides must be approved prior to use by the Senior Rangemaster or their designee.
- (d) The firearm shall be carried in a holster specifically designed to accommodate the optic while still meeting the requirements of uniform policy.
- (e) Personnel utilizing optical sights must have the weapon inspected by the Senior Rangemaster, or authorized designee. The Senior Range Master (or authorized designee) should be consulted before the purchase of the optics, mounts or milling, and sights to ensure compliance with this policy.
- (f) Batteries shall be changed two times per year by range staff during range qualification. Any installation, removal and reinstallation of the optic shall be conducted by a department approved armorer. If the optic is removed for any reason it must be reinstalled and zero confirmed by a department approved armorer.
- (g) Before carrying the optic on duty, personnel must successfully complete the Sheriff's Office Red Dot Handgun Transition Training Course or similar course (if approved by the Senior Range Master) within six months of mounting the optic on the weapon.
- (h) The Red Dot Sight policy applies to all duty, off duty and back up handguns. Any exceptions to the policy must be specifically approved by the Sheriff if needed for specialty assignments.

### **312.3 SAFE HANDLING OF FIREARMS**

The intent of this policy is to promote proper firearm safety on and off duty. Employees shall maintain the highest level of safety when handling firearms and shall consider the following:

#### **312.3.1 SAFETY CONSIDERATIONS**

- (a) Deputies shall not unnecessarily display or handle any firearm.
- (b) Deputies shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster.
- (c) Practice drawing from the holster and/or dry fire practice shall not be conducted during on-duty time except during range training, or at any Sheriff's Office facilities except the range. If such practice is conducted during off-duty time, it shall be done in a safe manner that complies with all applicable sections of this policy.
- (d) Any member who discharges his/her weapon accidentally or intentionally, on or off-duty, except during training or recreational use, shall make a verbal report to his/her supervisor as soon as circumstances permit and, if the occurrence was on-duty, shall file a written report with their Bureau Chief prior to the end of shift. If off-duty, as directed by the supervisor.
- (e) Deputies shall not clean, repair, load or unload a firearm anywhere in the Sheriff's Office, except where clearing barrels are present.
- (f) Shotguns or rifles removed from vehicles or equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle.

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- (g) Deputies shall not place or store any firearm or other weapon on Sheriff's 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 a prisoner, but shall place all firearms in a secured location. It shall be the responsibility of the intake correctional deputy to make sure that persons from outside agencies do not enter the jail section with any firearm.
- (h) Deputies shall not use any automatic weapon, gas or other types of chemical weapon (from the armory), except with approval of a supervisor.
- (i) Any weapon authorized by the Sheriff's Office to be carried on or off duty that is found by the deputy to be malfunctioning or needing service shall not be carried and shall be promptly presented to the department or Rangemaster for inspection. Any weapon determined to be in need of service or repair during an inspection by the Sheriff's Office Rangemaster, will be immediately removed from service. If the weapon is the deputy's primary duty weapon, a replacement weapon will be issued to the officer until the duty weapon is again rendered serviceable.

#### 312.3.2 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 (Penal Code § 25100).

Members shall not permit department-issued firearms to be handled by anyone who is not authorized by the Department to do so.

Members shall be aware that negligent storage of a firearm could result in civil and criminal liability (Penal Code § 25100).

#### 312.3.3 AMMUNITION

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

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

#### 312.4 FIREARMS QUALIFICATIONS

All sworn and other armed personnel are required to qualify twice per year with their duty weapon and once per year with their off-duty weapon and other weapon systems on an approved range course. The RangeProgram Manager shall keep accurate records of qualifications, repairs, maintenance, training or as directed by the Training Manager. In addition to regular qualification schedules, the Senior Rangemaster or their designee shall be responsible for providing all sworn personnel with annual practical training designed to simulate field situations. At least annually, all

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personnel carrying a firearm will receive training on the Sheriff's Office Use of Force policy and demonstrate their knowledge and understanding.

#### **312.4.1 NON QUALIFICATION**

Each employee attending a range qualification day will typically be given two attempts to qualify on the qualification course, however the rangemaster can increase the employee's qualification attempts when appropriate.

If any Deputy is unable to qualify for any reason, including injury, illness, duty status, or scheduling conflict, that deputy shall submit a memorandum to the Professional Standards and Training Commander prior to the end of the required shooting period.

Members who repeatedly fail to qualify will be relieved from field assignment and appropriate disciplinary action may follow.

Sworn members who fail to qualify during a qualification period shall be provided remedial training until proficiency is demonstrated and will be subject to the following requirements:

- (a) Additional range assignments may be required until consistent weapon proficiency is demonstrated.
- (b) Members shall be given credit for a range qualification after remedial training and a qualifying score is obtained.
- (c) No range credit will be given for the following:
  1. Unauthorized range make-up.
  2. Failure to qualify after remedial training.

#### **312.5 WARNING AND OTHER SHOTS**

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

##### **312.5.1 RANGE FACILITY USE**

The Senior Rangemaster, in conjunction with the Range Program Manager, has responsibility for the Sheriff's Office range and its safe operation.

Only authorized persons will use the range, strict levels of range safety will be adhered to, and all accidents or damages to the range will be reported.

- (a) Shooting will not be permitted on the range without an authorized Rangemaster present.
- (b) Access to the range will be controlled by the Senior Rangemaster, the Range Program Manager, or designated range staff. In their absence, the Watch Commander will control access to the range, issuing range keys only to authorized Rangemasters.

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1. The Support Services Chief Deputy shall ensure that the Watch Commander has an up-to-date list of outside agencies authorized to use the range and Rangemasters for those agencies.
  2. A list of Rangemasters and the range key log will be kept with the range calendar in the Watch Commander's office.
- (c) Only authorized persons will be permitted to shoot on the range. Authorized persons include:
1. Sheriff's employees required to carry a firearm on-duty.
  2. Auxiliary members of the Sheriff's Office (e.g., Posse, Aero Squadron, etc.), during organized range training or qualification.
  3. Members of approved outside agencies who are required to qualify periodically with a firearm.
  4. Approved individuals from training companies utilized by the department.
- (d) Safety rules will be adhered to by all persons using the range.
1. Only small arms weapons may be fired on the range. Small arms weapons are pistols, revolvers, shotguns and rifles that do not exceed 7.62 mm and any other firearm that uses only standard handgun ammunition.
  2. Shooters are not allowed on the firing line or course starting point until directed there by the Rangemaster.
  3. Small arms weapons will be unloaded or loaded only in a "firearms loading and unloading station," or on the firing line at the direction of the Rangemaster.
  4. All handguns will be holstered, or in a carrying case, except when participating in a course of fire or supervised firearms training.
  5. Rifles will be brought to the firing line unloaded, and loading will occur at the direction of the Rangemaster.
  6. No weapon will be unattended.
  7. Unless a person is using the "firearms loading and unloading station," or the weapon is holstered, all weapons will be pointed in a safe direction.
  8. All weapons will be unloaded on the firing line or the loading and unloading station, at the direction of the Rangemaster, prior to leaving and cleaning.
  9. No unholstered loaded weapon will be allowed behind the firing line unless the shooter is at the loading/unloading station and supervised by a rangemaster.
  10. Dry practice is permitted only under the direct supervision of a Rangemaster.
  11. Eye and ear protection will be worn at all times while conducting live fire training.
  12. All persons not engaged in a course of fire will remain a safe distance from the firing line.
  13. Disruptive behavior is not allowed. Violators will be ordered to leave the range.

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14. Failure to obey safety rules or directions of the Rangemaster will result in dismissal from the range and disciplinary action.
  15. The Rangemaster may impose additional safety requirements as needed.
  16. Only approved targets will be used on the range.
  17. Red range flags must be displayed when the range is in use.
- (e) Accidents, injuries and property damage.
1. All injuries on the range will be reported to the Watch Commander immediately.
  2. All injuries to County employees will require a "County of San Luis Obispo Employee's Report of Occupational Injury or Illness" and a "Supervisor's Investigation Report."
  3. Injuries to employees of other agencies will be reported in a Sheriff's Office incident report with attachments as appropriate.
  4. If any injury is caused by gunshot, the Watch Commander will follow the same procedures as for officer involved shooting.
  5. Any property damage resulting from range use will be reported to the Watch Commander.
- (f) Range use by outside agencies.
1. Every outside agency using the Sheriff's Office range must have a signed "Use Permit" on file with the Sheriff's Office.
    - (a) The Sheriff's Office range use policy will apply to paragraph 7, "Rules and Regulations," of the "Use Permit" and will be adhered to by all outside agencies.
    - (b) Violation of any part of the range use policy may result in revocation of the "Use Permit."
  2. Contact the Senior Rangemaster or Range Program Manager to reserve the range for desired date(s). Agencies should attempt to give at least 72 hours notice for use or cancellation.
  3. Agencies must provide their own targets.
  4. Agencies will replace 2" X 4" lumber and cardboard for target stands, as requested.
  5. All used targets are to be placed in trash receptacles and empty shell casings picked up.
  6. The Sheriff's Office may, with reasonable notification, cancel an agency's use of the range.
- (g) The Sheriff's Office Senior Rangemaster will ensure that a copy of this Directive and the "use permit" are conspicuously posted at the range.

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#### **312.6 DESTRUCTION OF ANIMALS**

Deputies 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 in which deputies have sufficient advance notice that a potentially dangerous animal may be encountered, deputies should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, TASER device, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any deputy from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

##### **312.6.1 INJURED ANIMALS**

With the approval of a supervisor, a deputy sheriff 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)). 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)).

Upon dispatching an animal the responsible deputy sheriff shall notify the Watch Commander as soon as possible and if the animal is on the roadway request Sheriff's Dispatch notify County roads to make removal. Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanly destroyed.

The deputy sheriff responsible for euthanizing an injured or dangerous animal shall document the event in an incident report and shall include:

- (a) Type of weapon used and number of rounds fired.
- (b) Circumstances that made it necessary to dispatch the animal.
- (c) Brief description of the surrounding area.
- (d) Brief description of the backdrop.

#### **312.7 FIREARM DISCHARGE**

Any member of the Sheriff's Office who discharges a firearm intentionally or unintentionally, on or off-duty, shall make a verbal report to his/her supervisor or Watch Commander as soon as circumstances permit. The supervisor or Watch Commander notified of the discharge shall ensure that an appropriate entry is made in the Watch Commander's Log documenting the firearm discharge and any related case numbers for future reference. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shooting 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. Refer to section 300.5

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

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(a) If on-duty at the time of the incident, the member shall file a written memorandum with his/her Bureau Chief 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 memorandum shall be submitted or recorded statement provided no later than by the end of their next regular work day.

Intentional or unintentional discharges of a firearm on a firearms range during training, competition or practice do not require reporting to the employee's supervisor or Watch Commander.

An intentional discharge of a firearm during one of the following activities does not require reporting to the employee's supervisor or Watch Commander:

- (a) Recreational use
- (b) Protecting personally owned livestock from predatory animals
- (c) Euthanizing personally owned livestock or domestic animals

#### **312.8 RANGE STAFF DUTIES**

For purposes of this section, "Senior Rangemaster" is defined as a Sheriff's Sergeant appointed to oversee the range, qualifications, firearms training, and weapons maintenance program. Certain duties will be delegated to the Range Program Manager and other staff, such as designated weapons armorers. The Senior Rangemaster will report to the Commander of the Professional Standards Unit.

The range will be under the exclusive control of the Senior Rangemaster. Under direction from the Senior Rangemaster, the Range Program Manager shall insure the safe, smooth, efficient, and orderly administration of day-to-day range operations. All members attending will follow the directions of range staff. The Senior Rangemaster, under the direction of the Professional Standards Unit Commander is responsible for small arms training and qualification of all employees required to carry a firearm.

- (a) The Senior Rangemaster and Range Program Manager shall:
  - 1. Conduct basic, remedial and advanced training for all employees in small arms, shotgun and patrol rifle use, safety and maintenance.
  - 2. Develop and maintain up-to-date training courses for firearms.
  - 3. Maintain firearms training and qualification records which will be submitted to the Training Manager after each range qualification cycle.
  - 4. Maintain the Sheriff's firing range
    - (a) Develop and maintain range use policy.
    - (b) Establish and maintain range use schedule to include using agency and Rangemaster, date and time of use, and conditions of use.

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- (c) Conduct an annual inspection of the entire facility to ensure the facility and equipment are well maintained and in good working order and then submit work orders for needed repairs..
  - 5. Maintain inventory of ammunition, range equipment and supplies.
    - (a) Submit an annual ammunition forecast.
    - (b) Conduct tri-annual inventory of all ammunition, equipment, cleaning supplies, targets and frames.
    - (c) Prepare requisitions for ammunition, equipment and supply purchases.
    - (d) Prepare requisitions and budget proposals for Sheriff's Office shooting medals.
  - 6. Ensure that every officer turns in all duty ammunition issued the previous year and is issued replacement ammunition.
    - (a) New ammunition will not be issued until the old ammunition is returned.
  - 7. Assign and direct the Range Program Manager and Assistant Rangemasters.
  - 8. Annually review firearms training program to improve tactics, shooting skills, and survival skills in shooting incidents; reduce liabilities; and cross train employees in the use of all firearms authorized for duty use.
  - 9. Review weapons policy and make recommendations to the Sheriff regarding on-duty, off-duty, and Sheriff's Office purchased/issued weapons.
  - 10. The Range Program Manager and approved armorers have the responsibility of making periodic inspection, at least once a year, of all duty handguns, long guns, back-up and off duty weapons carried by deputies of the Sheriff's Office to verify proper operation. The Rangemaster has the authority to deem any privately owned weapon unfit for service. The deputy will be responsible for all repairs to his or her personal weapon and it will not be returned to service until inspected by the Senior Rangemaster or their designee.
- (b) Assistant Rangemasters are delegated authority in the absence of the Senior Rangemaster and, in his absence, shall:
- (a) Be responsible for safe range training and qualification.
  - (b) Conduct weapons inspections for serviceability, function, and general maintenance as needed.
  - (c) Visually inspect the Range facility and bullet impact area for apparent hazards.
  - (d) Notify Senior Rangemaster of:
    - (a) Remedial training needs.
    - (b) Unsafe equipment/firearms.
    - (c) Training courses requiring revision.

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#### **312.9 MAINTENANCE AND REPAIR**

Firearms carried on duty shall be maintained in a clean, serviceable condition. Since the use of personally owned weapons is at the option of the individual deputy, that deputy will be responsible for the furnishing, maintenance and repair of such weapon.

##### **312.9.1 REPAIR OR MODIFICATIONS OF DUTY WEAPONS**

All repairs and modifications of Sheriff's Office issued weapons must be approved in advance by the Senior Range Master and accomplished by a Sheriff's Office approved Gunsmith.

Any repairs and modifications to the deputies personally owned weapon shall be done at his or her own expense and must be accompanied by a written statement from a factory authorized gunsmith stating that the modifications made are acceptable for a duty weapon.

For the purpose of this section "modifications" are changes to the internal function of the weapon. Modifications to personally owned weapons done prior to 2011 will not be affected by this policy.

#### **312.10 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 personnel 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 purposes.
- (b) Deputies must carry their Department identification card which must contain a full-face picture, the deputy's signature and the signature of the Sheriff or the official seal of the Department 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 (e.g., driver's license, passport).
- (c) The San Luis Obispo 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 San Luis Obispo County Sheriff's Office an NLETS message containing a unique alphanumeric identifier. The deputy must present the message to airport personnel as authorization to travel while armed on the day of travel.
- (d) An official letter signed by the Sheriff authorizing armed travel must accompany the deputy. The letter must outline the deputy's need to fly armed, must detail his/her itinerary, and should include that the deputy has completed the mandatory TSA training for law enforcement officer flying while armed.
- (e) Deputies must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.

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- (f) It is the deputy's responsibility to notify the air carrier in advance of the intended armed travel. This notification can be accomplished by early check-in at the carrier's check-in counter.
- (g) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The deputies 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.
- (h) Deputies should not surrender their firearm but should try to resolve any problems through the flight captain, ground security manager or other management representative of the air carrier.
- (i) Deputies shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

#### **312.11 CARRYING FIREARMS OUT OF STATE**

Qualified active full-time deputies and qualified retired deputies (see Policy Manual § 220) of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC 926B and C):

- (a) The deputy shall carry his/her Department identification card whenever carrying such weapon.
- (b) Qualified retired deputies shall also carry certification of having met firearms qualification within the past 12 months.
- (c) The deputy is not the subject of any current disciplinary action.
- (d) The deputy may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (e) The deputy will remain subject to this and all other Department 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 an officer from arrest and prosecution in such locally restricted areas.

Visiting active and retired peace officers from other states are subject to all requirements set forth in 18 USC 926B and C.

#### **312.12 SECTION TITLE**

## Vehicle Pursuits

### 315.1 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 Sheriff's 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.

#### 315.1.1 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.

### 315.2 DEPUTY RESPONSIBILITIES

It shall be the policy of the Sheriff's Office that a motor 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.

#### 315.2.1 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 suspect(s) (e.g., whether the suspect(s) represent a serious threat to public safety).
- (d) The identity of the suspect(s) has been verified and there is comparatively minimal risk in allowing the suspect(s) 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 deputy(s) 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(s) in the police vehicle.

#### 315.2.2 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 § 315.2.1 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 the context

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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 § 315.2.1 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.

#### **315.2.3 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.

#### **315.3 PURSUIT UNITS**

When involved in a pursuit, unmarked sheriff's [department/office] emergency vehicles should be replaced by marked emergency vehicles whenever practicable

Vehicle pursuits should be limited to three vehicles (two units and a supervisor); however, the number of units involved may vary with the circumstances.

A deputy or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it reasonably appears that the number of deputies involved may be insufficient to safely arrest the suspects. All other deputies should stay out of the pursuit, but should remain

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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.

#### 315.3.1 MARKED PATROL VEHICLE

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

#### 315.3.2 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.

#### 315.3.3 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 the deputy is unable to remain reasonably close to the suspect's vehicle. The primary responsibility of the deputy initiating the pursuit is the apprehension of the suspects without unreasonable danger to any person.

The primary unit should notify the [dispatcher commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable provide information including but not limited to:

- (a) The location, direction of travel, and estimated speed of the suspect's vehicle.
- (b) The description of the suspect's vehicle including license plate number, if known.
- (c) The reason for the pursuit.
- (d) Known or suspected weapons. Threat of force, violence, injuries, hostages, or other unusual hazards.
- (e) The suspected number of occupants and identity or description.
- (f) The weather, road, and traffic conditions.
- (g) The need for any additional resources or equipment.
- (h) The identity of other law enforcement agencies involved in the pursuit.

Until relieved by a supervisor or secondary unit, the deputy in the primary unit is responsible for the broadcasting of the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary pursuing deputy should, as soon as practicable, relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or air support joining the pursuit to minimize distractions and allow the primary pursuing deputy to concentrate foremost on safe pursuit tactics.

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#### 315.3.4 SECONDARY UNIT RESPONSIBILITIES

The second deputy in the pursuit will be designated as the secondary unit and is responsible for:

- (a) Immediately notifying the dispatcher of entry into the pursuit.
- (b) Remaining a safe distance behind the primary unit unless directed to assume the role of primary pursuit vehicle or if the primary pursuit vehicle is unable to continue the pursuit.
- (c) Broadcasting the progress, updating known or critical information, and providing changes in the pursuit, unless the situation indicates otherwise.
- (d) Identifying the need for additional resources or equipment as appropriate.
- (e) Serving as backup to the primary pursuing deputy once the suspect has been stopped.

#### 315.3.5 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.

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#### 315.3.6 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.

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.

#### 315.3.7 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.

#### 315.3.8 AIR SUPPORT ASSISTANCE

When available, air support assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, the unit should assume control over the pursuit. The primary and secondary ground units, or involved supervisor, will maintain operational control but should consider whether the participation of air support warrants the continued close proximity and/or involvement of ground units in 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 to continue the pursuit. If ground units are not within visual contact of the pursued vehicle and the air support unit determines that it is unsafe to continue the pursuit, the air support unit should recommend terminating the pursuit.

### **315.4 SUPERVISORY CONTROL AND RESPONSIBILITIES**

Available supervisory and management control will be exercised over all vehicle pursuits involving deputies from this [department/office].

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

- (a) Immediately notifying involved unit and the [dispatcher of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit.

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- (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 required number of units are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in the supervisor's judgment, it is unreasonable to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that assistance from air support, canines, or additional resources is requested, if available and appropriate.
- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring that the Watch Commander is notified of the pursuit as soon as practicable.
- (i) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this [department/office].
- (j) Controlling and managing San Luis Obispo County Sheriff's Office units when a pursuit enters another jurisdiction.
- (k) Preparing a post-pursuit review and documentation of the pursuit.
  - 1. Supervisors should initiate follow up or additional review when appropriate.

#### 315.4.1 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 motor vehicle pursuit and shall be in overall command.

#### **315.5 COMMUNICATIONS**

Pursuit radio communications will be conducted on the primary county-wide emergency (Red) channel unless instructed otherwise by a supervisor or communications dispatcher.

#### 315.5.1 COMMUNICATION CENTER RESPONSIBILITIES

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

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

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#### 315.5.2 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 or supervisor will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

#### **315.6 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.

##### 315.6.1 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 San Luis Obispo 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.

##### 315.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this Office should not join a pursuit unless specifically requested to do so by the agency whose officers are in pursuit. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a unit from this Office may join the pursuit until sufficient units from the initiating agency join the pursuit.

When a request is made for the Sheriff's Office to assist or take over a pursuit from another agency that has entered this jurisdiction, the supervisor should consider these additional following factors:

- (a) Ability to maintain the pursuit.
- (b) Circumstances serious enough to continue the pursuit.
- (c) Adequate staffing to continue the pursuit.
- (d) The public's safety within this jurisdiction.

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- (e) Safety of the pursuing deputies.

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

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

In the event that a pursuit from another agency terminates within this jurisdiction, deputies shall 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 assistance requested or needed.

### **315.7 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 practical.

#### **315.7.1 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.

#### **315.7.2 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.

**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.

#### 315.7.3 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. (Refer to policy section 300.1.3)

#### 315.7.4 INTERVENTION STANDARDS

Any pursuit 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 deadly force and subject to the requirements for such use. Deputies shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

- (a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to public safety when deputies reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved, this technique should only be employed by deputies who have received training in such tactics after giving consideration to the following:
  - 1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risks of injury or death to occupants of the suspect vehicle, deputies, or other members of the public.
  - 2. All other reasonable intervention techniques have failed or reasonably appear ineffective.
  - 3. Employing the blocking maneuver does not unreasonably increase the risk to officer safety.
  - 4. The target vehicle is stopped or traveling at a low speed.
  - 5. At no time should civilian vehicles be used to deploy this technique.
- (b) Only those deputies trained in the use of the Pursuit Intervention Technique (PIT) will be authorized to use this procedure and only then with approval of a supervisor upon consideration of the circumstances and conditions presented at the time, including the potential for risk of injury to deputies, the public and occupants of the pursued vehicle.

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- (c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the deputy's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable alternative method. This policy is an administrative guide to direct deputies in their decision-making process before ramming another vehicle. When ramming is used as a means to stop a fleeing vehicle, one or more of the following factors should be present:
  - 1. The suspect is an actual or suspected felon who reasonably appears to represent a serious threat to the public if not apprehended.
  - 2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner.
  - 3. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.
- (d) As with all intervention techniques, pursuing deputies should obtain supervisor approval before attempting to box a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions presented at the time as well as the potential risk of injury to deputies, the public and occupants of the pursued vehicle.
- (e) The use of spike strips should be approved in advance by a supervisor and deployed only when it is reasonably certain that only the pursued vehicle will be affected by their use. Deputies should carefully consider the limitations of such devices as well as the potential risks to deputies, the public and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children, deputies and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.
- (f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, deputies or other members of the public.

#### 315.7.5 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.

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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.

#### **315.8 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 first obtaining the available information, a field supervisor or Watch Commander shall promptly complete a Supervisor's Pursuit Investigation and Allied Agency Vehicle Pursuit Report (form CHP 187A), briefly summarizing the pursuit, and submit it to the Sheriff via the chain of command.

This investigation should minimally contain the following information:

- (a)
  1. Date and time of pursuit
  2. Length of pursuit
  3. Involved units and deputies
  4. Initial reason for pursuit
  5. Starting and termination points
  6. Disposition (arrest, citation), including arrestee information if applicable
  7. Injuries and/or property damage
  8. Medical treatment
  9. Name of supervisor at scene
  10. A preliminary determination whether the pursuit appears to be in compliance with this policy and whether additional review or follow-up is warranted

#### **315.8.1 REGULAR AND PERIODIC PURSUIT TRAINING**

In addition to initial and supplementary POST training on pursuits required by Penal Code § 13519.8, all sworn members of the Sheriff's Office will participate no less than annually in regular and periodic Sheriff's Office training addressing this policy and the importance of vehicle safety and protecting the public at all times, including a recognition of the need to balance the known offense and the need for immediate capture against the risks to deputies and others. (Vehicle Code § 17004.7(d)).

#### **315.8.2 POLICY REVIEW**

Each sworn member of the Sheriff's Office shall certify in writing a review of this policy with a supervisor during employees annual evaluation.

In addition to this annual 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

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attestation form or an equivalent form, may be used to document the compliance and should be retained in the member's training file.

#### **315.9 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

### 316.1 PURPOSE AND SCOPE

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

### 316.2 RESPONSE TO CALLS

Deputies dispatched "Code-3" shall consider the call an emergency response and proceed immediately. Deputies responding Code-3 shall continuously operate emergency lighting equipment, including at minimum 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 so dispatched or when circumstances reasonably indicate an emergency response is required. Deputies not authorized to respond Code-3 shall observe all traffic laws and proceed without the use of emergency lights and siren.

### 316.3 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 the Dispatch Center.

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

#### 316.3.1 NUMBER OF UNITS ASSIGNED

Normally, only one unit should respond to an emergency call Code-3 unless the Watch Commander or the field supervisor authorizes an additional unit(s).

### 316.4 INITIATING CODE 3 RESPONSE

If a deputy believes a Code-3 response to any call is appropriate, the deputy shall immediately notify the Dispatch Center. Should another deputy believe a Code-3 response is appropriate, the Dispatch Center shall be notified and the Watch Commander or field supervisor will make a determination as to whether one or more deputies driving Code-3 is appropriate.

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#### **316.5 RESPONSIBILITIES OF RESPONDING DEPUTY(S)**

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 is at the discretion of the deputy. 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 the Dispatch Center. A deputy shall also discontinue the Code-3 response when directed by a supervisor.

Upon receiving authorization or determining a Code-3 response is appropriate, a deputy shall immediately give the location from which he/she is responding.

#### **316.6 COMMUNICATIONS RESPONSIBILITIES**

A dispatcher shall assign a Code-3 response when a deputy requests emergency assistance or available information reasonably indicates that the public is threatened with serious injury or death and immediate police response is needed. In all other circumstances, the dispatcher shall obtain authorization from the Watch Commander or a field supervisor prior to assigning units Code-3 . The dispatcher shall:

- (a) Attempt to assign the closest available unit to the location requiring assistance
- (b) Immediately notify the Watch Commander
- (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

#### **316.7 SUPERVISORY RESPONSIBILITIES**

Upon being notified that a Code-3 response has been initiated, the Watch Commander or the field supervisor shall verify the following:

- (a) The proper response has been initiated
- (b) No more than those units reasonably necessary under the circumstances are involved in the response
- (c) Affected outside jurisdictions are being notified as practical

The field supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment,

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the circumstances require additional units to be assigned a Code-3 response, the supervisor may do so.

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

When making the decision to authorize a Code-3 response, the Watch Commander or the field supervisor should consider the following:

- The type of call
- The necessity of a timely response
- Traffic and roadway conditions
- The location of the responding units

#### **316.8 FAILURE OF EMERGENCY EQUIPMENT**

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

## Canines

### 318.1 PURPOSE AND SCOPE

The Canine Program was established to augment Sheriff's Office services to the community. Highly skilled and trained teams of handlers and canines have evolved from the program and are used to supplement police operations to locate individuals, contraband and to apprehend criminal offenders.

### 318.2 GUIDELINES FOR THE USE OF CANINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has either committed or threatened to commit any serious offense and if any of the following conditions exist:

- (a) There is a reasonable belief that the individual poses an imminent threat of violence or serious harm to the public, any deputy, or the handler.
- (b) The individual is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
- (c) The individual(s) is/are believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of deputies or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. In any such case, a standard of objective reasonableness shall be used to review the decision to use a canine in view of the totality of the circumstances.

Absent reasonable belief that an individual has committed or threatened to commit a serious offense, mere flight from pursuing deputy(s) shall not serve as good cause for the use of a canine to apprehend the individual.

Once the individual has been located and no longer reasonably appears to represent a threat or risk of escape, the canine should be placed in a down-stay or otherwise secured as soon as it becomes reasonably practical.

#### 318.2.1 PREPARATION FOR UTILIZING A CANINE

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

- (a) The individual's age or estimate thereof.
- (b) The nature of the suspected offense.
- (c) Any potential danger to the public and/or other deputies at the scene if the canine is released.
- (d) The degree of resistance or threatened resistance, if any, the subject has shown.

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- (e) The potential for escape or flight if the police dog is not utilized.
- (f) The potential for injury to deputies or the public caused by the suspect if the canine is not utilized.

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

A canine handler shall have the ultimate authority not to deploy the dog. The handler will evaluate each situation and determine if the use of a canine is technically feasible. Generally, the decision whether to deploy the dog shall remain with the handler. However, a supervisor sufficiently apprised of the situation may decide not to deploy the dog.

#### 318.2.2 WARNINGS GIVEN TO ANNOUNCE THE USE OF A CANINE

Unless it would otherwise increase the risk of injury or escape, a clearly audible warning to announce that a canine will be released if the person does not come forth, shall be made prior to releasing a canine. The canine handler, when practical, shall first advise the supervisor of his/her decision if a verbal warning is not given prior to releasing the canine. In the event of an apprehension, the handler shall document in any related report whether or not a verbal warning was given and, if none was given, the reasons why.

#### 318.2.3 USE OF NARCOTIC-DETECTION CANINES

A narcotic-detection-trained canine may be used in accordance with current law under the following circumstances:

- (a) To assist in the search for narcotics during a search warrant service.
- (b) To obtain a search warrant by using the detection canine in support of probable cause.
- (c) To search vehicles, buildings, bags and any other articles deemed necessary.

A narcotic-detection canine will not be used to search a person for narcotics.

#### 318.2.4 USE OF EXPLOSIVE DETECTION CANINES

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 trained explosive detection canine team may be considered. Requests to utilize an explosive detection canine team, outside of the Operations Bureau, will be made through the Canine Coordinator, Canine Program Manager, or at the direction of the Sheriff.

An explosive detection canine team may be used in accordance with current law and under certain circumstances, including:

- (a) Assist in the search of a building, structure, area, vehicle or article where the threat of an explosive device has been reported.
- (b) Conducting preventative searches at locations such as special events, VIP visits, official buildings and other restricted areas.
- (c) To assist with searches at transportation facilities and vehicles (e.g., buses, aircraft and trains).

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- (d) To assist in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.
- (e) At no time will a trained explosive detection canine team be utilized to render a suspected explosive device safe or clear.

#### 318.2.5 GUIDELINES FOR NON-APPREHENSION USE

Because canines have senses far superior to those of humans, they may often be effectively utilized to track or search for non-criminals (e.g. lost children, individuals who may be disoriented or in need of medical attention) or even suspects wanted for minor criminal offenses. In such circumstances, it will be necessary for the handler to evaluate the conditions and ability of the canine to determine the feasibility of such an application.

- (a) Absent a change in circumstances that present an imminent threat to deputies, the canine or the public, such applications should be conducted on leash or under circumstances that will minimize the likelihood that the canine will bite or otherwise injure the individual.
- (b) Throughout the deployment of the canine in such circumstances, the handler should consider issuing periodic verbal assurances that the canine will not bite or hurt the person.
- (c) Unless otherwise directed by a supervisor, assisting personnel should take direction from the handler in order to minimize interference with the canine.
- (d) Once the individual has been located, the canine should be placed in a down stay position or otherwise secured as soon as it becomes reasonable practicable.

#### 318.2.6 REPORTING CANINE USE, BITES AND INJURIES

Whenever the sheriff's service dog is deployed, a crime report or supplemental report shall be completed by the handler and a copy turned into the Unit Coordinator prior to the end of shift.

Whenever the use of the canine results in a bite or any injury a crime report or supplemental report shall be completed and included with any related incident report. A supervisor shall be notified to complete a use of force investigation.

The injured party should be transported to an appropriate medical facility if the injury requires medical attention beyond first aid. If the injured party is in custody a deputy should remain with the suspect until treatment has been rendered.

Photographs shall be taken of the bite or injury as soon as practicable after tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current Sheriff's Office evidence procedures. It shall be the responsibility of the Unit Coordinator to ensure that such photographs are retained until the potential need for use in any related civil proceeding has expired.

If a suspect alleges an injury that is not visible, a supervisor shall be notified and the location of the alleged injury should be photographed as described above.

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The Unit Coordinator will maintain liaison with the County Animal Services Department to ensure that information regarding canine bites is not retained by its office. Canines used by law enforcement are exempt from impoundment and reporting requirements to Animal Services (Food and Agriculture Code § 31609 (b)).

#### **318.2.7 REPORTING CANINE INJURIES**

In the event that a canine is injured, the injury will be immediately reported to the Watch Commander who will notify the Canine Unit Coordinator. In all cases, the assigned canine handler is responsible for ensuring that all canine injuries are reported to the Canine Unit Coordinator and/or Canine Unit Program Manager, as soon as practicable.

The Canine's injuries will be documented in a Sheriff's Office memorandum and forwarded to the Canine Unit Program Manager via the chain of command. A copy will also be routed to the Canine Unit Coordinator. The memorandum should contain the circumstances surrounding the injury, medical care received and veterinary care recommendations.

In all circumstances where a Sheriff's Office canine receives medical care, whether or not such treatment is received due to an articulable injury incurred on or off duty, the procedures outlined in this policy will be followed for purposes of reporting any medical care received by the Sheriff's Office canine.

#### **318.2.8 ASSIGNMENT OF CANINES**

The canine teams shall be assigned to the Operations Bureau. Canine teams should function as a normal beat unit, however, they may be assigned by the Watch Commander to other functions based on the needs of the watch at that time.

#### **318.3 REQUEST FOR USE OF CANINE TEAMS**

Personnel within the Sheriff's Office are encouraged to freely solicit the use of the canines. Requests for a canine team from outside of the Operations Bureau shall go through the Unit Coordinator or the Watch Commander.

##### **318.3.1 REQUEST FOR ASSISTANCE FROM OTHER AGENCIES**

The Watch Commander or the Unit Coordinator must approve all requests for canine assistance from outside agencies, subject to the following provisions:

- (a) Canine teams shall not be used for any assignment that is not consistent with this policy.
- (b) The handler has the ultimate authority to decide whether the canine should be used for any specific assignment.
- (c) Canine teams shall not be called out while off-duty or used outside the boundaries of the County of San Luis Obispo unless authorized by the Watch Commander or the Unit Coordinator.
- (d) It shall be the responsibility of the canine handler to coordinate with outside agency personnel in order to minimize the risk of unintended injury.

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#### 318.3.2 REQUEST FOR PUBLIC DEMONSTRATIONS

All public requests for a canine team shall be approved by the Canine Unit Commander prior to making any commitment.

Handlers shall not demonstrate any apprehension work to the public unless authorized to do so by the Canine Unit Commander.

#### **318.4 SELECTION OF CANINE HANDLERS**

The following are the minimum qualifications for the assignment of canine handler:

- (a) San Luis Obispo County Sheriff's Office deputy currently off probation with a minimum of 3 years law enforcement experience.
- (b) Reside in an adequately fenced, single-family, residence (minimum five-foot high fence with locking gates)
- (c) Have a garage or other adequately secured location which can be secured and accommodate a canine patrol unit
- (d) Live within 30 minutes travel time from the San Luis Obispo County limits
- (e) Agree to be assigned to the position for a minimum of five years

#### **318.5 CANINE HANDLER RESPONSIBILITIES**

##### 318.5.1 AVAILABILITY

The handler shall be available for call-out under conditions specified by the Unit Coordinator.

##### 318.5.2 CARE FOR THE CANINE AND EQUIPMENT

The handler shall be in control of the canine at all times. The 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 handler will be responsible for the following:

- (a) Unless required by a particular application, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all Sheriff's Office equipment under his/her control in a clean and serviceable condition and when not on duty shall maintain the canine unit in a garage, secured from public view.
- (c) When a handler takes a vacation or extended number of days off, the assigned canine vehicle shall be maintained at the Sheriff's Office facility.
- (d) Handlers shall permit the Unit Coordinator to conduct spontaneous on-site inspections of affected areas of their residence as well as the canine unit, to verify that conditions and equipment conform to this policy.

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- (e) Any changes in the living status of the handler which may affect the lodging or environment of the canine shall be reported to the Unit Coordinator as soon as possible.
- (f) When off-duty, canines shall be maintained in kennels, provided by the County, at the homes of their handlers. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, canines may be let out of their kennels while under the direct control of their handlers.
- (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 Commander or Unit Coordinator.
- (i) When off-duty, handlers shall not involve their canines in any activity or conduct unless approved in advance by the Canine Commander or Unit Coordinator.
- (j) Whenever a canine handler anticipates taking a vacation or an extended number of days off, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the Unit Coordinator so that appropriate arrangements can be made.

#### 318.5.3 CANINE IN PUBLIC AREAS

All canines shall be kept on a leash when in areas that allow access to the public. Exceptions would include specific police operations for which the canines are trained.

- (a) Canines shall not be left unattended in any area to which the public may have access.
- (b) When the canine unit 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 unit remains habitable for the canine.

#### 318.5.4 HANDLER COMPENSATION

The canine handler shall be compensated for time spent in the care, feeding, grooming and other needs of the dog as provided in the Fair Labor Standards Act. The details regarding compensation will be in the labor agreement between the County of San Luis Obispo and the canine deputy's represented employee bargaining unit. and the canine deputies.

### 318.6 MEDICAL CARE OF THE CANINE

All medical care shall be rendered by the designated canine veterinarian, as designated by the Canine Unit Coordinator, except during an emergency as provided in Policy Manual § 319.6.2.

#### 318.6.1 NON-EMERGENCY MEDICAL CARE

Non-emergency medical care will be coordinated through the Canine Unit Coordinator.

Any indication that a canine is not in good physical condition shall be reported to the Canine Unit Coordinator and/or the Canine Program Manager, as soon as practicable.

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All records of medical treatment shall be maintained in the Sheriff's Office canine and assigned handler's training file.

#### **318.6.2 EMERGENCY MEDICAL CARE**

The assigned canine handler shall notify the Canine Unit Coordinator as soon as practicable when emergency medical care for the canine is required. Notification may be made immediately to the Watch Commander, who will then notify the Canine Unit Coordinator.

Depending on the severity of the injury or illness, the canine shall either be treated by the designated veterinarian or transported to a designated emergency medical facility for treatment. If the canine handler and canine are out of the area, the handler may use the nearest available veterinarian.

In all cases where the Sheriff's Office canine receives medical care, the protocols of reporting such care will be followed, as provided in § 319.2.7.

#### **318.7 TRAINING**

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

The Unit Coordinator shall be responsible for scheduling periodic training for all department personnel in order to familiarize them with how to conduct themselves in the presence of department canines.

##### **318.7.1 CONTINUED TRAINING**

Each canine team shall thereafter be re-certified to current POST guidelines and the California Narcotic Canine Association or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

- (a) Canine teams shall receive training as defined in the current contract with the department's canine training provider.
- (b) Canine handlers are encouraged to engage in additional training with approval of the Canine Unit Coordinator.
- (c) To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is contrary to the policies of the San Luis Obispo County Sheriff's Office.
- (d) All canine training shall be conducted while on-duty unless otherwise approved by the Unit Coordinator or Watch Commander.

##### **318.7.2 FAILURE TO SUCCESSFULLY COMPLETE POST TRAINING**

Any dog team failing POST canine certification and, if cross-trained, the California Narcotic Canine Association or other recognized and approved certification standards shall not be deployed in the

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field until certification is achieved. When practical, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

#### 318.7.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's training file.

#### **318.8 CANINE UNIT COORDINATOR RESPONSIBILITIES**

The Canine Unit Coordinator will be appointed by the Canine Program Manager and will supervise the Canine Unit. The Canine Unit Coordinator will hold the rank of Sergeant or higher and will be responsible for, but not limited to, the following:

- (a) Review all Canine Use Reports and Canine Use of Force incidents to ensure compliance with policy and to identify training issues and other needs of the program.
- (b) Maintain liaison with the vendor kennel.
- (c) Maintain liaison with administrative staff and functional supervisors.
- (d) Maintain liaison with other agency canine coordinators.
- (e) Maintain accurate records to document canine activities.
- (f) Recommend and oversee the procurement of needed equipment and services for the unit.
- (g) Be responsible for scheduling all canine related activities.
- (h) Ensure the canine teams are scheduled for continuous training to maximize the capabilities of the teams.
- (i) Audit Canine Unit narcotics and explosive training aids.

#### **318.9 CONTROLLED SUBSTANCE TRAINING AIDS**

Controlled substance training aids are required to effectively train and maintain drug detecting dogs. Further, controlled substances can also be an effective training aid during training sessions for law enforcement personnel and the public.

Health & Safety Code § 11367.5 provides that any Sheriff, Chief Of Police, the Chief of the Bureau of Controlled Substance Enforcement, or the Commissioner of the California Highway Patrol, or a designee thereof may, in his or her discretion, provide controlled substances in his or her possession for training purposes:

- (a) To any duly authorized peace officer or civilian drug detection canine trainer working under the direction of a law enforcement agency
- (b) Provided the controlled substances are no longer needed as criminal evidence
- (c) Provided the person receiving the controlled substances, if required by the Drug Enforcement Administration, possesses a current and valid Drug Enforcement Administration registration that specifically authorizes the recipient to possess controlled substances while providing substance abuse training to law enforcement or the community or while providing canine drug detection training

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#### 318.9.1 PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of accidental ingestion of these controlled substances by the canine, the following procedure shall be strictly followed:

- (a) All controlled substance training samples shall be acquired from the San Luis Obispo County Sheriff's Office or from allied agencies pursuant to Health & Safety Code § 11367.5. 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 authorized person possessing controlled substance training aid samples pursuant to Health & Safety Code § 11367.5 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 quarterly. The results of the quarterly testing shall be recorded and maintained by the Canine Unit Coordinator with a copy forwarded to the dispensing agency, if applicable
- (e) All controlled substance training samples will be stored in locked hardened boxes at all times, except during training. The locked hardened boxes shall be secured in the trunk of the canine handler's assigned patrol unit, or stored in a locked evidence locker. There are no exceptions to this procedure
- (f) The Canine Unit Coordinator 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 Canine Unit Coordinator or to the dispensing agency, if applicable
- (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.
- (i) The process of acquiring controlled substance training aids described in this policy shall be secured under the authority of a Court Order. This process shall be documented in a Sheriff's Office confidential report.
- (j) The process of returning issued controlled substance training aids for destruction described in this policy shall be documented in a supplemental report to the originating case number.

#### 318.9.2 IMMUNITY

All duly authorized peace officers acting in the performance of their official duties and any person working under their immediate direction, supervision or instruction are immune from prosecution under the Uniform Controlled Substance Act while providing substance abuse training or canine drug detection training (Health & Safety Code § 11367.5(b)).

#### 318.10 EXPLOSIVE TRAINING AIDS

Explosive training aids are required to effectively train and maintain the skills of explosives detection dogs and can also provide effective training for law enforcement personnel and the

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public. Peace officers are permitted by law to possess, transport, store or use explosives or destructive devices while acting within the scope and course of employment (Penal Code § 18800). Explosive training aids designed specifically for K-9 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 is subject to the following requirements:

- (a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials they contain.
- (b) An inventory ledger shall be maintained to document the type and quantity of explosives training aids held by the Canine Unit.
- (c) The Canine Unit Coordinator shall be responsible to verify the explosives training aids on hand against the inventory ledger once each quarter.
- (d) Only members of the Canine Unit shall have access to the explosives training aid 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 second person on scene will be designated as the secondary custodian.
- (f) Any lost or damaged explosives training aid shall be promptly reported to the Unit Supervisor in writing 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).
- (g) The process of acquiring explosive training aids described in this policy shall be documented in a Sheriff's Office confidential report.
- (h) The process of returning issued explosive training aids described in this policy shall be documented in a supplemental report to the originating case number.

## Domestic Violence

### 320.1 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 the Sheriff's Office is to take enforcement action when appropriate, to provide assistance to victims and to guide deputies in the investigation of domestic violence.

#### 320.1.1 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.

### 320.2 POLICY

The San Luis Obispo 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 department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

### 320.3 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.

### 320.4 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.

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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 Detective Unit 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.
- (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 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.

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11. The racial, cultural, social, professional position or sexual orientation of the victim or suspect.

#### **320.4.1 IF A SUSPECT IS ARRESTED**

If a suspect is arrested, deputies should:

- (a) Advise the victim that there is no guarantee the suspect will remain in custody.
- (b) Provide victim's with contact information on the Victim Information and Notification Everyday ("VINE") program to register for notification by the jail of the suspects release from custody.
- (c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

#### **320.4.2 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 services, victim/witness services).
- (b) Document the resolution in a report.

#### **320.5 VICTIM ASSISTANCE**

Victims may be traumatized or confused. Deputies should:

- (a) Recognize that a victim's behavior and actions may be affected.
- (b) Provide the victim with the department's domestic violence information handout, even if the incident may not rise to the level of a crime.
- (c) Alert the victim to any available victim advocates, shelters and community resources.
- (d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.
- (e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.
- (f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to a safe location or shelter. San Luis Obispo County shelters provide 24 hour crisis lines.
- (g) 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.
- (h) Seek or assist the victim in obtaining an emergency protective order if appropriate.

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- (i) The victim has the right to have an advocate or support person of the victim's choosing present during the law enforcement interview, unless deemed detrimental to the interview. (PC 679.05).
- (j) Provide the victim with a Victim's Rights Card, including the rights of crime victim's pursuant to the California Constitution (PC 679.09) "Marsy's Right's"
- (k) If the victim is an undocumented immigrant, the victim may be eligible for a "U-Visa", which may be initiated by the District Attorney's Office or an Immigrant assistance
- (l) The victim may request to have their name deleted from the crime report. (GC 6254(f) (2).
- (m) If sexual assault is reported, evaluate to determine if a medical/legal SART exam is appropriate. If the victim does not want to cooperate with law enforcement, inform the victim of his/her right to access a SART exam without law enforcement involvement and at no cost to the victim. In all sexual assault cases, victims should be referred to the Sexual Assault recovery and Prevention Center (SARP)>

#### **320.6 DISPATCH ASSISTANCE**

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

[Dispatcher]s 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.

#### **320.7 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).

#### **320.8 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.

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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.

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.

### **320.9 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)

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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.
  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).

### **320.10 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)).

### **320.11 RECORD-KEEPING AND DATA COLLECTION**

This [department/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

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violence related calls reported to the [Department/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 Records Manager to maintain and report this information as required.

#### **320.12 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) At the request of the petitioner, a deputy at the scene of a reported domestic violence incident shall serve a court order on a restrained person (Family Code § 6383; Penal Code § 13710).
- (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).
- (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).

#### **320.13 PUBLIC ACCESS TO POLICY**

A copy of this domestic violence policy will be provided to members of the public upon request (Penal Code § 13701).

#### **320.14 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).

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#### **320.15 DOMESTIC VIOLENCE DEATH REVIEW TEAM**

This [department/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).

## Hate Crimes

### 319.1 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 San Luis Obispo 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).

#### 319.1.1 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.

**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

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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:
  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

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- 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.

**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

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- Meeting hall
- Person
- Place of worship
- Private institution
- Public agency
- Library
- Other victim or intended victim of the offense

#### **319.2 POLICY**

It is the policy of this [department/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 [department/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 [department/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.

#### **319.3 PLANNING AND PREVENTION**

In order to facilitate the guidelines contained within this policy, [department/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. [Department/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**

A [department/office] member appointed by the Sheriff or the authorized designee 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 [department/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, Islamic, lesbian, gay, bisexual, transgender, and queer or questioning (LGBTQ), Black, Native American, immigrant, Jewish, Asian American, and Pacific Islander 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 Manager 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 Records Section for mandated reporting to the California Department of Justice.
  - 1. Ensure the California Department of Justice crime data is posted monthly on the [department/office] website (Penal Code § 13023).
- (l) Reporting any suspected multi-mission extremist crimes to the [department/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 Records Section Policy.
- (m) Maintaining the [department/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).

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- (o) Annually assessing this policy, including:
  1. Keeping abreast of POST model policy framework for hate crimes for revisions or additions, including definitions, responsibilities, training resources, the supplemental hate crime report, and planning and prevention methods.
  2. Analysis of the [department/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 [department/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 [Department/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 [department/office] personnel as they relate to the [department/office]'s investigation of hate crimes and/or incidents. Responding

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deputies should evaluate the need for additional assistance and, working with supervision and/or investigations, access needed assistance if applicable.

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. [Department/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.

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- (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.
- (k) Provide information regarding immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).
- (l) Provide the [department/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.

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4. Prior occurrences, in this area or with this victim.
  5. Statements made by suspects; exact wording is critical.
  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 [department/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 [Department/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 [department/office]'s official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
  2. Expressing the [department/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 [department/office] chaplain, as well as community

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service agencies that provide shelter, food, clothing, child care, or other related services (per Penal Code § 422.92).

- (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.
- (j) Make a final determination as to whether the incident should be classified as a hate crime and forward to the Sheriff for approval.

#### **319.5 TRAINING**

All members of this [department/office] will receive POST-approved training on hate crime recognition and investigation (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.
- (d) When a gun violence restraining order may be appropriate for prevention of hate crimes (Penal Code § 13519.6).

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#### **319.6 APPENDIX**

See attachments:

[Statutes and Legal Requirements.pdf](#)

[Hate Crime Checklist.pdf](#)

[Supplemental Hate Crime Report.pdf](#)

## Search and Seizure

### 322.1 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 San Luis Obispo County Sheriff's Office personnel to consider when dealing with search and seizure issues.

### 322.2 POLICY

It is the policy of the San Luis Obispo County Sheriff's Office to respect the fundamental privacy rights of individuals. Members of the Sheriff's Office will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by the Sheriff's Office will comply with relevant federal and state law governing the seizure of persons and property.

In accordance with the Training Policy, the Sheriff's 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.

### 322.3 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 department 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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#### **322.4 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 the Sheriff's 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.

#### **322.5 DOCUMENTATION**

Deputies are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon a deputy of the same sex as the person being searched and the identification of any witness deputy

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

#### **322.6 BODY SPECIMEN COLLECTION CRITERIA**

Specimens of blood, breath, hair, saliva or urine taken as evidence will be drawn at the direction of a Deputy, by medically qualified personnel as appropriate, in an approved manner.

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- (a) Deputies shall obtain specimens of blood, breath, hair, saliva or urine as evidence when the specimen is material and critical to a matter under investigation.
  - 1. It is imperative that specimens taken for analysis to determine the presence of drugs, alcohol or DNA be seized as soon as possible following commission of the crime under investigation.
  - 2. When obtaining this evidence, Deputies shall ensure it is collected properly, preserved, the defendant's constitutional rights are not violated in the collection process, and facts surrounding the collection are documented.
- (b) In all cases, expert medical opinion shall prevail in obtaining a specimen.
- (c) A subject's consent to provide a specimen shall comply with current medical facility requirements and Sheriff's Office policy.
- (d) Refusals to submit to testing shall be treated as follows:
  - 1. In the case of drunk drivers, refer to Policy Section 514.
  - 2. A search warrant, or a written and signed consent to search, are required before obtaining specimens in all other criminal investigations.
- (e) Blood samples from unconscious persons are authorized with the following exceptions:
  - 1. Persons known to be hemophiliacs
  - 2. Persons afflicted with heart conditions which are being treated with anticoagulants.
- (f) Specimens from deceased persons are authorized pursuant to a Coroner's investigation.

## Temporary Custody of Juveniles

### 324.1 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 San Luis Obispo 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.

#### 324.1.1 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 [department/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).

#### **324.2 POLICY**

The San Luis Obispo 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 San Luis Obispo County Sheriff's Office. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

#### **324.3 JUVENILES WHO SHOULD NOT BE HELD**

Juveniles who exhibit any of the following conditions should not be held at the San Luis Obispo 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 San Luis Obispo 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).

#### **324.3.1 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. [Department/Office] members should administer first aid as applicable (15 CCR 1142).

#### **324.3.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY**

[Department/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).

### **324.4 CUSTODY OF JUVENILES**

Deputies should take custody of a juvenile and temporarily hold the juvenile at the San Luis Obispo 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 San Luis Obispo 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 San Luis Obispo County Sheriff's Office (34 USC § 11133; Welfare and Institutions Code § 207.1).

#### **324.4.1 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 San Luis Obispo 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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#### 324.4.2 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).

#### 324.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the San Luis Obispo 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 [Department/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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#### **324.5 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).

#### **324.6 JUVENILE CUSTODY LOGS**

Any time a juvenile is held in custody at the Department, the custody shall be promptly and properly documented in the juvenile custody log. Juveniles may be detained in secured and non-secured custody depending on the reason for the detention.

##### **324.6.1 NON-SECURED DETENTION OF JUVENILE (WIC §207.1(D)2):**

- (a) Juveniles described in WIC §602 who are under 14 years of age must be kept in non-secure detention.
- (b) Juveniles who do not present a serious risk of harm to self or others must be kept in non-secure detention.
- (c) Juveniles may be held for no more than 6 hours to investigate the case, facilitate release to parent or guardian, or arrange for the transfer to the appropriate facility.
- (d) Non-securely detained juveniles shall not be detained in a locked enclosure, holding cell or jail.
- (e) All juveniles detained must be kept out of sight and sound of adult prisoners (WIC§208).

##### **324.6.2 NON-SECURE JUVENILE DETENTION LOGS**

- (a) Deputies holding a juvenile in non-secure custody in an interview room at a patrol station or the detective building will notify the Sheriff's Watch Commander of the non-secure detention and then open the on-line Non-Secure Juvenile Detention Log form located on the Sheriff Intranet to document the non-secure detention.

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- (b) Upon termination of the non-secure detention of the juvenile the log form will be completed by the deputy and forwarded electronically to the Sheriff's Watch Commander for review and approval.
- (c) The Sheriff's Watch Commander will print the completed form for review and approval.
- (d) Upon approval the form will be forwarded to the Sheriff's Records Manager by the Sheriff's Watch Commander.
- (e) The Sheriff's Records Manager will maintain an electronic copy of the form for reference.
- (f) Non-Secure Juvenile Detention Logs will be retained by the Sheriff's Office for the time period outlined in California Government Code §26202, after which they may be purged in accordance with the County's records destruction policy.
- (g) Non-Secure Juvenile Detention Logs are not required for investigative detentions in the field.

#### **324.6.3 INFORMATION TO BE RECORDED**

Non-Secure Juvenile Detention Logs shall contain the following information:

- (a) Identifying information about the juvenile being held.
- (b) Date and time of arrival and release from the San Luis Obispo County Sheriff's Office (15 CCR 1150)
- (c) Watch commander notification and approval to temporarily hold the juvenile.
- (d) Any changes for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender or non-offender.
- (e) Length of time of the detention.
- (f) Release information.

#### **324.7 NO-CONTACT REQUIREMENTS**

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the [Department/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 San Luis Obispo 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).

#### **324.8 TEMPORARY CUSTODY REQUIREMENTS**

Members and supervisors assigned to monitor or process any juvenile at the San Luis Obispo County Sheriff's Office shall ensure the following:

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- (a) The Watch Commander should be notified if it is anticipated that a juvenile may need to remain at the San Luis Obispo County Sheriff's Office more than four hours. This will enable the Watch Commander to ensure no juvenile is held at the San Luis Obispo 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).
- (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).

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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).

#### **324.9 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 San Luis Obispo 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).

#### **324.10 PERSONAL PROPERTY**

The deputy taking custody of a juvenile offender or status offender at the San Luis Obispo 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 San Luis Obispo County Sheriff's Office.

#### **324.11 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

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Members of this [department/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).

#### 324.11.1 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 [department/office] members (15 CCR 1147).
- (c) Initial placement into and removal from a locked enclosure shall be logged (Welfare and Institutions Code § 207.1).
- (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.

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#### **324.12 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 San Luis Obispo 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.

#### **324.13 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, 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.

##### **324.13.1 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 a [department/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):

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- (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).

#### **324.14 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.

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 Detective Unit 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

#### **324.15 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 [department/

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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 San Luis Obispo 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 Records Manager and the appropriate Detective Unit supervisors to ensure that personnel of those bureaus act within legal guidelines.

#### **324.16 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION**

The Operations Bureau Chief shall coordinate the procedures related to the custody of juveniles held at the San Luis Obispo County Sheriff's Office and ensure any required certification is maintained (Welfare and Institution Code § 210.2).

#### **324.17 TRAINING**

[Department/Office] members should be trained on and familiar with this policy and any supplemental procedures.

## Adult Abuse

### 326.1 PURPOSE AND SCOPE

This policy provides members of this department with direction and understanding of their role in the prevention, detection and intervention in incidents of adult abuse. It is the policy of the San Luis Obispo County Sheriff's Office to treat reports of adult abuse as high priority criminal activity that is to be fully investigated regardless of the relationship between the victim and the suspects.

### 326.2 DEFINITIONS

Definitions related to this policy include:

**Adult Abuse** - Any offense or attempted offense involving violence or neglect of adults over the age of 65 or any offense or attempted offense involving a dependent adult victim committed by a caregiver. This also includes any other act that would mandate notification to a social service/licensing agency or law enforcement related to the abuse of an adult (Welfare and Institutions Code § 15610.07; Welfare and Institutions Code § 15610.27; Welfare and Institutions Code § 15610.23).

**Dependent Adult** - Any person residing in this state, 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 includes any person between 18 and 64 years of age who is admitted as an inpatient to a 24-hour health facility, as defined in state law (Health and Safety Code § 1250; Health and Safety Code § 1250.2; Health and Safety Code § 1250.3).

### 326.3 MANDATORY NOTIFICATION

Any member who has observed or has knowledge of an incident that reasonably appears to be adult abuse, is told by an elder or dependent adult that he/she has experienced abuse or who reasonably suspects abuse, shall report to the county adult protective services agency as soon as practicable as provided in Welfare and Institutions Code § 15630.

For purposes of notification, abuse is physical abuse, abandonment, abduction, isolation, financial abuse or neglect. Physical abuse includes any assault or sex crime (Welfare and Institutions Code § 15610.63). Financial abuse includes taking personal or real property by undue influence or intent to defraud (Welfare and Institutions Code § 15610.30). Notification is also made in cases of abandonment, abduction, isolation and neglect (Welfare and Institutions Code § 15610.05; Welfare and Institutions Code § 15610.06; Welfare and Institutions Code § 15610.43; Welfare and Institutions Code § 15610.57).

Notification should also be made to the following agencies as soon as practicable or as provided below (Welfare and Institutions Code § 15630):

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- (a) If the abuse is physical abuse and 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 there is physical abuse and no serious bodily injury, notification shall be made by telephone and, within 24 hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
  - 3. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by telephone and a written report to the local ombudsman within 24 hours.
- (b) If the abuse is in a long-term care facility (not a state mental health or a state developmental center) and is other than physical abuse, a telephone report and a written report shall be made to the local ombudsman.
- (c) The State Department of Public Health shall be notified of all known or suspected abuse occurring in a long-term facility.
- (d) The Bureau of Medi-Cal Fraud and Elder Abuse shall be notified of all abuse that constitutes criminal activity in a long-term care facility.
- (e) The District Attorney's office shall be notified of all cases of physical abuse and financial abuse in a long-term care facility.
- (f) If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the State Department of State Hospitals or the State Department of Developmental Services as soon as practicable but no later than two hours after law enforcement becomes aware of the abuse.
- (g) If the abuse occurred at a residential care facility for the elderly or adult day program, the State Department of Social Services shall be notified.
- (h) If the abuse occurred in an adult day health care center, the State Department of Public Health and the California Department of Aging shall be notified.

Failure to make a report within two working days or as provided is a misdemeanor (Welfare and Institutions Code § 15630(h)).

The Detective Unit 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).

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#### 326.3.1 RECORDS SECTION RESPONSIBILITY

Station Clerks are responsible for the following:

- (a) Provide a copy of the elder/dependent abuse report to Adult Protective Services. This requirement is applicable even if the initial call was received from Adult Protective Services.
- (b) Retain the original elder/dependent abuse report with the initial case file.

#### **326.4 DEPUTY'S RESPONSE**

All incidents involving actual or suspected adult abuse shall be fully investigated and appropriately documented.

##### 326.4.1 INITIAL RESPONSE

Deputies may be called upon to effect a forced entry as the first responder to the scene of suspected adult abuse. Entry should be immediate when it appears reasonably necessary to protect life or property. When the need for an emergency entry is not evident, deputies should seek supervisory approval. Deputies must be prepared to provide emergency care pending the arrival of medical personnel, if not already present.

##### 326.4.2 STABILIZE THE SITUATION

Deputies must quickly assess the situation in an effort to ensure the immediate safety of all persons. Deputies shall also consider taking the following actions:

- (a) Attempt to identify the victim, suspect and witnesses as well as the roles and relationships of all parties. Parties should be interviewed separately when possible.
- (b) Preserve the crime scene where evidence may be present. All persons should be removed from the scene until it has been photographed and processed. Any evidence that may change in appearance (e.g., injuries) should be photographed as soon as practicable.
- (c) Assess and define the nature of the problem. Deputies should assess the available information to determine the type of abuse that may have taken place or the potential for abuse in the future that may be eliminated by intervention.
- (d) Make on-scene arrests when appropriate. Deputies may arrest a person without a warrant when probable cause exists to believe that the person has committed an assault or battery, whether or not the assault or battery has in fact been committed, upon an adult to whom the suspect is related by blood or legal guardianship, provided the arrest is made at the time probable cause arises (Penal Code § 836).

If an arrest is not otherwise required by law, deputies should consider the consequences that the immediate arrest of a sole supporting family caretaker might have on the victim. The decision to arrest should be based on the best interests and caretaking needs of the elderly or dependent adult victim. The present and future safety of the victim is of utmost importance.

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#### 326.4.3 SUPPORT PERSONNEL

The following persons should be considered for notification if it appears an in-depth investigation is appropriate:

- Patrol supervisor
- Detective personnel
- Evidence collection personnel
- Protective Services Agency personnel
- Ombudsman shall be called if the abuse is in a long-term care facility, to coordinate efforts to provide the most immediate and appropriate response (Welfare and Institutions Code § 15630(b)).
- Investigation efforts shall be coordinated with the designated investigators of the State Department of State Hospitals or the State Department of Developmental Services if the abuse occurred in a state mental hospital or state developmental center (Welfare and Institutions Code § 15630(b)).

#### 326.4.4 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)).

#### **326.5 ADULT ABUSE REPORTING**

Every allegation of adult abuse shall be documented in a report. When documenting elder/dependent abuse cases the following information should also be included in the report:

- Current location of the victim
- Victim's condition/nature and extent of injuries, neglect or loss
- Names of agencies and personnel requested and on scene

Reporting cases of adult abuse is confidential and will only be released in accordance with the Release of Records and Information Policy.

Deputies investigating adult abuse shall complete a State of California form SOC 341 (Report of Suspected Dependent Adult/Elder Abuse).

#### **326.6 RECORDS BUREAU RESPONSIBILITIES**

The Records Section is responsible for:

- (a) Providing a copy of the 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)).

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- (b) Retaining the original adult abuse report with the initial case file.

#### **326.7 JURISDICTION**

The San Luis Obispo 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 law, in such cases. However, this [department/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.

#### **326.8 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.

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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**

"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.

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#### **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 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.

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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:

- (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.

### **326.9 SHERIFF RESPONSIBILITIES**

The Sheriff or the authorized designee responsibilities include but are not limited to (Penal Code § 368.6):

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- (a) Taking leadership within the [Department/Office] and in the community, including by speaking out publicly in major cases of senior and disability victimization, to assure the community of [department/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 [department/office] protocols in this policy, including but not limited to the following:
  - 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 [department/office] protocol, include either a specific title-by-title list of deputy responsibilities or a specific office or unit in the [Department/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.

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- (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.

#### **326.10 ELDER AND DEPENDENT ADULT ABUSE LIAISON**

A [department/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

### 328.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent [department/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.

### 328.2 POLICY

The San Luis Obispo 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 [Department/Office] will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The [Department/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 [Department/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.

### 328.3 DISCRIMINATION PROHIBITED

#### 328.3.1 DISCRIMINATION

The [Department/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 [department/office] equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to [department/office] policy and to a work environment that is free of discrimination.

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#### 328.3.2 SEXUAL HARASSMENT

The Sheriff's Office prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or an employee 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.

#### 328.3.3 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 [department/office] rules or regulations, or any other appropriate work-related communication between supervisor and member.

#### 328.4 RESPONSIBILITIES

This policy applies to all Sheriff's Office personnel. All members shall follow the intent of these guidelines in a manner that reflects department policy, professional law enforcement standards and the best interest of the Department 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 his/her 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 Sheriff, the Personnel Director or the County Administrator.

Any member who believes, in good faith, that he/she has been discriminated against, harassed, subjected to retaliation, or who has observed harassment or discrimination, 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.

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#### 328.4.1 SUPERVISOR RESPONSIBILITY

Each supervisor and manager shall:

- (a) Continually monitor the work environment and strive to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Take prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment or retaliation.
- (c) Ensure that their subordinates understand their responsibilities under this policy.
- (d) Ensure 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) Notify the Sheriff or Personnel Director in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation no later than the next business day.

#### 328.4.2 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 the Sheriff's 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.
- (c) Supervisors and managers must act promptly and responsibly in the resolution of such situations.
- (d) Supervisors and managers shall make a timely determination regarding the substance of any allegation based upon all available facts.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling employees or issuing discipline, in a manner that is consistent with established procedures.

#### **328.5 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 Sheriff's Office that all complaints of discrimination or harassment shall be fully documented and promptly and thoroughly investigated. The participating or opposing member should be protected against retaliation, and the complaint and related investigation should be kept confidential to the extent possible.

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#### 328.5.1 SUPERVISORY RESOLUTION

Members who believe they are experiencing discrimination, harassment or retaliation should be encouraged to inform the individual that his/her behavior is unwelcome. However, if the member feels uncomfortable, threatened or has difficulty expressing his/her 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.

#### 328.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted.

The employee 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 any investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include, but not be limited to, details of the specific incident, frequency 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 Sheriff, Personnel Director or the County Administrator.

#### 328.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the [Department/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.

#### **328.6 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:

- (a) Approved by the Sheriff, the County Administrator, or the Personnel Director, depending on the ranks of the involved parties.
- (b) Maintained in accordance with the [department/office]'s established records retention schedule.

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#### **328.7 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, the County Administrator or the Personnel Director if more appropriate
- Maintained for the period established in the department's records retention schedule

#### **328.8 TRAINING**

All new employees shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new employee. The employee shall certify by signing the prescribed form that he/she has been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during his/her term of employment.

All employees 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.

##### **328.8.1 QUESTIONS REGARDING DISCRIMINATION OR SEXUAL HARASSMENT**

Members with questions regarding discrimination or sexual harassment are encouraged to contact a supervisor, manager, the Sheriff, Personnel Director or the County Administrator, or they may contact the California Department of Fair Employment and Housing.

#### **328.9 WORKING CONDITIONS**

The Support Services Bureau Chief 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).

#### **328.10 REQUIRED POSTERS**

The [Department/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

### 330.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when San Luis Obispo County Sheriff's Office members are required to notify the county Child Protective Services (CPS) of suspected child abuse.

#### 330.1.1 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).

### 330.2 POLICY

The San Luis Obispo County Sheriff's Office will investigate all reported incidents of alleged criminal child abuse and ensure CPS is notified as required by law.

### 330.3 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 [department/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.

#### **330.3.1 NOTIFICATION PROCEDURE**

Notification should occur as follows (Penal Code § 11166):

- (a) Notification shall be made immediately, or as soon as practicable, by telephone, fax or electronic transmission.
- (b) A written follow-up report should be forwarded within 36 hours of receiving the information concerning the incident.

#### **330.4 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).

#### **330.4.1 RESPONDING DEPUTY RESPONSIBILITIES**

- (a) Conduct a preliminary investigation to determine whether a crime has occurred.
- (b) Investigations will be documented by either a crime or incident report.
  - 1. All reports will be forwarded to the Detective Division for follow-up.
  - 2. Cases will not be submitted to the District Attorney's Office prior to review by Detectives.
- (c) If the facts indicate children are at risk in the existing environment, they shall be taken into temporary custody pursuant to Welfare and Institutions Code 305(a). The removal shall be coordinated with Child Protective Services.

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- (d) If the Sheriff's Office is the first agency notified of the allegations, it shall be the responding Deputy's responsibility to notify Child Protective Services immediately if the incident occurred in the unincorporated area. In addition, he shall complete the "Suspected Child Abuse Report" (DOJ Form SS 8572) and attach to the investigative report.
  - 1. If the incident occurred in another jurisdiction, the responding Deputy shall immediately notify the agency having jurisdiction, by phone.
  - 2. Reporting requirements and definitions are found in Penal Code Section 11166.
  - 3. The identity of all persons who report suspected child abuse or neglect pursuant to Penal Code 11166.2 or 11166.2 shall be confidential and may be disclosed only as permitted by Penal Code 11167.5.
- (e) Difficult, extreme or unusual cases may require assigning a Detective through the on-call Detective supervisor.

#### 330.4.2 WATCH COMMANDER RESPONSIBILITIES

- (a) The Watch Commander shall receive all telephone cross-reports from other sources and complete the "Suspected Child Abuse Report" (DOJ Form SS 8572).
- (b) The Watch Commander will ensure cross-reports are given a case number and assigned to a Deputy for preliminary investigation.
- (c) The Watch Commander will ensure the preliminary investigation reports are completed by the responding Deputy on the day of the crime/incident.
- (d) If an arrest is made, the Watch Commander will contact the Detective supervisor and notify him of the arrest.
- (e) The Watch Commander will notify the Detective supervisor of an investigation on the first business day following that investigation.

#### 330.4.3 DETECTIVES RESPONSIBILITIES

Detective Sergeant will review and assign all suspected abuse, molestation or neglect reports.

Completed reports from Child Protective Services will be sent to Patrol Division for preliminary investigation and report.

The duties of the detectives assigned to investigate child abuse include but are not limited to:

- (a) Responsibility for the investigation, collection of evidence, and preliminary preparation for prosecution of all cases of child abuse and molestation.
- (b) Investigation into the deaths of children that could be attributed to abuse, molest, or Sudden Infant Death Syndrome (SIDS).
- (c) Investigate reports of unfit homes, child abandonment, child endangering, or neglect.

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- (d) Provide follow-up on suspected child abuse reports (compliance calls).
- (e) Provide appropriate training to patrol personnel.
- (f) Coordinate with other enforcement agencies, social service agencies, and school administrators in the application and enforcement of the laws regarding child abuse cases.
- (g) It shall be the Detective's responsibility to complete the "Child Abuse Investigative Report" (DOJ Form SS 8583) and submit the report to the Department of Justice. Direction for completing the form is found on the form's cover sheet.

#### 330.4.4 CLERICAL RESPONSIBILITIES

- (a) Reports of suspected child abuse will be given priority after in-custody reports.
- (b) A copy of all report supplements will be routed to the Detective Division.
- (c) If the crime occurred in another jurisdiction, a copy of the report and attachments will be sent to the agency having jurisdiction.
- (d) Copies of all reports will be sent to the Detective Division. No report will be sent to the District Attorney's Office prior to review by Detectives.

#### 330.5 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.
- (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.

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- (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).

#### **330.5.1 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, [department/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).

#### **330.6 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 [department/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.

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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).

A child taken into protective custody shall be delivered to CPS unless otherwise directed by court order.

#### **330.6.1 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.

#### **330.6.2 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.

### **330.7 INTERVIEWS**

#### **330.7.1 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

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trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

#### 330.7.2 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.

#### 330.7.3 INTERVIEWS AT A 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).

### **330.8 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.

### **330.9 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.

#### 330.9.1 SUPERVISOR RESPONSIBILITIES

The Detective Unit supervisor should:

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- (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 Detective Unit 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.

#### 330.9.2 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 Detective Unit supervisor so an interagency response can begin.

#### **330.10 STATE MANDATES AND OTHER RELEVANT LAWS**

California requires or permits the following:

##### 330.10.1 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 Release of Records and Information Policy (Penal Code 841.5; Penal Code § 11167.5).

##### 330.10.2 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.

##### 330.10.3 CACI HEARING OFFICER

The Detective Unit 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.

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#### 330.10.4 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
- (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.

#### 330.10.5 CHILD DEATH REVIEW TEAM

This [department/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).

#### **330.11 TRAINING**

The [Department/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.

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- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.

# Missing Person Reporting

## 332.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

### 332.1.1 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).

## 332.2 POLICY

The San Luis Obispo 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 San Luis Obispo 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).

## 332.3 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:

- [Department/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)
- Missing person school notification form

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- Medical records release form from the California Department of Justice
- California DOJ missing person forms as appropriate
- Biological sample collection kits

#### **332.4 ACCEPTANCE OF REPORTS**

Any employee 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 employees who do not take such reports or who are unable to render immediate assistance shall promptly dispatch or alert an employee 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).

#### **332.5 INITIAL INVESTIGATION**

Deputies or other employees 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 person 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" (BOL) bulletin if the person is under 21 years of age or there is evidence that the missing person is at risk. The BOL 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 the following:
  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 their 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 deputy should notify a supervisor and proceed with reasonable steps to locate the missing person.

#### 332.5.1 WATCH COMMANDER REQUIREMENTS ON AT RISK MISSING PERSONS

On At-Risk missing persons the watch commander shall do the following:

- (a) Dispatch available units to start a preliminary search.
- (b) Obtain specific information on the missing person:
  1. Why they are considered at risk.
  2. Are they a project Lifesaver client?
  3. Obtain a thorough description, clothing, last known location, mode of travel, access to vehicles, cell-phone number, recent credit/debt card use.
- (c) A field supervisor or detective supervisor will be dispatched to the scene to coordinate the search.
- (d) Request additional resources; air support, Cal Fire, Sheriff K-9, SAVP.
- (e) Search and Rescue unit will be called out as soon as possible to assist in the search.
- (f) Other resources such as Posse, Aero Squadron, Bike Team, and Quad Team can be dispatched if needed.
- (g) Notify allied agencies and request assistance if applicable.
- (h) Insure dispatch completes BOL and MUPS entry ASAP.
- (i) Notifications of executive staff per policy section 358 (M2).
- (j) Notify Patrol Station Commander.
- (k) Notify On Call Detective Supervisor for a Detective response.
- (l) Evaluate for Reverse 911 activation.
- (m) Contact Local Hospitals.

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- (n) Review Missing Person Policy to insure all policy steps have been taken.

#### **332.6 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.

##### **332.6.1 SUPERVISOR RESPONSIBILITIES**

The supervisor shall review and approve missing person reports upon receipt and ensure resources are deployed as appropriate. The reports should be promptly sent to Records Section.

The supervisor shall also ensure applicable notifications and public alerts are made and documented and that records have been entered into the appropriate missing person networks.

The supervisor should also take reasonable steps to identify and address any jurisdictional issues to ensure cooperation between agencies.

##### **332.6.2 RECORDS SECTION RESPONSIBILITIES**

The receiving member shall:

- (a) As soon as reasonable under the circumstances, notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's residence in cases where the missing person is a resident of another jurisdiction (Penal Code § 14211).
- (b) Notify and forward a copy of the report to the law enforcement agency in whose jurisdiction the missing person was last seen (Penal Code § 14211).
- (c) Notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's intended or possible destination, if known.
- (d) Forward a copy of the report to the Detective Unit.
- (e) Coordinate with the NCIC Terminal Contractor for California to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

#### **332.7 DETECTIVE UNIT FOLLOW-UP**

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

- (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.

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- (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 [Medical Examiner/JOP].
- (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).

#### **332.8 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 reporting party and other involved agencies and refer the case for additional investigation if warranted.

The Records Manager shall ensure that, upon receipt of information that a missing person has been located, the following occurs:

- (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 (Penal Code § 14213).
- (d) When a child under 12 years of age or a person who is at risk is found, the report of finding shall be made within 24 hours to the California Attorney General's Office.

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- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation (Penal Code § 14213)

#### **332.8.1 UNIDENTIFIED PERSONS**

Department 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.

#### **332.9 CASE CLOSURE**

The Detective Division 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 was a resident of San Luis Obispo or the Sheriff's 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 the Sheriff's 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.

#### **332.10 TRAINING**

Subject to available resources, the Training Manager should ensure that members of this department 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

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5. Identifying the zone of safety based on chronological age and developmental stage
  - (b) Briefing of department 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.

## Public Alerts

### 334.1 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.

### 334.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television 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.

### 334.3 RESPONSIBILITIES

#### 334.3.1 MEMBER RESPONSIBILITIES

Members of the San Luis Obispo County Sheriff's Office should notify their supervisor, Watch Commander, or Detective Unit 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.

#### 334.3.2 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 the Sheriff, the appropriate Bureau Chief 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 Bureau Chief

### 334.4 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.

#### 334.4.1 CRITERIA FOR AMBER ALERT

The following conditions must be met before activating an AMBER Alert (Government Code 8594(a)):

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- (a) Abduction has been determined to have occurred.
- (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.

#### 334.4.2 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 Center 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)

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#### **334.5 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.

##### **334.5.1 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.

##### **334.5.2 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 Center 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

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#### **334.6 SILVER ALERTS**

Silver Alerts® is an emergency notification system for people who are 65 years of age or older and have been reported missing.

##### **334.6.1 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 department 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.

##### **334.6.2 PROCEDURE FOR SILVER ALERT**

Requests for a Silver Alert shall be made through the California Highway Patrol (Government Code § 8594.10).

#### **334.7 YELLOW ALERT**

A Yellow Alert may be issued when a person is killed due to a hit-and-run incident and the [department/office] has specified information concerning the suspect or the suspect's vehicle (Government Code § 8594.15).

##### **334.7.1 CRITERIA FOR YELLOW ALERT**

All of the following conditions must be met before activating a Yellow Alert (Government Code § 8594.15):

- (a) A person has been killed due to a hit-and-run incident.
- (b) There is an indication that a suspect has fled the scene utilizing the state highway system or is likely to be observed by the public on the state highway system.
- (c) The [department/office] has additional information concerning the suspect or the suspect's vehicle including but not limited to the following:
  - 1. The complete license plate number of the suspect's vehicle.
  - 2. A partial license plate number and additional unique identifying characteristics, such as the make, model, and color of the suspect's vehicle, which could reasonably lead to the apprehension of a suspect.

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3. The identity of a suspect.
4. Public dissemination of available information could either help avert further harm or accelerate apprehension of a suspect based on any factor, including but not limited to the time elapsed between a hit-and-run incident and the request or the likelihood that an activation would reasonably lead to the apprehension of a suspect.

#### 334.7.2 PROCEDURE FOR YELLOW ALERT

Requests for a Yellow Alert shall be made through the California Highway Patrol (Government Code § 8594.15).

#### **334.8 FEATHER ALERT**

A Feather Alert may be issued when an indigenous person is reported missing under unexplained or suspicious circumstances (Government Code § 8594.13).

##### 334.8.1 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 [Department/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.

##### 334.8.2 PROCEDURE FOR FEATHER ALERT

Requests for a Feather Alert shall be made through the California Highway Patrol (Government Code § 8594.13).

#### **334.9 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).

##### 334.9.1 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).

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- (b) Shelter-in-place guidance due to severe weather.
- (c) Terrorist threats.
- (d) HazMat incidents.

#### 334.9.2 PROCEDURE

Public safety emergency alerts should be activated by following the guidelines issued by the Office of Emergency Services (Government Code § 8593.7).

## Victim and Witness Assistance

### 336.1 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.

### 336.2 POLICY

The San Luis Obispo County Sheriff's Office is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the San Luis Obispo County Sheriff's Office will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

### 336.3 CRIME VICTIM LIAISON

The Sheriff may appoint a member of the [Department/Office] to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the San Luis Obispo County Sheriff's Office regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

#### 336.3.1 SPECIFIC VICTIM LIAISON DUTIES

The Sheriff shall designate a crime victim liaison officer as liaison to the Victim-Witness Assistance Program office. It shall be his/her responsibility to forward copies of police reports requested by the local victim centers to verify the criminal activity upon which the application for assistance is based. The liaison officer shall carry out the functions required by state law; and devise and implement written procedures to notify and provide the required compensation information. The Release of Records and Information Policy in this manual regarding the release of reports shall be followed in all cases (Government Code § 13962(b); 2 CCR 649.35; 2 CCR 649.36).

### 336.4 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 department material or available victim resources.

### 336.5 VICTIM INFORMATION

The Support Services Supervisor 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.

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- (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 standardized 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).
- (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).

### **336.6 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.

## Standards of Conduct

### 340.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the San Luis Obispo County Sheriff's Office and are expected of all [department/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 [department/office] or a member's supervisors.

### 340.2 DISCIPLINE POLICY

The continued employment of every employee of the Sheriff's Office shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy, whether on-duty or off-duty, may be cause for disciplinary action.

An employee's off-duty conduct shall be governed by this policy to the extent that it is related to act(s) that may materially affect or arise from the employee's ability to perform official duties or to the extent that it may be indicative of unfitness for his/her position.

### 340.3 CONDUCT WHICH MAY RESULT IN DISCIPLINE

The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of the Sheriff's Office. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient Sheriff's Office service:

#### 340.3.1 ATTENDANCE

- (a) Leaving job to which assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness on scheduled day(s) of work.
- (c) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.
- (d) Failure to notify the Sheriff's Office within 24 hours of any change in residence address, home phone number.

#### 340.3.2 CONDUCT

- (a) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily injury on another.
- (b) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Sheriff of such action.

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- (c) Using Sheriff's Office resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.
- (d) Engaging in horseplay resulting in injury or property damage or the reasonable possibility thereof.
- (e) Unauthorized possession of, loss of or damage to Sheriff's Office property or the property of others, or endangering it through unreasonable carelessness or maliciousness.
- (f) Failure of any employee to promptly and fully report activities on their own part or the part of any other employee where such activities may result in criminal prosecution or discipline under this policy.
- (g) Failure of any employee to promptly and fully report activities that have resulted in official contact by any other law enforcement agency.
- (h) Using or disclosing one's status as an employee with the Sheriff's Office in any way that could reasonably be perceived as an attempt to gain influence or authority for non-Sheriff's Office business or activity.
- (i) The use of any information, photograph, video or other recording obtained or accessed as a result of employment with the Sheriff's Office for personal or financial gain or without the express authorization of the Sheriff or a designee may result in discipline under this policy.
- (j) Seeking restraining orders against individuals encountered in the line of duty without the express permission of the Sheriff.
- (k) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of the Sheriff's Office.
- (l) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (m) Engaging in on-duty sexual relations including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (n) Misuse of CLETS or other database.

#### 340.3.3 DISCRIMINATION

- (a) Discriminate against any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition.

#### 340.3.4 INTOXICANTS

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- (a) Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants
- (b) Unauthorized possession or use of, or attempting to bring intoxicants to the work site, except as authorized in the performance of an official assignment. An employee who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance
- (c) Reporting for work or being at work following the use of a "controlled substance" or any drug (whether legally prescribed or otherwise) where such use may impair the employee's ability to perform assigned duties
- (d) Unauthorized possession, use of, or attempting to bring controlled substance or other illegal drug to any work site

#### 340.3.5 PERFORMANCE

- (a) Unauthorized sleeping during on-duty time or assignments.
- (b) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.
- (c) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.
- (d) Concealing, attempting to conceal, removing or destroying defective or incompetent work.
- (e) Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in a position of authority.
- (f) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (g) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Sheriff's Office or subverts the good order, efficiency and discipline of the Sheriff's Office or which would tend to discredit any member thereof.
- (h) Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Sheriff's Office or members thereof.

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- (i) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any Sheriff's Office record, book, paper or document.
- (j) Wrongfully loaning, selling, giving away or appropriating any Sheriff's Office property for the personal use of the employee or any unauthorized person.
- (k) The unauthorized use of any badge, uniform, identification card or other Sheriff's Office equipment or property for personal gain or any other improper purpose.
- (l) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).
- (m) Any knowing or negligent violation of the provisions of the Sheriff's Office manual, operating procedures or other written directive of an authorized supervisor. The Sheriff's Office shall make this manual available to all employees. Employees shall familiarize themselves with this manual and be responsible for compliance with each of the policies contained herein.
- (n) Work-related dishonesty, including attempted or actual theft of Sheriff's Office property, services or the property of others, or the unauthorized removal or possession of Sheriff's Office property or the property of another person.
- (o) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on- or off-duty.
- (p) Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form, or other official document, report or form or during the course of any work-related investigation.
- (q) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved Sheriff's Office practices or procedures.
- (r) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when a Sheriff's Office member knew or reasonably should have known 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 the Sheriff's Office.
- (s) Offer or acceptance of a bribe or gratuity.
- (t) Misappropriation or misuse of public funds.
- (u) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (v) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions: while on Sheriff's Office premises; at

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any work site; while on-duty or while in uniform; or while using any Sheriff's Office equipment or system. Gambling activity undertaken as part of a deputy's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

- (w) Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in or are continuing to engage in serious violations of state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Sheriff's Office.
- (x) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on Sheriff's Office property or while in any way representing him/herself as a member of this agency, except as expressly authorized by the Sheriff.
- (y) Engaging in political activities during assigned working hours except as expressly authorized by the Sheriff.
- (z) Violating any misdemeanor or felony statute.
- (aa) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Sheriff's Office or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Sheriff's Office or its members.
- (ab) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.
- (ac) Failure to maintain required and current licenses (e.g. driver's license) and certifications (e.g., first aid).
- (ad) 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 Sheriff's Office-related business.

#### 340.3.6 SAFETY

- (a) Failure to observe posted rules, signs and written or oral safety instructions while on duty and/or within Sheriff's Office facilities or to use required protective clothing or equipment.
- (b) Knowingly failing to report any on-the-job or work-related accident or injury within 24 hours.
- (c) Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.

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- (d) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (e) Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.
- (f) Violating Sheriff's Office safety standards or safe working practices.

#### 340.3.7 SECURITY

- (a) Unauthorized, intentional access or release of designated confidential information, materials, data, forms or reports

#### 340.3.8 SUPERVISION RESPONSIBILITY

- (a) Failure of a supervisor to take appropriate action to ensure that employees adhere to the policies and procedures of the Sheriff's Office and the actions of all personnel comply with all laws
- (b) Failure of a supervisor to timely report known misconduct of an employee to his or her immediate supervisor or to document such misconduct appropriately or as required by policy
- (c) The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose

### **340.4 INVESTIGATION OF DISCIPLINARY ALLEGATIONS**

Regardless of the source of an allegation of misconduct, all such matters will be investigated in accordance with Personnel Complaint Procedure Policy Manual § 1020. Pursuant to Government Code §§ 3304(d) and 3508.1, the investigation should be completed within one year of the discovery of the allegation unless such investigation falls within one of the exceptions delineated within those provisions.

### **340.5 POST INVESTIGATION PROCEDURES**

#### 340.5.1 BUREAU CHIEF RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Undersheriff and/or Bureau Chief of the involved employee shall review the entire investigative file, the employee's personnel file and any other relevant materials.

The Undersheriff and/or Bureau Chief may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

- (a) Prior to forwarding recommendations to the Sheriff, the Undersheriff and/or Bureau Chief may return the entire investigation to the assigned supervisor for further investigation or action
- (b) When forwarding any written recommendation to the Sheriff, the Undersheriff and/or Bureau Chief shall include all relevant materials supporting the recommendation.

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Actual copies of an employee's existing personnel file need not be provided and may be incorporated by reference

#### **340.5.2 RESPONSIBILITIES OF THE SHERIFF**

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 may return the file to the Undersheriff or Bureau Chief for further investigation or action.

Once the Sheriff is satisfied that no further investigation or action is required by staff, the Undersheriff shall determine the amount of discipline, if any, to be recommended.

In the event disciplinary action is recommended, the Sheriff shall provide the employee with written (Skelly) notice of the following information within one year of the date of the discovery of the alleged misconduct (absent an exception set forth in Government Code § 3304(d) or 3508.1):

- (a) Specific charges set forth in separate counts, describing the conduct underlying each count.
- (b) A separate recommendation of proposed discipline for each charge.
- (c) A statement that the employee has been provided with or given access to all of the materials considered by the Sheriff in recommending the proposed discipline.
- (d) An opportunity to respond orally or in writing to the Sheriff within five days of receiving the Skelly notice.
  1. Upon a showing of good cause by the employee, the Sheriff may grant a reasonable extension of time for the employee to respond.
  2. If the employee elects to respond orally, the presentation shall be recorded by the Department. Upon request, the employee shall be provided with a copy of the recording.

#### **340.6 EMPLOYEE RESPONSE**

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Sheriff after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) This Skelly response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the Skelly response is not designed to accommodate the presentation of testimony or witnesses.

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- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Sheriff to consider.
- (d) In the event that the Sheriff elects to cause further investigation to be conducted, the employee shall be provided with the results of such subsequent investigation prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Sheriff on the limited issues of information raised in any subsequent materials.
- (f) Once the employee has completed his/her *Skelly* response or, if the employee has elected to waive any such response, the Sheriff shall consider all information received in regard to the recommended discipline. Once the Sheriff determines that discipline will be imposed, a timely written decision shall be provided to the employee within 30 days, imposing, modifying or rejecting the recommended discipline. In the event of a termination, the final notice of discipline shall also inform the employee of the reason for termination and the process to receive all remaining fringe and retirement benefits.
- (g) Once the Sheriff has issued a written decision, the discipline shall become effective.

#### **340.7 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE**

In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file.

The tender of a retirement or resignation by itself shall not serve as grounds for the termination of pending discipline.

#### **340.8 POST SKELLY PROCEDURE**

In situations resulting in the imposition of a suspension, punitive transfer, demotion, termination of a non-probationary employee, the employee shall have the right to an evidentiary appeal of the Sheriff's imposition of discipline pursuant to the operative Memorandum of Understanding (MOU) or collective bargaining agreement and personnel rules.

During any post-Skelly 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 penalty. (Government Code § 3305.5).

## Sheriff's Office Computer Use

### 342.1 PURPOSE AND SCOPE

This policy describes the use of Sheriff's Office computers, software and systems.

#### 342.1.1 PRIVACY POLICY

Any employee utilizing any computer, electronic storage device or media, Internet service, phone service, information conduit, system or other wireless service provided by or funded by the Sheriff's Office expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication. The Sheriff's Office also expressly reserves the right to access and audit any and all communications, including content that is sent, received and/or stored through the use of such service.

### 342.2 DEFINITIONS

The following definitions relate to terms used within this policy:

**Computer System** - Shall mean all computers (on-site and portable), hardware, software, and resources owned, leased, rented, or licensed by the San Luis Obispo County Sheriff's Office, which are provided for official use by agency employees. This shall include all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the agency or agency funding.

**Hardware** - Shall include, but is not limited to, computers, computer terminals, network equipment, modems or any other tangible computer device generally understood to comprise hardware.

**Software** - Shall include, but is not limited to, all computer programs and applications including "shareware." This does not include files created by the individual user.

**Temporary File or Permanent File or File** - Shall mean any electronic document, information or data residing or located, in whole or in part, whether temporarily or permanently, on the system, including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports or messages.

### 342.3 SYSTEM INSPECTION OR REVIEW

The Sheriff has the express authority to direct the inspection or review the system, any and all temporary or permanent files and related electronic systems or devices, and any contents thereof when such inspection or review is in the ordinary course of his/her supervisory duties, or based on cause.

When authorized by the Sheriff, or during the course of regular duties requiring such information, a member(s) of the agency's information systems staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the system.

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Reasons for inspection or review may include, but are not limited to system malfunctions, problems or general system failure, a lawsuit against the agency involving the employee, or related to the employee's duties, an alleged or suspected violation of a Sheriff's Office policy, or a need to perform or provide a service when the employee is unavailable.

#### **342.4 AGENCY PROPERTY**

All information, data, documents, communications, and other entries initiated on, sent to or from, or accessed on any Sheriff's Office computer, or through the Sheriff's Office computer system on any other computer, whether downloaded or transferred from the original Sheriff's Office computer, shall remain the exclusive property of the Sheriff's Office and shall not be available for personal use.

#### **342.5 UNAUTHORIZED USE OF SOFTWARE**

Employees shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement. To reduce the risk of computer virus or malicious software infection, employees shall not install any unlicensed or unauthorized software on any Sheriff's Office computer. Employees shall not install personal copies of any software onto any Sheriff's Office computer. Any files or software that an employee finds necessary to upload onto a Sheriff's Office computer or network shall be done so only with the approval of the Sheriff's Office IT specialist and only after being properly scanned for malicious attachments.

No employee shall knowingly make, acquire or use unauthorized copies of computer software not licensed to the agency while on agency premises or on an agency computer system. Such unauthorized use of software exposes the agency and involved employees to severe civil and criminal penalties.

#### **342.6 PROHIBITED AND INAPPROPRIATE USE**

Access to Sheriff's Office technology resources including Internet access provided by or through the Sheriff's Office shall be strictly limited to Sheriff's Office-related business activities. Data stored on, or available through Sheriff's Office systems shall only be accessed by authorized employees who are engaged in an active investigation, assisting in an active investigation, or who otherwise have a legitimate law enforcement or Sheriff's Office business related purpose to access such data. Any exceptions to this policy must be approved by the Sheriff.

An Internet site containing information that is not appropriate or applicable to Sheriff's Office use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, chat rooms and similar or related Web sites. Certain exceptions may be permitted with the approval of a supervisor as a function of an assignment.

Downloaded information shall be limited to messages, mail and data files, which shall be subject to audit and review by the Sheriff's Office without notice. No copyrighted and/or unlicensed software program files may be downloaded.

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Employees shall report any unauthorized access to the system or suspected intrusion from outside sources (including the Internet) to a supervisor.

#### **342.7 PROTECTION OF AGENCY SYSTEMS AND FILES**

All employees have a duty to protect the system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the system.

It is expressly prohibited for an employee to allow an unauthorized user to access the system at any time or for any reason.

#### **342.8 DIGITAL PHOTO DATABASE**

The Sheriff's Office will maintain a database of photographs in a digital photo imaging system, consisting of booking photos, PC290 registrant photos, and photos submitted by other criminal justice agencies.

(a) Definitions:

1. Photo Link: photographic database consisting of digital photographs submitted by law enforcement agencies.
2. Sheriff's Office photographs: photographs in Photo Link database are contributed through San Luis Obispo County Jail booking and PC290 registrants.
3. Agency photographs: those photographs in the database contributed by agencies other than San Luis Obispo County Sheriff's Office.

(b) Photo Link access:

1. Computers with access to Photo Link will be located at the Watch Commander office, Detectives, Patrol Stations, and other criminal justice agencies.
2. Access to Photo Link is provided by the Automation Unit through a user account and password. User instructions are located at each computer.

(c) Use of photographs:

1. Photographs may be used by Sheriff's Office personnel or disseminated to criminal justice agencies for the following reasons:
  - (a) Photographic line-ups
  - (b) Identify missing or wanted persons
  - (c) Aid in investigations
  - (d) Assist in apprehension of suspects
  - (e) Warn the public of danger
  - (f) Approved by the Sheriff, or designee

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2. Release of photographs to other than criminal justice agencies shall be through the Records Unit. Pictures entered in the database by other than the Sheriff's Office may be released, only after receiving permission from the submitting agency.

## Report Preparation

### 344.1 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. Report writing is the subject of substantial formalized training and on-the-job training.

#### 344.1.1 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.

#### 344.1.2 PRESERVATION OF SUSPECT ADMISSION/CONFESSION NOTES

Employees shall ensure that all suspect admissions/confessions and original interview notes are accurately incorporated into the formal police report.

- (a) Notes taken during an investigative interview may be disposed of by the interviewing employee if it is the employee's normal custom and practice to do so. This will occur only after all information from the notes that tends to incriminate or clear a suspect has been incorporated into the employee's formal report.
- (b) In cases where the suspect is not in custody, a report containing suspect statements shall be reviewed by the reporting employee to ensure it accurately reflects the handwritten notes.
- (c) In cases where the report is a priority, or when the employee is unable to review the report, it will be forwarded to the employee's supervisor for tentative approval. The employee will review the formal report for accuracy of statements/admissions immediately upon his/her return to duty.

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- (d) In cases where a formal report containing suspect interviews has been returned to an employee for review, that employee shall review the report at the beginning of their shift, or in case of an emergency, at the first opportunity.
- (e) After the employee has reviewed the accuracy of the formal report, the employee may dispose of the handwritten notes.
- (f) If the suspect interview has been recorded either by audio, video, or both, the recording shall be retained and booked as evidence.

#### **344.2 REQUIRED REPORTING**

Written reports are required in all of the following situations on the appropriate Sheriff's Office approved form unless otherwise approved by a supervisor.

##### **344.2.1 CRIMINAL ACTIVITY REPORTING**

When an employee 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 employee is required to document the activity. The fact that a victim is not desirous of prosecution is not an exception to documenting a report. The following are examples of required documentation:

- (a) In every instance where a felony has occurred, the documentation shall take the form of a written crime report
- (b) In every instance where a misdemeanor crime has occurred and the victim desires a report, the documentation shall take the form of a written crime report. If the victim does not desire a crime report, the incident will be documented on an incident report.
- (c) In every case where any force is used against any person by sheriff's personnel
- (d) All incidents involving domestic violence
- (e) All arrests

##### **344.2.2 NON-CRIMINAL ACTIVITY**

The following incidents shall be documented using the appropriate approved report:

- (a) Anytime a deputy points a firearm at any person
- (b) Any use of force against any person by a member of this department (see the Use of Force Policy)
- (c) Any firearm discharge (see the Shooting Policy)
- (d) Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Reporting Policy)
- (e) Any found property or found evidence
- (f) Any traffic collisions involving County or Sheriff's Office vehicles

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- (g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy
- (h) All protective custody detentions
- (i) Suspicious incidents that may place the public or others at risk
- (j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

#### **344.2.3 DEATH CASES**

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with Policy § 360 Death Investigations. The handling deputy should notify and apprise a supervisor of the circumstances surrounding unattended death. All death cases shall be appropriately investigated and documented using the approved report.

#### **344.2.4 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.

#### **344.2.5 MISCELLANEOUS INJURIES**

Any injury that is reported to the Sheriff's 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.

#### **344.2.6 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 Records Section shall notify the California Department of Public Health (CDPH) of the incident as required by CDPH (Penal Code § 23685).

### **344.3 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.

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#### **344.3.1 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 Sheriff's Office consistency.

#### **344.3.2 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.

#### **344.4 REPORT CORRECTIONS**

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should complete the Report Correction form stating the reasons for rejection. The original report and the correction form 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.

#### **344.5 REPORT CHANGES OR ALTERATIONS**

Reports that have been approved by a supervisor and submitted to the Records Section for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Section may be corrected or modified by the authoring deputy only with the knowledge and authorization of the reviewing supervisor.

## News Media Relations

### 346.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

### 346.2 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, Bureau Chiefs, Watch Commanders, and designated Public Information Officers ([PIO]s) may prepare and release information to the media in accordance with this policy and the applicable laws regarding confidentiality.

### 346.3 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.
- (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 [department/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.

#### 346.3.1 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. [Department/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].

#### 346.3.2 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft pose a threat to public or member safety or significantly hamper incident operations, the field supervisor should consider requesting a

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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).

#### **346.4 SHERIFF'S OFFICE REPRESENTATION**

No employee shall address any public gathering, join any organization, appear on radio or television programs, or write articles or manuscripts for publication wherein they are identified as a representative of the Sheriff's Office unless authorized and in compliance with applicable Sheriff's Office Policy(s).

#### **346.5 POLICY**

It is the policy of the San Luis Obispo 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.

#### **346.6 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.

#### **346.7 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 [department/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 [department/office].
- (c) Under no circumstance should any member of this [department/office] make any comments to the media regarding any law enforcement incident not involving this [department/office] without prior approval of the Sheriff. Under these circumstances the member should direct the media to the agency handling the incident.

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#### **346.8 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 Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

##### **346.8.1 EMPLOYEE INFORMATION**

The identities of deputies involved in shootings or other critical incidents may only be released to the media upon the consent of the involved deputy or upon a formal request filed.

Any requests for copies of related reports or additional information not contained in the information log (see the Information Log section in this policy), including the identity of deputies involved in shootings or other critical incidents, shall be referred to the [PIO].

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.

#### **346.9 RELEASE OF INFORMATION**

The [Department/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 [department/office] website or other electronic data sources.

##### **346.9.1 INFORMATION LOG**

The [Department/Office] will maintain a daily information log of significant law enforcement activities. Log entries shall only contain information that is deemed public information and not restricted or confidential by this policy or applicable law. Upon request, the log entries shall be made available to media representatives through the Watch Commander.

The daily information log will generally include:

- (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, birth date, and charges for each person arrested by this [department/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.

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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 [Medical Examiner/JOP].

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated [department/office] media representative, 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

### 348.1 PURPOSE AND SCOPE

This procedure has been established to provide for the acceptance of subpoenas and to ensure that employees appear when subpoenaed, or are available to appear in court when requested and present a professional appearance.

#### 348.1.1 DEFINITIONS

**On-Call** - When an employee has appeared in court, or is at the time on-duty, and has been told by a member of the court that he/she is free to leave the court or return to duty, subject to being available by phone or pager if called back.

**Standby** - When an employee receives a subpoena of a type which allows him or her to not appear in court, but remain available by phone or pager so that he or she may be directed to appear in court within a reasonable amount of time.

**Trailing Status** - When an employee remains on standby status for additional court sessions until notified otherwise.

**Mandatory Appearance** - Subpoenas marked as mandatory appearance require an employee's physical appearance in the specified court. Failure to timely appear in the specified court, either intentionally or by negligence, may result in disciplinary action.

### 348.2 COURT SUBPOENAS

Employees who receive subpoenas related to their employment with this Sheriff's Office are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed, or properly notified. This policy applies to civil and criminal subpoenas. Employees are expected to cooperate with the prosecution to ensure the successful conclusion of a case.

#### 348.2.1 SERVICE OF SUBPOENA

Service of a subpoena requiring the appearance of any Sheriff's Office employee in connection with a matter arising out of the employee's course and scope of official duties may be accomplished by personal service on the employee or by delivery of two copies of the subpoena on the employee's supervisor or other authorized Sheriff's Office agent (Government Code § 68097.1 and Penal Code § 1328(c)). Subpoena service is also acceptable by courier or court liaison from the court to the Sheriff's Office.

#### 348.2.2 VALID SUBPOENAS

No subpoena shall be accepted for an employee of the Sheriff's Office unless it has been properly served and verified to have originated from a recognized legal authority.

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#### 348.2.3 ACCEPTANCE OF SUBPOENA

- (a) Only the employee named in a subpoena, his/her immediate supervisor, records unit, and/or Watch Commander shall be authorized to accept service of a subpoena or of a summons (lawsuit) naming the Sheriff's Office as a defendant (Penal Code § 1328(c)). A summons (lawsuit) naming an employee in his/her official capacity must be served on the employee. Any authorized employee accepting a subpoena shall immediately provide a copy of the subpoena to the employees supervisor.
- (b) Any supervisor or other authorized individual accepting a subpoena on behalf of another employee shall immediately check available schedules to determine the availability of the named employee for the date listed on the subpoena.
- (c) Once a subpoena has been received by a supervisor or other authorized individual, a copy of the subpoena shall be promptly provided to the individually named employee.

#### 348.2.4 REFUSAL OF SUBPOENA

Except where previous arrangements with the issuing court exist, training, vacations and regularly scheduled days off are not valid reasons for refusing a subpoena or missing court. If, due to illness or injury, the named employee is unable to appear in court as directed by a previously served subpoena, he/she shall, at least one hour before the appointed date and time, notify their supervisor or the Watch Commander of his/her absence. It shall then be the responsibility of the supervisor or Watch Commander to notify the issuing authority of the employee's unavailability to appear.

If the immediate supervisor or other authorized individual knows that he/she will be unable to deliver a copy of the subpoena to the named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or other authorized individual may refuse to accept service (Penal Code § 1328(d)).

If a subpoena is presented for service to an immediate supervisor or other authorized individual less than five working days prior to the date listed for an appearance and the supervisor or other authorized individual is not reasonably certain that the service can be completed, he/she may refuse to accept service (Penal Code § 1328(e)).

If, after initially accepting service of a subpoena, a supervisor or other authorized individual determines that he/she will be unable to deliver a copy of the subpoena to the individually named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or Watch Commander 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)).

#### 348.2.5 COURT STANDBY

To facilitate court standby agreements with the courts, employees are required to provide and maintain current information on their address and phone number with the Sheriff's Office. Employees are required to notify the Sheriff's Office within 24 hours of any change in residence

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address or home phone number, and to provide accurate and reasonably reliable means or methods for contact.

If an employee on standby changes his/her location during the day, the employee shall notify the Watch Commander of how he/she can be reached by telephone. Employees are required to remain on standby each day the case is trailing. In a criminal case the Deputy District Attorney handling the case is the only person authorized to excuse an employee from standby status.

#### 348.2.6 OFF-DUTY RELATED SUBPOENAS

- (a) Employees receiving valid subpoenas for actions taken off duty not related to their employment with the San Luis Obispo County Sheriff's Office shall comply with the requirements of the subpoena. Employees receiving these subpoenas are not compensated by the Sheriff's Office for their appearance and arrangements for time off shall be coordinated through their immediate supervisor.
- (b) Employees receiving valid subpoenas for actions taken while employed with a prior law enforcement agency shall comply with the requirements of the subpoena. Employees receiving these subpoenas will be compensated their regular wages by the Sheriff's Office for their appearance.
- (c) The San Luis Obispo County Sheriff's Office will not compensate an employee mileage, hotel accommodations or meals while out of county appearing pursuant to an out of county subpoena not related to their duties with the San Luis Obispo County Sheriff's Office. It is the employees responsibility to obtain compensation for these expenses from the Disttict Attorney or civil attorney who has compelled the employee's appearance in an out of county court.

#### 348.2.7 FAILURE TO APPEAR

Any employee who fails to comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court imposed civil and/or criminal sanctions.

#### 348.3 CIVIL SUBPOENAS

The Sheriff's Office will compensate employees who appear in their official capacity on civil matters arising out of the employee's official duties as directed by the current Memorandum of Understanding. In such situations, the Sheriff's Office will also reimburse any deputy for reasonable and necessary travel expenses.

The Sheriff's Office will receive reimbursement for the deputy's compensation through the civil attorney of record who subpoenaed the deputy.

##### 348.3.1 PROCEDURE

To ensure that the deputy is able to appear when required, that the deputy is compensated for such appearance, and to protect the Sheriff's Office right to reimbursement, deputies shall follow the established procedures for the receipt of a civil subpoena.

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#### **348.3.2 CIVIL SUBPOENA ACCEPTANCE**

Subpoenas shall not be accepted in a civil action in which the deputy or Sheriff's Office is not a party without properly posted fees pursuant to Government Code § 68097.6.

#### **348.3.3 PARTY MUST DEPOSIT FUNDS**

The party in the civil action that seeks to subpoena a deputy must deposit the statutory fee of \$275 (Government Code § 68097.2) for each appearance before such subpoena will be accepted. Parties seeking to have the deputy make multiple appearances must make an additional deposit in advance.

#### **348.4 OVERTIME APPEARANCES**

If the deputy appeared on his/her off-duty time, he/she will be compensated in accordance with the current employee Memorandum of Understanding.

#### **348.5 COURTROOM PROTOCOL**

Employees must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are subpoenaed.

##### **348.5.1 PREPARATION FOR TESTIMONY**

Before the date of testifying, the subpoenaed deputy shall request a copy of relevant reports and become familiar with their content in order to be prepared for court.

##### **348.5.2 COURTROOM ATTIRE**

Employees shall dress in uniform or business attire. Suitable business attire for men would consist of a coat, tie, and dress pants. Suitable business attire for female employees would consist of a dress jacket, dress blouse, and skirt or slacks. Exceptions may be made based upon assignment for non-jury hearings.

#### **348.6 COURTHOUSE DECORUM**

Employees shall observe all rules of the court in which they are appearing, refrain from smoking or chewing gum in the courtroom, and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

#### **348.7 TESTIFYING AGAINST THE INTEREST OF THE PEOPLE OF THE STATE**

Any member or employee who is subpoenaed to testify, who has agreed to testify, or who anticipates testifying or providing information on behalf of or at the request of any party other than the People of the State of California, any county, any city, or any of their officers and employees in which any of those entities are parties, will notify their immediate supervisor without delay. The supervisor will then notify the Sheriff, District Attorney's Office in criminal cases, County Counsel or City Attorney, as may be indicated by the case.

This includes, but is not limited to the following situations:

- (a) Providing testimony or information for the defense in any criminal trial or proceeding;

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- (b) Providing testimony or information for the plaintiff in a civil proceeding against any county, any city, or their officers and employees; or
- (c) Providing testimony or information on behalf of or at the request of any party other than any County, city, or any county or city official in any administrative proceeding, including but not limited to personnel and/or disciplinary matter.

## Reserve Deputy Sheriffs

### 350.1 PURPOSE AND SCOPE

The San Luis Obispo County Sheriff's Office Reserve Unit was established to supplement and assist regular sworn deputy sheriffs in their duties. This unit provides professional, sworn volunteer reserve deputies who can augment regular staffing levels.

### 350.2 SELECTION AND APPOINTMENT OF RESERVE DEPUTY SHERIFFS

The San Luis Obispo 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.

#### 350.2.1 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.

#### 350.2.2 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.

#### 350.2.3 COMPENSATION FOR RESERVE DEPUTY SHERIFFS

Compensation for reserve deputy sheriffs is provided as follows:

All reserve deputy appointees are responsible for purchase of uniforms and all designated attire and safety equipment. All property issued to the reserve deputy shall be returned to the Sheriff's Office upon termination or resignation. Reserves can volunteer time however in most situations will be compensated an hourly wage as determined by county policy upon approval of the Sheriff. Reserve deputies shall not exceed 40 working hours per week and shall not exceed 960 working hours per fiscal year. The operational working hours of a reserve deputy will be designated by the Reserve Coordinator or a division chain of command.

#### 350.2.4 EMPLOYEES WORKING AS RESERVE DEPUTIES

Qualified employees of the Sheriff's Office, when authorized, may also serve as reserve deputies. However, the Sheriff's 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 correctional deputy working as a reserve deputy for reduced or no pay). Therefore, the Reserve Coordinator should consult the Department of Human Resources prior to an employee serving in a reserve or volunteer capacity (29 C.F.R.553.30).

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### *Reserve Deputy Sheriffs*

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#### **350.3 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 be designated based on departmental needs.

##### **350.3.1 POLICY COMPLIANCE**

Sheriff's reserve deputies shall be required to adhere to all Sheriff's 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.

##### **350.3.2 RESERVE DEPUTY ASSIGNMENTS**

All reserve deputies will be assigned to duties by the Reserve Coordinator or his/her designee. Reserve deputies assigned to a division shall report to that division chain of command for their regular operational duties.

##### **350.3.3 RESERVE COORDINATOR**

The Sheriff shall delegate the responsibility for administering the Reserve Deputy Program to the Civil Division Commander, who will be designated as the 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 insuring performance evaluations are completed
- (e) Monitoring individual reserve deputy performance
- (f) Monitoring the overall Reserve Program
- (g) Maintaining liaison with other agency Reserve Coordinators

#### **350.4 RESERVE DEPUTY TRAINING STANDARDS**

Penal Code § 832.6(a)(1) requires Level I reserve deputies to have completed the basic training course as prescribed by POST. Penal Code § 832.6(a)(2)(A) requires Level II reserve deputies to have completed the POST-certified Module II and Module III, and to work under the immediate supervision of a peace officer who has completed the basic training as prescribed by POST.

##### **350.4.1 FIELD TRAINING PROGRAM**

Level I reserve deputies shall complete the Field Training Program as outlined in Policy 436 prior to working alone in a general law enforcement assignment. Level I reserve deputies may be exempt from this requirement as detailed in Policy 350.4.2.

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#### 350.4.2 EXEMPTION TO FIELD TRAINING REQUIREMENT

Pursuant to California Code of Regulations § 1007(b)(1)(D), a Level I reserve deputy is exempt from the Field Training Program requirement if the Level I reserve deputy is reappointed to a Level I position with less than a three-year break in service [as defined in CCR § 1007(a)(1)(B)] and has successfully completed:

- (a) POST Modules A, B, and C; and 200 hours of structured field training; or
- (b) The Regular Basic Course or its equivalent and 400 hours of a POST-approved Field Training Program

#### 350.4.3 FIELD TRAINING MANUAL

Level I and Level II reserve deputies shall also satisfy the continuing professional training requirement set forth in POST Commission Regulation 1005(d).

### **350.5 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 as defined in Penal Code § 832.6(a)(2)(A).

#### 350.5.1 RESERVE DEPUTY AUTHORITY

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.

#### 350.5.2 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.

#### 350.5.3 IDENTIFICATION OF RESERVE DEPUTIES

All reserve deputies will be issued a uniform badge and a Sheriff's 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.

#### 350.5.4 UNIFORM

Reserve deputies shall conform to all uniform regulation and appearance standards of Policy 1046.

#### 350.5.5 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 shall be investigated by the Professional Standards Unit.

#### 350.5.6 RESERVE DEPUTY EVALUATIONS

While in the Field Training Program, reserve deputies will be continuously evaluated in accordance with Policy 436. The reserve deputy will be considered a trainee until the Field Training Program has been completed or they are deemed exempt pursuant to Policy 350.4.2. Reserve deputies

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### *Reserve Deputy Sheriffs*

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having completed their field training will be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve deputy.

#### **350.6 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.

##### **350.6.1 CARRYING WEAPON ON DUTY**

Penal Code § 830.6(a)(1) designates a reserve deputy as having peace officer powers for the duration of his/her assignment provided the reserve deputy qualifies or falls within the provisions of Penal Code § 832.6.

##### **350.6.2 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.

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 Sheriff's Office standards. The weapon must be registered by the reserve deputy and be inspected and certified as fit for service by a Sheriff's Office armorer.

Before being allowed to carry any optional firearm during their specific assignment, the reserve deputy shall have demonstrated his/her proficiency with said weapon.

When a reserve deputy has satisfactorily completed the Field Training Program, or deemed exempt from it, 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. The issuing of a concealed weapon permit shall be in accordance with current laws and procedures, including Policy 218.

##### **350.6.3 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 as detailed in Policy 312.

## Outside Agency Assistance

### 352.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to deputies in the request of or answering the request for assistance involving another law enforcement agency.

It is the policy of this Sheriff's Office to provide assistance whenever possible, consistent with the applicable laws of arrest and detention policies of the Sheriff's Office, when another law enforcement agency requests assistance with an arrest or detention of any person. The Sheriff's Office may also request an outside agency to provide assistance.

#### 352.1.1 ASSISTING OUTSIDE AGENCIES

Generally, calls for assistance from other agencies are routed to the Watch Commander's office for approval. When an authorized employee of an outside agency requests the assistance of the Sheriff's Office in taking a person into custody, available deputies shall respond and assist in making a lawful arrest. If a deputy receives a request in the field for assistance, that deputy shall notify a supervisor. Arrestees may be temporarily detained by our agency until arrangements for transportation are made by the outside agency. Only in exceptional circumstances will the Sheriff's Office provide transportation of arrestees to other county facilities.

When such assistance as noted above is rendered, a case number will be issued to report action taken by San Luis Obispo County Sheriff's Office Personnel.

#### 352.1.2 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES

If assistance is needed from another agency, the employee requesting assistance shall first notify a supervisor of his/her intentions as soon as practicable. The handling deputy or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting deputy should secure radio frequencies for use by all involved agencies so that communication can be coordinated as needed. If necessary, reasonable effort should be taken to provide radio equipment capable of communicating on the assigned frequency to any personnel who do not have compatible radios.

## Protective Hood

### 355.1 PURPOSE AND SCOPE

Employees may use a department authorized protective hood for safety of an arrestee, staff, and/or the public. A protective hood may be used to control aggressive behavior of persons posing a threat of spitting or biting.

Establishes procedures for use of a protective hood primarily designed to act as a barrier against exposure to bodily fluids projected orally from an individual detained or in custody, and documentation requirements when a protective hood is applied.

### 355.2 PROCEDURE FOR USE OF PROTECTIVE HOOD

- (a) A protective hood is a barrier device made of lightweight nylon mesh with elastic neck banding. The elastic banding is designed to restrict hood removal by the subject upon whom applied. The nylon mesh acts as a fluid-resistant barrier reducing the risk of bodily fluid exposure to employees and/or other members of the public.
- (b) The protective hood may be applied if a threat of spitting or biting can be articulated. However, the protective hood will only provide minimal barrier protection against biting and should not be relied upon to prevent biting.
- (c) Protective hoods will be available for personnel use and stored in each patrol unit's blood and body precaution kit.
- (d) The watch commander or field supervisor will be notified immediately when a protective hood has been applied.
- (e) Protective hoods will be applied loose enough to allow the subject to breath and swallow normally, but snug enough not to allow it to be pulled off. Protective hoods shall not be modified or applied with any other material.
- (f) Safety restraints will remain on the subject while the protective hood is worn.
- (g) Protective hoods shall not be applied on any person exposed to chemical agents until after standard decontamination procedures and supervisor approval.
- (h) Employees will make intermittent visual and arousal checks on subjects wearing the protective hood at least twice every thirty minutes.
  - 1. A visual check is direct supervision and observation of the subject to ensure they are breathing normally.
  - 2. An arousal check is physical inspection of the subject to ensure they respond to verbal or pressure stimulation.
    - (a) The employee will attempt to elicit a verbal response from the subject by calling their name or gaining their attention through other audible means.

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- (b) If the subject does not respond to a verbal check, the employee will attempt to arouse the subject by physically stirring the subject. Medical assistance will be requested if necessary.
- (i) A field supervisor will respond to the location where a protective hood is applied, if available. The employee applying the protective hood will notify the watch commander or field supervisor who will review and evaluate the circumstances for continued use of a protective hood at least once every hour to determine suitability for removal.
  - (a) Arrestee/detainees will not wear a protective hood for more than six (6) hours without medical staff approval.
  - (b) Employees will notify custody or mental health personnel that a protective hood has been used during detention/transportation, the reason for its use, and the length of time applied.
- (j) Protective hoods will be discarded after use. During disposal, employees shall use caution to prevent exposure to body fluids remaining on the hood.
- (k) Employees shall document in a crime/arrest report compliance with this directive and the specific reason(s) for use of a protective hood.

## Registered Offender Information

### 356.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the San Luis Obispo County Sheriff's Office will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered sex, arson and drug offenders.

### 356.2 POLICY

It is the policy of the San Luis Obispo 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.

### 356.3 REGISTRATION

The Detective Unit 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 (Health and Safety Code § 11594; 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.

#### 356.3.1 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.).

### 356.4 MONITORING OF REGISTERED OFFENDERS

The Detective Unit 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 Detective Unit Supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to San Luis Obispo County Sheriff's Office personnel, including timely updates regarding new or relocated registrants.

#### **356.5 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 San Luis Obispo County Sheriff's Office's website. Information on sex registrants placed on the San Luis Obispo County Sheriff's Office's website shall comply with the requirements of Penal Code § 290.46.

The Records 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).

#### **356.5.1 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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#### 356.5.2 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

### 358.1 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.

### 358.2 POLICY

The San Luis Obispo County Sheriff's Office recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

### 358.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Sheriff, Undersheriff, and the affected Bureau Chief. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Homicides
- Assaults in which death is probable.
- Major incidents in which members of the Sheriff's Office are called upon to assist other agencies.
- Incidents in which a member of this Sheriff's Office is arrested, or it is alleged that he/she has committed a crime.
- Incidents in which a member of any law enforcement agency is booked into the County Jail. Notifications for misdemeanor arrests of peace officers employed by other agencies after business hours may be made via email or voice message
- Officer involved shooting on or off duty (See Policy Manual § 310.53 for special notification)
- Significant injury or death to employee on or off duty
- Death of a prominent San Luis Obispo County official or other prominent person.
- Arrest of prominent San Luis Obispo County official or other prominent person.
- Aircraft crash with major damage and/or injury or death.
- In custody deaths.
- Deaths or major injuries which occur in the jail.
- Incidents in which a member of the Sheriff's Office fires a weapon at a suspect or is fired upon by a suspect.

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- Incidents in which a prisoner escapes, or attempts to escape, from jail or from the custody of a Correctional Deputy away from the jail facility.
- Incidents which can reasonably be considered a major news event.
- Significant fire or situations impacting public safety.
- Multiple fatality incident. For the purpose of this policy, auxiliary units and other Sheriff's Office volunteers are members of the Sheriff's Office
- Vehicle Pursuits

#### **358.4 WATCH COMMANDER RESPONSIBILITY**

The Watch Commander is responsible for making the appropriate notifications. The Watch Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Watch Commander shall attempt to make the notifications as soon as practicable. Notification should be made by calling the home telephone number first and then by any other available contact numbers.

##### **358.4.1 STAFF NOTIFICATION**

In the event an incident occurs described in Policy Manual § 358.2, the Sheriff shall be notified along with the Undersheriff and affected Bureau Chief and the Detective Commander and/or Station Commander if that division is affected.

##### **358.4.2 DETECTIVE NOTIFICATION**

If the incident requires that a detective respond after hours, the watch commander will contact the on call sergeant for detectives. The on call detective supervisor will determine if a detective response is needed. If so the detective supervisor will contact the on call detective and/or other resources as needed. The watch commander will assist in the detective call out process as needed.

##### **358.4.3 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.

#### **358.5 SUPERVISOR RESPONSIBILITY**

All supervisors shall ensure that the Watch Commander is aware of any event requiring notification and provide him with all information which is immediately available.

## Death Investigation

### 360.1 PURPOSE AND SCOPE

The investigations of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

### 360.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (decapitated, decomposed, etc.). Deputy Sheriff's also function as Deputy Coroners as needed.

#### 360.2.1 CORONER REQUEST

Government Code § 27491 and Health & Safety Code § 102850 direct the Coroner to inquire into and determine the circumstances, manner and cause of certain deaths. The Coroner, Coroner Investigator, or Deputy Sheriff/Coroner shall be called in any of the following cases:

- (a) Unattended deaths (No physician in attendance or during the continued absence of the attending physician. Also, includes all deaths outside hospitals and nursing care facilities.).
- (b) Deaths where the deceased has not been attended by either a physician or a registered nurse, who is a member of a hospice care interdisciplinary team, as defined by subdivision (e) of Section 1746 of the Health and Safety Code in the 20 days prior to death.
- (c) Physician unable to state the cause of death. Unwillingness does not apply. Includes all sudden, unexpected and unusual deaths and fetal deaths when the underlying cause is unknown.
- (d) Known or suspected homicide.
- (e) Known or suspected suicide.
- (f) Involving any criminal action or suspicion of a criminal act. Includes child and dependent adult negligence and abuse.
- (g) Related to or following known or suspected self-induced or criminal abortion.
- (h) Associated with a known or alleged rape or crime against nature.
- (i) Following an accident or injury (primary or contributory). Deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent.
- (j) Drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation or aspiration.
- (k) Accidental poisoning (food, chemical, drug, therapeutic agents).
- (l) Occupational diseases or occupational hazards.

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- (m) Known or suspected contagious disease and constituting a public hazard.
- (n) All deaths in operating rooms and all deaths where a patient has not fully recovered from an anesthetic, whether in surgery, recovery room or elsewhere.
- (o) In prison or while under sentence. Includes all in-custody and sheriff's involved deaths.
- (p) All deaths of unidentified persons.
- (q) All deaths of state hospital patients.
- (r) Suspected Sudden Infant Death Syndrome (SIDS) deaths.
- (s) All deaths where the patient is comatose throughout the period of the physician's attendance. Includes patients admitted to hospitals unresponsive and expire without regaining consciousness.

The body shall not be disturbed or moved from the position or place of death without permission of the coroner.

The death may not require a Coroner's investigation when a physician can legally certify the cause of death of an unidentified person. The case should, however, be referred to the Coroner in an attempt to identify the remains and provide proper interment.

In cases where a physician cannot legally certify the cause of death, an autopsy may be required to determine the circumstances, manner and cause of death. Autopsies will be performed by a forensic pathologist who may be assisted by a deputy sheriff/coroner. Upon completion of the autopsy a written report will be prepared listing the findings of the autopsy.

Autopsies may be viewed by law enforcement personnel assigned to the death investigation. Any other individuals wishing to view an autopsy may only do so with the approval of the Sheriff.

#### 360.2.2 SEARCHING DEAD BODIES

The Coroner Investigator or Deputy Sheriff/Coroner 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 deputy 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 Investigator or a designee shall be promptly notified. Should exigent circumstances indicate to a deputy that any search of a known dead body is warranted prior to the arrival of the Coroner Investigator or a designee; the investigating deputy shall first obtain verbal consent from the Coroner Investigator 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 deputy pending the arrival of the Coroner Investigator 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 Coroner Investigator or a designee, a receipt shall be obtained. This receipt shall be attached to the death report.

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#### 360.2.3 DEATH NOTIFICATION

When practical, and if not handled by the Coroner's Unit, 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 Investigator may be requested to make the notification. The Coroner Investigator needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.

#### 360.2.4 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

#### 360.2.5 SUSPECTED HOMICIDE

If the initially assigned deputy suspects that the death involves a homicide or other suspicious circumstances, the Watch Commander shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

#### 360.2.6 EMPLOYMENT RELATED DEATHS OR INJURIES

Any member of this agency 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 or teletype with all pertinent information (8 CCR 342(b)).

#### 360.2.7 DEATH NOTIFICATION OF FOREIGN NATIONALS

The Vienna Convention on Consular Relations requires notification to a consular official in the case of the death of a national of his country. Such notification assists consular officials in timely advising next of kin and other appropriate parties.

### **360.3 PATROL DEPUTIES RESPONSIBILITIES**

Patrol Deputies who are dispatched to Coroner's investigations shall:

- (a) Examine the victim for signs of life unless death was pronounced by a physician.
  1. Common indicators of death include: Absence of carotid pulse and breathing, coupled with extreme reduction in body temperature; postmortem lividity; rigor mortis; or extreme traumatic injury.
  2. When there is any question whether death has occurred, the victim shall be assumed to be alive and proper medical attention provided.
- (b) Investigate the circumstances of death. If a homicide is suspected, immediately secure the scene and all witnesses.
- (c) Contact the Watch Commander who shall notify the on-call Coroner Investigator when any of the following conditions exist:
  1. Homicide or suspected homicide.

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2. Suicide or suspected suicide.
  3. Decomposed or skeletal remains.
  4. Unidentified decedent.
  5. Industrial or work related death.
  6. Trauma death.
  7. Traffic death.
  8. Custodial death at jail, prison, or state hospital.
  9. Death of an arrestee.
  10. Hospital death when the hospital staff requests dialogue with the Coroner Investigator.
  11. Hospital death when the hospital staff is seeking permission for organ removal.
  12. Sudden and unexpected death of a person under 50 years when no previous medical condition exists.
  13. Next of kin cannot be located.
  14. Other unusual cases or when in doubt.
- (d) Seize the decedent's prescribed medications, if located by or presented to the deputy at the scene, for safekeeping. Deputies will inventory the amount of medication containers and package all medications in a bag. Deputies will weigh the bag and contents noting on the property page the number of containers, what medications are listed on each container and total weight of the bag and contents. Deputies will then book the bag for safekeeping and place it in Sheriff's Office evidence pursuant to Policy.
- (e) When possible, forward the decedent's driver's license to the Coroner Investigations Unit for disposition; attach to the Coroner Case Information Sheet.
- (f) Complete a Coroner Case Information Sheet and narrative before the end of shift. Fax a copy of the completed Coroner Case Information Sheet and narrative to the Detective Division and forward the report to the Station Clerk who will send a copy to the Coroner Investigator.
- (g) Photograph the location, death scene, and the decedent in cases where the on-call Coroner Investigator does not respond. The images shall be downloaded and processed as evidence.
- (h) Supervise the removal of remains where death resulted from natural causes.
1. If next of kin are available, they may choose the mortuary to be used and that mortuary should be contacted by Dispatch at the Watch Commander's direction.

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A decedent shall not be transported to another county without the permission of a Coroner Investigator.

2. If next of kin are unavailable, or if they have no preference, the on-call mortuary serving the community where the decedent resided shall be requested. The on-call mortuary list will be maintained in Dispatch.
3. The Deputy shall direct the mortuary attendant making removal that embalming shall not occur without the authorization of the Coroner Investigator.

#### 360.3.1 PROPERTY OF DECEASED

In any death into which the Coroner is to inquire, he or his Deputy may take charge of any or all personal effects, valuables, and property of the deceased at the scene of death and hold or safeguard them until lawful disposition can be made.

- (a) The Coroner Investigator or Deputy may lock the premises and apply a seal prohibiting entrance to the premises, pending arrival of legally authorized representatives of the deceased.
  1. Shall not interfere with investigation by other law enforcement agencies.
  2. Costs incurred may be a proper and legal charge against the estate of the deceased.
- (b) Any property or evidence related to the investigation or prosecution of any known or suspected criminal death may, with the permission of the Coroner or his Deputy, be delivered to the law enforcement agency having jurisdiction.
- (c) It is unlawful for any person to search for or remove any papers, monies, valuable property, or weapons constituting the estate of the deceased prior to the arrival of the Coroner or his Deputy. Traffic Officers are authorized to search for driver's license to locate organ donor cards.
- (d) When immediately apparent or when examination reveals that police investigation or criminal prosecution may ensue, the Coroner or his Deputy shall not willfully disturb the body or related evidence until the responsible law enforcement agency has had reasonable opportunity to respond to the scene.
- (e) Patrol Deputies assigned to a Coroner's investigation, when the Coroner's Investigator does not respond, will process the decedent's property in the following manner.
  1. Personal property found on a deceased person will be inventoried and released to the next of kin, a person designated by the next of kin, or the mortuary, after obtaining a signed receipt. The receipt shall be forwarded to the Coroner Investigator.

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2. Real property will be released to the next of kin. In the absence of the next of kin, property will be sealed for the Coroner Investigator. If the residence is sealed, the Watch Commander shall notify the Coroner Investigator.
3. If a will is found or presented to the officer on the scene, the on-call Coroner Investigator shall be consulted as soon as possible for disposition of same.

## Identity Theft

### 362.1 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.

### 362.2 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 the Sheriff's 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 the Sheriff's 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 Sheriff's 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.

## Private Persons Arrests

### 364.1 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.

### 364.2 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.

### 364.3 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.

### 364.4 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
- (c) Deputies shall seek advice from a supervisor or the watch commander when there is any questions in the mind of the deputy as to how to proceed regarding a private person arrest.

#### **364.5 REPORTING REQUIREMENTS**

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a Sheriff's 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.

## Limited English Proficiency Services

### 368.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

#### 368.1.1 DEFINITIONS

Definitions related to this policy include:

**Authorized interpreter** - A person who has been screened and authorized by the Department 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 San Luis Obispo County Sheriff's Office, designated by the Department, 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).

### 368.2 POLICY

It is the policy of the San Luis Obispo 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.

The Department 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.

### 368.3 LEP COORDINATOR

The Sheriff shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Operations Bureau Chief or the authorized designee.

The responsibilities of the LEP Coordinator include, but are not limited to:

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- (a) Coordinating and implementing all aspects of the San Luis Obispo County Sheriff's Office's LEP services to LEP individuals.
- (b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.
- (c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Watch Commander and Dispatch Supervisor. The list should include information regarding the following:
  - 1. Languages spoken
  - 2. Contact information
  - 3. Availability
- (d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.
- (e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.
- (f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.
- (g) Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.
- (h) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures or recommending modifications to this policy.
- (i) Receiving and responding to complaints regarding department LEP services.
- (j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

#### **368.4 FOUR-FACTOR ANALYSIS**

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal 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:

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- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with department 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.

#### **368.5 TYPES OF LEP ASSISTANCE AVAILABLE**

San Luis Obispo 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 Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

#### **368.6 WRITTEN FORMS AND GUIDELINES**

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

#### **368.7 AUDIO RECORDINGS**

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

#### **368.8 QUALIFIED BILINGUAL MEMBERS**

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

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When a qualified bilingual member from this department is not available, personnel from other County departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

#### **368.9 AUTHORIZED INTERPRETERS**

Any person designated by the Department 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 department 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.

#### **368.9.1 SOURCES OF AUTHORIZED INTERPRETERS**

The Department 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.

Other sources may include:

- Qualified bilingual members of this department 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 department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

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#### **368.9.2 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 Department 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, department 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.

#### **368.10 CONTACT AND REPORTING**

While all law enforcement contacts, services and individual rights are important, this department 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 department 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 Department or some other identified source.

#### **368.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE**

The San Luis Obispo County Sheriff's Office will take reasonable steps and will work with the Department of Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

##### **368.11.1 EMERGENCY CALLS TO 9-1-1**

Department 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 the Dispatch Center, 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.

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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.

#### **368.12 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 LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

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 or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the deputy is unable to effectively communicate with 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.

#### **368.13 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 department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

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.

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#### **368.14 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 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.

#### **368.15 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 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.

#### **368.16 COMPLAINTS**

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

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 department.

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.

#### **368.17 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

#### **368.18 TRAINING**

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

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The Training Manager 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 Manager 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.

#### 368.18.1 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 Training Manager shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

## Mandatory School Employee Reporting

### 372.1 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.

### 372.2 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.

#### 372.2.1 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).

#### 372.2.2 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).

#### 372.2.3 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).

#### 372.2.4 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

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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).

#### **372.3 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).

## Biological Samples

### 374.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction or arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples from those required to register, for example, sex offenders.

### 374.2 POLICY

The San Luis Obispo County Sheriff's Office will assist in the expeditious collection of required biological samples from offenders in accordance with the laws of this state and with as little reliance on force as practicable.

### 374.3 PERSONS SUBJECT TO DNA COLLECTION

Those who must submit a biological sample include (Penal Code § 296):

- (a) A person, including a juvenile, upon conviction or other adjudication of any felony offense.
- (b) A person, including a juvenile, upon conviction or other adjudication of any offense if the person has a prior felony on record.
- (c) An adult arrested or charged with any felony.

### 374.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall obtain the sample in accordance with this policy.

#### 374.4.1 COLLECTION

The following steps should be taken to collect a sample:

- (a) Verify that the individual is required to provide a sample pursuant to Penal Code § 296; Penal Code § 296.1.
- (b) Verify that a biological sample has not been previously collected from the offender by querying the individual's criminal history record for a DNA collection flag or, during regular business hours, calling the California Department of Justice (DOJ) designated DNA laboratory. There is no need to obtain a biological sample if one has been previously obtained.
- (c) Use a DNA buccal swab collection kit provided by the California DOJ to perform the collection and take steps to avoid cross contamination.

### 374.5 USE OF FORCE TO OBTAIN SAMPLES

If a person refuses to cooperate with the sample collection process, deputies should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order and only

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with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

- (a) The person's parole or probation officer when applicable.
- (b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.
- (c) The judge at the person's next court appearance.
- (d) The person's attorney.
- (e) A chaplain.
- (f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.
- (g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use force and be present to document the process.

#### **374.5.1 VIDEO RECORDING**

A video recording should be made anytime force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the department's records retention schedule (15 CCR § 1059).

#### **374.5.2 CELL EXTRACTIONS**

If the use of force includes a cell extraction, the extraction shall be video recorded, including audio. Video shall be directed at the cell extraction event. The video recording shall be retained by the [Department/Office] for the length of time required by statute. Notwithstanding the use of the video as evidence in a criminal proceeding, the tape shall be retained administratively (15 CCR 1059).

### **374.6 LEGAL MANDATES AND RELEVANT LAWS**

California law provides for the following:

#### **374.6.1 DOCUMENTATION RELATED TO FORCE**

The Watch Commander shall prepare prior written authorization for the use of any force (15 CCR § 1059). The written authorization shall include information that the subject was asked to provide the requisite specimen, sample or impression and refused, as well as the related court order authorizing the force.

#### **374.6.2 BLOOD SAMPLES**

A blood sample should only be obtained under this policy when:

- (a) The California DOJ requests a blood sample and the subject consents, or
- (b) A court orders a blood sample following a refusal.

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The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. A California DOJ collection kit shall be used for this purpose (Penal Code § 298(a); Penal Code § 298(b)(2)).

#### 374.6.3 LITIGATION

The Sheriff or authorized designee should notify the California DOJ's DNA Legal Unit in the event this [department/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.

## Chaplains

### 376.1 PURPOSE AND SCOPE

The San Luis Obispo County Sheriff's Office Chaplain Program is established for the purposes of providing spiritual and emotional support to all members of the Sheriff's Office, their families and members of the public.

### 376.2 POLICY

It is the policy of the Sheriff's Office that the Chaplain Program shall be a non-denominational, ecumenical ministry provided by volunteer clergy without financial compensation.

### 376.3 GOALS

Members of the Chaplain Program shall fulfill the program's purpose in the following manner:

- (a) By serving as a resource for Sheriff's Office personnel when dealing with the public in such incidents as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse, and other such situations that may arise.
- (b) By providing an additional link between the community, other chaplain programs and the Sheriff's Office.
- (c) By providing counseling, spiritual guidance and insight for Sheriff's Office personnel and their families.
- (d) By being alert to the spiritual and emotional needs of Sheriff's Office personnel and their families.
- (e) By familiarizing themselves with the role of law enforcement in the community.

### 376.4 REQUIREMENTS

Candidates for the Chaplain Program shall meet the following requirements:

- (a) Must be above reproach, temperate, prudent, respectable, hospitable, able to teach, not be addicted to alcohol or other drugs, not contentious, and free from excessive debt. Must manage their household, family, and personal affairs well. Must have a good reputation with those outside the church.
- (b) Must be ecclesiastically certified and/or endorsed, ordained, licensed, or commissioned by a recognized religious body.
- (c) Must successfully complete an appropriate level background investigation.
- (d) Must have at least five years of successful ministry experience within a recognized church or religious denomination.
- (e) Possess a valid California Drivers License.
- (f) Membership in good standing with the International Conference of Police Chaplains (ICPC) is desired, but is not required.

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#### **376.5 SELECTION PROCESS**

Chaplain candidates are encouraged to participate in the ride-along program before and during the selection process. Chaplain candidates shall successfully complete the following process prior to deployment as a chaplain:

- (a) Appropriate written application.
- (b) Recommendation from their church elders, board, or council.
- (c) Interview with the Sheriff or his designee, Chaplain Supervisor and Senior Chaplain.
- (d) Successfully complete an appropriate level background investigation.
- (e) Obtain a Jail clearance through the Custody Bureau.
- (f) Participate in orientation process as designated by the Chaplain Supervisor or Senior Chaplain.
- (g) Complete an appropriate probationary period as designated by the Sheriff.

#### **376.6 DUTIES AND RESPONSIBILITIES**

The duties of a chaplain include, but are not limited to, the following:

- (a) Assisting in making notification to families of department members who have been seriously injured or killed.
- (b) After notification, responding to the hospital or home of the department member.
- (c) Visiting sick or injured law enforcement personnel in the hospital or at home.
- (d) Attending and participating, when requested, in funerals of active or retired members of the Department.
- (e) Assisting sworn personnel in the diffusion of a conflict or incident, when requested.
- (f) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Watch Commander or supervisor aids in accomplishing the Department's mission.
- (g) Being on-call and if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department personnel.
- (h) Counseling deputies and other personnel with personal problems, when requested.
- (i) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
- (j) Responding to all major disasters such as earthquakes, bombings and similar critical incidents.
- (k) Providing liaison with various religious leaders of the community.
- (l) Assisting public safety personnel and the community in any other function of the clergy profession, as requested.
- (m) Participating in in-service training classes.
- (n) Willing to train to enhance effectiveness.

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- (o) Promptly facilitating requests for representatives or ministers of various denominations.
- (p) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

Chaplains may not proselytize or attempt to recruit members of the department or the public into a religious affiliation while on-duty unless the receiving person has solicited spiritual guidance or teaching. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or follow-up contacts that was provided while functioning as a chaplain for the San Luis Obispo County Sheriff's Office.

#### **376.7 CLERGY-PENITENT CONFIDENTIALITY**

No person who provides chaplain services to members of the department may work or volunteer for the San Luis Obispo County Sheriff's Office in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent privilege and shall inform department members when it appears reasonably likely that the member is discussing matters that are not subject to the clergy-penitent privilege. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any San Luis Obispo County Sheriff's Office employees concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

#### **376.8 COMMAND STRUCTURE**

- (a) Under the general direction of the Sheriff or his/her designee, chaplains shall report to the Senior Chaplain, Peer Support Supervisor and Peer Support Commander..
- (b) The Sheriff shall make all appointments to the Chaplain Program and will designate a Senior Chaplain.
- (c) The Senior Chaplain shall serve as the liaison between the Chaplain Unit, and the Peer Support Program Chain of Command. The Senior Chaplain will arrange for regular monthly meetings, act as chairman of all chaplain meetings, prepare monthly schedules, maintain records on all activities of the Chaplain Unit, coordinate activities that may concern the members of the Chaplain Unit and arrange for training classes for chaplains.

#### **376.9 OPERATIONAL GUIDELINES**

- (a) Chaplains shall be permitted to ride with officers during any shift and observe San Luis Obispo County Sheriff's Office operations, provided the Station Commander has been notified and approved of the activity.
- (b) Chaplains shall not be evaluators of employees and shall not be required to report on an employee's performance or conduct.

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### Chaplains

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- (c) In responding to incidents, a chaplain shall never function as a law enforcement officer.
- (d) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.
- (e) Chaplains shall serve only within the jurisdiction of the San Luis Obispo County Sheriff's Office unless otherwise authorized by the Sheriff or his designee.
- (f) Each chaplain may have access to current personnel rosters, addresses, telephone numbers, duty assignments and other information that may assist in their duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the information.

#### 376.9.1 UNIFORMS AND BADGES

A distinct uniform will be acquired and maintained by each Chaplain. The uniform shall consist of:

##### **CLASS A**

- (a) Jacket: Forest Green, 55% polyester/45% wool, "Ike" style, to CHP specifications, with epaulets and gold buttons embossed with the letter "S". It shall have a single black stripe with gold piping worn on the outside of both sleeves, three inches from the cuff. The jacket shall have shoulder patches, badge, service stripes, name plate, and medals as described in appropriate sections.
- (b) Shirt: White, 55% polyester/45% worsted wool blend, dry clean only, long sleeve, double stitched with epaulets. It shall have shoulder patches, badge, service stripes, name tag and medals as described in appropriate sections.
- (c) Necktie: Black polyester or polyester/wool blend, matte finish, break-away style.
- (d) Tie Bar: Shiny gold, 1/4 inch width, worn across the tie with the top edge in line with the top edge of the shirt pocket flaps. Tie bar will be free of ornaments, insignia, or engraving.
- (e) Trousers: Forest Green, 55% polyester/45% worsted wool, dry clean only, with two front pockets, two rear pockets, and two "sap" pockets. Manufactured to Los Angeles County Sheriff's Department specifications. Trousers with additional cargo pockets are not authorized for wear.
- (f) Uniform Belt: Black, 1 1/2 inches in width.
- (g) Footwear: Black, plain leather, closed toe, regular or ankle high shoes with standard heel, or black, plain leather closed toe slip-on boots with 9-inch vamps.
- (h) Socks: Black cloth-color optional when wearing authorized high-top boots.

##### **CLASS C**

- (a) Shirt: Silver Tan, 5-11 Brand, Professional Polo, Short or Long Sleeve, Embroidered with the Chaplain Unit logo and the Chaplain name.
- (b) Trousers: TDU Green, 5-11 Brand, TDU 1.5" with black belt
- (c) Footwear: Black lace-up plain toe leather boots or shoes, with or without canvas panels.

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### *Chaplains*

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#### **376.10 TRAINING**

The Department will establish a minimum number of training hours and standards for department chaplains. The training may include stress management, death notifications, post-traumatic stress, burnout for officers and chaplains, legal liability and confidentiality, ethics, responding to crisis situations, the law enforcement family, substance abuse, suicide, deputy injury or death, critical incident response and sensitivity and diversity, as approved by the Peer Support Program Manager

## Public Safety Camera System

### 378.1 PURPOSE AND SCOPE

The County of San Luis Obispo operates a public safety camera system for the purpose of creating a safer environment for all those who live, work and visit the county. The Sheriff's Office recognizes the need for balance between constitutional rights of privacy and the delivery of public safety services. This policy explains the purpose of the cameras and provides guidelines for their operation and for the storage of captured images in a manner that respects constitutional protections and furthers the goal of creating a safer environment for the public.

This policy does not apply to the use of video surveillance cameras that may be deployed as part of covert operations or confidential investigations carried out by the Sheriff's Office.

### 378.2 POLICY

Cameras may be placed in strategic locations throughout the County at direction or with the approval of the Sheriff. These cameras can be used for detecting, investigating and deterring crime, to help safeguard against potential threats to the public, to provide real time information to first responders about an event or crime they are responding to, to help manage emergency response situations during natural and man-made disasters and to assist County officials in providing services to the community.

### 378.3 PROCEDURE

The following procedures have been established for the effective operation of the public safety camera system.

#### 378.3.1 MONITORING

Images from each camera are temporarily recorded on a 24 hour basis every day of the week. These images are stored locally on the hard drive contained within the device and are available for review and copying to another storage medium for a short period of time before they are automatically recorded over.

When activity warranting further investigation is reported or detected at any camera location, the Sheriff's Watch Commander is authorized to access the camera system, via password protection, to adjust the cameras to more effectively view a particular area, to capture images and to download them when appropriate.

The Sheriff may authorize video feeds from the public safety camera system to be set up at locations other than the Watch Commander's Office for monitoring by sheriff's personnel or other authorized personnel when the provision of such access is in furtherance of this policy.

The cameras only record images and do not record sound. Recorded images may be used for a variety of purposes, including criminal investigations and monitoring of activity around high value

# San Luis Obispo County Sheriff's Office

## San Luis Obispo County SO Policy Manual

### *Public Safety Camera System*

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or high threat areas. In addition, the public safety camera system may be useful for the following purposes:

- (a) To assist in identifying, apprehending and prosecuting offenders.
- (b) To assist in gathering evidence for criminal and civil court actions.
- (c) To help emergency services personnel maintain public order.
- (d) To monitor pedestrian and vehicle traffic activity.
- (e) To help improve the general environment on the public streets.
- (f) To assist in providing effective public services.
- (g) To memorialize natural or man-made disasters for later review, analysis or training use.

#### **378.3.2 TRAINING**

Personnel involved in video monitoring will be appropriately trained and supervised.

#### **378.3.3 PROHIBITED ACTIVITY**

Video monitoring will be conducted in a professional, ethical and legal manner. The public safety camera system will not be used to invade the privacy of individuals, to look into private areas or areas where the reasonable expectation of privacy exists. All reasonable efforts will be taken to protect these rights. Video monitoring shall not be used to harass, intimidate or discriminate against any individual or group.

#### **378.3.4 CAMERA MARKINGS**

Except in the case of covert operations or confidential investigations, all public areas that are monitored by public safety cameras shall be marked in a conspicuous manner with appropriate signs to inform the public that the area is under sheriff's surveillance. Signs shall be well lit to ensure visibility.

#### **378.4 OBSERVATION OF PRE-ARCHIVAL IMAGES**

In the furtherance of this policy's goals the Sheriff's Watch Commander or other personnel authorized by the Sheriff may log into the public safety camera system and view real time images captured by the cameras or view recently recorded images that are temporarily stored for a short period of time before the camera unit records over them. For the purpose of this policy real time images and those that are recorded for a short period of time by the camera's hard drive are defined as Pre-Archival Images and are not considered Archival Records until they are downloaded and stored on another medium.

#### **378.5 ARCHIVED IMAGES**

Images downloaded as evidence in a crime or civil proceeding shall be copied to a suitable medium and booked into evidence in accordance with current Sheriff's Office evidence procedures. Downloaded images not otherwise needed for official reasons shall be retained for a period of

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### *Public Safety Camera System*

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not less than one year and thereafter should be erased with the written consent of the County Counsel. (Government Code 34090.6)

#### **378.6 REVIEW OR RELEASE OR OF VIDEO IMAGES**

The review or the release of video images shall be done only with the authorization of the Sheriff or his/her designee and only with a properly completed written request. Video images needed for a criminal investigation or other official reason shall be collected and booked in accordance with current Sheriff's Office evidence procedures.

##### **378.6.1 PUBLIC AND OTHER AGENCY REQUESTS**

Requests for achival video images from other government agencies or by the submission of a court order or subpoena shall be submitted to the Support Services Bureau Chief Deputy, who will promptly research the request and submit the results of such search through the Sheriff to the County Counsel's office for further handling.

Every reasonable effort should be made to preserve the data requested until the request has been fully processed by the County Counsel's office. Video images captured by public safety cameras that are requested by the public or media will be made available only to the extent required by law. Except as required by a valid court order or other lawful process, video images requested under the Public Records Act will generally not be disclosed to the public when such video images are evidence in an ongoing criminal investigation in which the disposition has not been reached.

#### **378.7 ANNUAL REVIEW OF THE PUBLIC SAFETY CAMERA SYSTEM**

The Sheriff or his/her designee will conduct an annual review of the public safety camera system. The annual review will include an inventory of video monitoring installations, date of installation, summary of the purpose, adherence to this policy and any proposed policy changes. The results of each review will be documented and maintained by the Sheriff or his/her designee and other applicable advisory bodies. Any concerns or deviations from this policy will be addressed promptly and effectively.

## Child and Dependent Adult Safety

### 380.1 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 [department/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 Adult Abuse policies.

### 380.2 POLICY

It is the policy of this [department/office] to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The San Luis Obispo 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.

### 380.3 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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### *Child and Dependent Adult Safety*

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#### 380.3.1 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. 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.
  2. 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.
- (b) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (c) Notify Child Protective Services or the Division of Aging and Adult Services, if appropriate.
- (d) 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.

#### 380.3.2 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)).

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.

# San Luis Obispo County Sheriff's Office

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### *Child and Dependent Adult Safety*

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#### 380.3.3 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting employee will document the following information:
1. Name
  2. Sex
  3. Age
  4. How, where and with whom or which agency the child was placed
- (b) For all arrests where dependent adults are present or living in the household, the reporting employee 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

#### 380.3.4 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.

#### **380.4 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 consider contacting the appropriate welfare service or other department-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.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

#### **380.5 TRAINING**

The Training Manager is responsible to ensure that all personnel of this [department/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).

## Animal Case Response

### 381.1 PURPOSE AND SCOPE

The Sheriff's Office will respond to, or appropriately refer, matters involving the injury, death, or unlawful control of animals within the unincorporated areas of the County which may endanger health and safety. In addition, all reports of abandonment, cruelty and neglect will be investigated, and stray or estray animal cases will be disposed of properly.

#### 381.1.1 RESPONSIBILITIES

The following governmental entities have responsibility for animal cases, as indicated, which are frequently reported to the Sheriff's Office with an expectation of response.

- (a) Animal services under the County Department of Health, pursuant to Title 9 of the County Code, is responsible for:
  - 1. Disposition of dead dogs, cats and household pets upon request .
  - 2. Abatement of noise or nuisance created by a dog, cat, animal, poultry or household pet.
  - 3. Regulating kennels and pet shops.
  - 4. Impounding and disposition of stray dogs and cats.
  - 5. Complaints regarding biting dogs.
  - 6. Animals and poultry running at large on public place or property of another.
  - 7. Leash law violations
  - 8. Rabid animals or those showing symptoms of rabies.
- (b) The California Bureau of Livestock Identification, pursuant to Division 9, Chapter 7 of the California Agricultural Code, is responsible for identifying ownership and/or disposing of stray and estray cattle.
- (c) The Sheriff's Office responds to the following animal cases when another government entity has not been tasked with that responsibility, when the incident involves known or suspected criminal conduct, or as the first responder to hazardous or potentially hazardous situations involving animals:
  - 1. Injured animals in public place.
  - 2. Dead animals on roadway.
  - 3. Loose livestock.
  - 4. Abandonment, neglect and cruelty of animals.

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### *Animal Case Response*

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#### 381.1.2 HANDLING INJURED ANIMALS

In cases of injured animals the responding officer must, within the limits of his education and experience, decide if it is more humane to seek veterinary treatment or end an animal's suffering. Considerations in making that decision include:

- (a) Most animals can readily survive an injury to one extremity.
- (b) Few animals survive spinal cord injuries or severe head trauma.
- (c) Wild animals often compound the seriousness of injuries by fighting their rescuers.
- (d) Injured animals can be dangerous to those trying to help them.
- (e) Resources required to obtain medical aid for the injured animal to include lifting and transportation.
- (f) Danger posed to the public and rescuers by the injured animal; considering location, time of day, etc.

#### 381.1.3 EUTHANIZING AN ANIMAL IN THE FIELD

Employees may use a firearm to euthanize a severely injured animal which poses a threat to the safety of humans or is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical. When a deputy comes across an injured animal in the course of their duties, they shall, if practical, contact Sheriff's Dispatch and request that Animal Services respond to dispose of the animal. Deputies if practical, will attempt to locate the owners of domestic animals (refer to policy section 304.1.1) prior to taking any action.

- (a) If response by Animal Services is not practical due to unavailability or an extended response time, the deputy will contact the watch commander or field supervisor and request permission to euthanize the animal.
- (b) Should the animal be of an immediate danger to public safety and taking time to request permission would cause additional risk to the public, the deputy may dispatch the animal without prior permission.
- (c) Prior to euthanizing the animal, the deputy shall ensure there is a safe backdrop should the bullet over-penetrate the animal and that discharging a firearm will not unduly pose a risk to the public.
- (d) After euthanizing the animal, the deputy shall inform Sheriff's Dispatch and request that County Roads be notified for purpose of removing the carcass if it is on a roadway.
- (e) The responding deputy shall document the event in an Incident Report. The report shall include:
  - 1. Weapon used and number of rounds fired.
  - 2. Circumstances that made it necessary for deputy to dispatch the animal. (Extended ETA by Animal Services, Animal was attempting to attack, etc.)

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### *Animal Case Response*

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3. Brief description of surrounding area. (Ranch land, residential area, etc.)
4. Brief description of backdrop.
5. Request that the report be forwarded to the Chief Deputy assigned to Field Operations.

#### 381.1.4 DEAD ANIMALS IN THE ROADWAY

Deputies who discover or who are dispatched to a dead animal on a roadway shall ensure that the animal does not create a traffic hazard. If the animal is in the traffic lanes, it will be pulled to the road shoulder by the most expeditious means available. Dispatch will be directed to make necessary notification(s) for subsequent removal.

#### 381.1.5 LOOSE LIVESTOCK

- (a) Loose livestock creates a significant hazard to persons and property and should be handled in the most expeditious means possible.
- (b) If the ownership of loose livestock can be readily determined, the owner should be summoned to the scene to assist, and officers should control traffic until his arrival
- (c) If ownership cannot be determined, officers will attempt to secure the animal(s) in the closest available pasture or corral.
  1. Fences, locks, etc. may be cut to facilitate the securing of loose livestock.
  2. Animals will respond best to approaches which are slow and calm. The officer's objective can best be realized if a plan is formulated before any attempt is made to move the animal(s).
  3. When an animal whose ownership is unknown is secured in a corral or pasture, fences will be repaired as necessary to prevent the animal from escaping. Both the animal owner, when identified, and the owner of the corral or pasture will be informed of the officer's actions
  4. When animals cannot be secured, officers must give consideration to obtaining additional resources to aid in that endeavor. Those resources may include:
    - (a) A veterinarian to tranquilize the animal.
    - (b) Persons experienced in the handling of livestock.
    - (c) In extreme cases, where public safety is jeopardized, the officer must consider the use of deadly force to control the situation.
    - (d) In cases involving Sheriff's Office response to loose livestock, Deputies shall complete an incident report detailing circumstances and subsequent actions.
    - (e) In addition, they shall direct Dispatch to make appropriate notification(s).

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### *Animal Case Response*

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1. Direct Dispatch to inform the brand inspector of loose cattle which are secured.
  2. Cause a news release to be made in an attempt to inform the owner of missing livestock where he can recover his animal(s).
- (f) If animals temporarily secured in a nearby pasture or corral must be moved, they may be transported to the Templeton Livestock Market by:
1. A nearby rancher or farmer.
  2. Employees of the Templeton Livestock Market.
  3. Sheriff's Office employees with experience in handling large animals.
- (g) The animal owner, if subsequently identified, is responsible for costs associated with that process.

#### **381.1.6 ANIMAL NOISE ABATEMENT**

Normally animal noise complaints should be referred to Animal Services. Deputies may issue citations for County Code Violations or other appropriate sections if the violation is continuing and the animal's owner fails to take appropriate corrective action.

When citations are issued for animal noise violations, an incident report detailing the circumstances will be completed.

#### **381.2 ABANDONMENT, NEGLECT AND CRUELTY OF ANIMALS**

- (a) Abandonment, neglect and cruelty to animals are crimes pursuant to the 597 series of the Penal Code and will be investigated.
- (b) When in the best interest of the animal, and when the animal constitutes evidence of the crime, it will be seized and transported to an appropriate secure facility.
  1. Transportation may be accomplished by any qualified person having the resources necessary to safely accomplish the transportation.
  2. Costs incurred for transportation and care of seized animals are the responsibility of the animal owner when so ordered by the court.
  3. Large animals which are seized will be secured at the Templeton Livestock Market or other agricultural facility where expert care can be provided.
  4. Dogs, cats and household pets which are seized will be secured at the Animal Services facilities.
  5. Necessary veterinary care will be obtained for animals which are the subject of abandonment, neglect or cruelty cases.

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### *Animal Case Response*

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6. Investigative steps required for successful prosecution will be completed either by the initial responding deputy or a detective assigned to provide follow up.
7. A crime report will be completed on each case of known or suspected abandonment, neglect or cruelty to an animal.

## Service Animals

### 382.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The San Luis Obispo County Sheriff's Office recognizes this need and is committed to making reasonable modifications to its policies, practices, and procedures in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA) to permit the use of service animals that are individually trained to assist a person with a disability.

### 382.2 SERVICE ANIMALS

The ADA defines a service animal as any dog or miniature horse that is individually 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 owner's disability (28 CFR 35.104).

California expands the definition of a service animal to include other animals that are individually trained to provide assistance to an individual with a disability (Healthy and Safety Code § 113903).

#### 382.2.1 USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

The following examples are some of the ways service animals may be used to provide assistance:

- 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 schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

### 382.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar.

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### *Service Animals*

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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 schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

## Volunteer Program

### 384.1 PURPOSE AND SCOPE

It is the policy of the Sheriff's Office to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Sheriff's Office and improve services to the community to include Sheriff's Posse, Aero Squadron, Dive Team, Search and Rescue team and Citizen Patrol Unit. These groups are made up of volunteers from within the community and members of the Sheriff's Office where appropriate. 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 Sheriff's Office responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Sheriff's Office and prompt new enthusiasm.

#### 384.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Sheriff's 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.

### 384.2 VOLUNTEER MANAGEMENT

#### 384.2.1 VOLUNTEER COORDINATOR

The Volunteer Coordinator shall be appointed by the Field Operations Bureau Chief. The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Sheriff's Office, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator should work with other Sheriff's 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.

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### *Volunteer Program*

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- (h) Planning periodic recognition events.
- (i) Administering discipline when warranted.
- (j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

#### 384.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with Sheriff's 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 Sheriff's 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.

#### 384.2.3 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
- (d) Credit check

A polygraph or CVSA exam may be required of each applicant depending on the type of assignment.

#### 384.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Sheriff's 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 Sheriff's 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

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### *Volunteer Program*

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of service with the Sheriff's 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 Sheriff's Office.

#### 384.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Sheriff's 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 Sheriff's 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 Sheriff's Office.

#### 384.2.6 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 the Sheriff's Office regarding drug and alcohol use.

#### 384.2.7 DRESS CODE

As representatives of the Sheriff's 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 Sheriff's 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 Sheriff's Office

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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 Sheriff's Office property at the termination of service.

#### **384.3 SUPERVISION OF VOLUNTEERS**

Each volunteer who is accepted to a position with the Sheriff's 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.

#### **384.4 CONFIDENTIALITY**

With appropriate authorization, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or Sheriff's 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 Sheriff's Office policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Sheriff's 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 Department, or maintain that they represent the Sheriff's Office in such matters without permission from the proper Sheriff's Office personnel.

#### **384.5 PROPERTY AND EQUIPMENT**

Volunteers will be issued an identification card that must be in their possession at all times while on-duty. Any fixed and portable equipment issued by the Sheriff's Office shall be for official and

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authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Sheriff's Office and shall be returned at the termination of service.

#### **384.5.1 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:

- (a) A driving safety briefing and Sheriff's 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 Sheriff's Office vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Sheriff's 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 Sheriff's Office vehicle Code-3.

#### **384.5.2 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.

#### **384.5.3 BADGES AND SHERIFF'S OFFICE IDENTIFICATION**

Badges and Sheriff's Office identification cards are issued to some volunteers and shall be clearly marked to reflect the position of the assigned volunteers.

- (a) Volunteer personnel shall not display any Sheriff's Office badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.
- (b) Volunteer personnel shall not display any Sheriff's Office badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe they are a sworn peace officer.
- (c) Any badge or identification card issued, remains the property of the Sheriff's Office and is to be surrendered immediately upon request.

#### **384.6 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.

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Volunteers may resign from volunteer service with the Sheriff's 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.

#### **384.6.1 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 Sheriff's Office.

#### **384.7 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.

## Off-Duty Law Enforcement Actions

### 386.1 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 San Luis Obispo County Sheriff's Office with respect to taking law enforcement action while off-duty.

### 386.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Deputies should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property 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 the Sheriff's 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.

### 386.3 FIREARMS

Deputies of the Sheriff's Office may carry firearms while off-duty in accordance with federal regulations and department policy. All firearms and ammunition must meet guidelines as described in the Sheriff's Office Firearms Policy. When carrying firearms while off-duty deputies shall also carry their Sheriff's Office-issued 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 deputies who have consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the deputy's senses or judgment.

### 386.4 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.

#### **386.4.1 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 an San Luis Obispo County Sheriff's Office deputy until acknowledged. Official identification should also be displayed.

#### **386.4.2 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.

#### **386.4.3 NON-SWORN RESPONSIBILITIES**

Correctional Deputies have no peace officer authority while off-duty.

Non-sworn 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.

#### **386.4.4 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.

### **386.5 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.

## Illness and Injury Prevention

### 388.1 PURPOSE AND SCOPE

The health and safety of the employees of the San Luis Obispo County Sheriff's Office is important to executive and management staff, and critical to the operation of this department and the delivery of services to the community.

The purpose of this policy is to establish an ongoing and effective Injury and Illness Prevention Program (IIPP) for the San Luis Obispo County Sheriff's Office, in accordance with the requirements of 8 CCR § 3203. This policy specifically applies to illnesses and injuries that result in lost time beyond the date of the incident or that require medical treatment beyond first aid. Though this policy provides the essential framework required for an IIPP, it may be supplemented by procedures outside the Policy Manual.

The IIPP guidelines are to be followed and adopted by all personnel. Supervisory and management personnel are charged with ensuring that these guidelines and directives are implemented.

### 388.2 RESPONSIBILITY

The Support Services Supervisor, acting as the Sheriff's Office IIPP administrator, has the authority and responsibility for implementing the provisions of this policy and the IIPP. Supervisors are responsible for implementing and maintaining the IIPP in their work areas and for answering questions from employees about the IIPP.

### 388.3 COMPLIANCE

The Support Services Supervisor is responsible for ensuring that all safety and health policies and procedures are clearly communicated and understood by all employees. The Support Services Supervisor should take reasonable steps to ensure that all workers comply with safety rules and maintain a safe work environment, including, but not limited to:

- (a) Informing workers of the provisions of the IIPP.
- (b) Recognizing employees who perform safe work practices.
- (c) Ensuring that the employee evaluation process includes the employee's safety performance.
- (d) Ensuring the Department's compliance with mandates regarding:
  1. Bloodborne pathogens (8 CCR § 5193).
  2. Airborne transmissible diseases (8 CCR § 5199).
  3. Heat illness (8 CCR § 3395).
  4. Respiratory protection (8 CCR § 5144).

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Supervisors are responsible for training, counseling, instructing or making informal verbal admonishments anytime safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Conduct Policy.

All employees should use safe work practices, follow all directives and policies and assist in maintaining a safe work environment.

#### **388.4 COMMUNICATION**

Supervisors shall establish and maintain communication with employees on health and safety issues. This is essential for an injury-free, productive workplace.

- (a) The Support Services Supervisor will ensure that a system of communication is in place which facilitates a continuous flow of safety and health information between supervisors and employees. This system shall include:
  1. New worker orientation, including a discussion of safety and health policies and procedures.
  2. Regular employee review of the IIPP.
  3. Workplace safety and health training programs.
  4. Regularly scheduled safety meetings.
  5. Posted or distributed safety information.
  6. A system for workers to anonymously inform management about workplace hazards.
  7. Establishment of a labor/management safety and health committee, which will:
    - (a) Meet regularly.
    - (b) Prepare a written record of the safety and health committee meeting.
    - (c) Review the results of periodic scheduled inspections.
    - (d) Review investigations of accidents and exposures.
    - (e) Make suggestions to management for the prevention of future incidents.
    - (f) Review investigations of alleged hazardous conditions.
    - (g) Submit recommendations to assist in the evaluation of employee safety suggestions.
    - (h) Assess the effectiveness of the Sheriff's Office efforts to meet the following mandates:
      1. Bloodborne pathogens (8 CCR § 5193)
      2. Airborne transmissible diseases (8 CCR § 5199)
      3. Heat illness prevention (8 CCR § 3395).

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#### **388.5 HAZARD ASSESSMENT**

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards utilizing the applicable sections of the Hazard Assessment Checklist to ensure a thorough inspection. These checklists can be found at on the California Department of Industrial Relations website.

##### **388.5.1 SUPPORT SERVICES SUPERVISOR INSPECTION DUTIES**

The Support Services Supervisor shall ensure an Identified Hazard and Correction Record (located on the California Department of Industrial Relations website) is completed for each inspection.

##### **388.5.2 PATROL DEPUTIES INSPECTION DUTIES**

Deputies are charged with daily vehicle inspection of an assigned vehicle and of personal protective equipment prior to working in the field. Deputies shall complete an Identified Hazard and Correction Form if an unsafe condition cannot be immediately corrected. Deputies should forward this report to their supervisor.

##### **388.5.3 SUPERVISOR ASSESSMENT DUTIES**

Supervisors should inform the Support Services Supervisor when the following occurs:

- New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
- New, previously unidentified hazards are recognized.
- Occupational injuries and illnesses occur.
- New and/or permanent or intermittent workers are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
- Whenever workplace conditions warrant an inspection.

The Support Services Supervisor will take appropriate action to ensure the IIPP addresses potential hazards upon such notification.

#### **388.6 ACCIDENT/EXPOSURE INVESTIGATIONS**

Employees must report all injuries that are a result of a workplace accident and any hazardous substance exposure to a supervisor. A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- A visit to the accident scene as soon as possible.
- An interview of the injured worker and witnesses.
- An examination of the workplace for factors associated with the accident/exposure.
- Determination of the cause of the accident/exposure.
- Corrective action to prevent the accident/exposure from reoccurring.

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- A record of the findings and corrective actions taken, using the Investigation/Corrective Action Report (<http://www.dir.ca.gov/DOSH/etools/09-031/InvestigationReport.pdf>).

#### **388.7 HAZARD CORRECTION**

All employees should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Employees should make their reports to a supervisor (as a general rule, their own supervisor).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner based on the severity of the hazards. Hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering employees or property, supervisors should protect or remove all exposed workers from the area or item, except those necessary to correct the existing condition.

Employees who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on an Identified Hazard and Correction Form. This should be forwarded to the Support Services Supervisor via the chain of command.

#### **388.8 TRAINING AND INSTRUCTION**

The Support Services Supervisor shall work with the Training Manager to ensure that all workers, including supervisors, are trained on general and job-specific, workplace safety and health practices. Training shall be provided as follows:

- To all new employees for those tasks that were not sufficiently covered by previous training from an academy or another training provider.
- To all workers given new job assignments for which training has not previously been provided.
- Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.
- Whenever the Sheriff's Office is made aware of a new or previously unrecognized hazard.
- To supervisors to familiarize them with the safety and health hazards to which workers under their immediate direction and control may be exposed.
- To all workers with respect to hazards that are specific to each employee's job assignment.
- An explanation of the Sheriff's Office IIPP, emergency action plan and fire prevention plan; measures for reporting any unsafe conditions, work practices and injuries; and informing a supervisor when additional instruction is needed.

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- The use of appropriate clothing, including gloves, footwear and personal protective equipment.
- Information about chemical hazards to which employees could be exposed.
- The availability of toilet, hand-washing and drinking-water facilities.
- Provisions for medical services and first aid, including emergency procedures.
- Steps to prevent heat illness (8 CCR § 3395).

#### **388.9 RECORDKEEPING**

The Support Services Supervisor will do the following to implement and maintain IIPP records:

- (a) Make available the Identified Hazards and Correction Record Form to document inspections, any unsafe condition or work practice, and actions taken to correct unsafe conditions and work practices.
- (b) Make available the Investigation/Corrective Action Report (<http://www.dir.ca.gov/DOSH/etools/09-031/InvestigationReport.pdf>) to document individual incidents or accidents.
- (c) Develop a Worker Training and Instruction Form to document the safety and health training of each employee. This form will include the employee's name or other identifier, training dates, type of training, and training providers.
- (d) Retain inspection records and training documentation for a minimum of one year.

#### **388.10 TRAINING SUBJECTS**

The Support Services Supervisor should work with the Training Manager to ensure training is provided on the following topics:

- Driver safety
- Safe procedures for handling, cleaning and/or storing weapons
- Good housekeeping and fire prevention
- Back exercises/stretching and proper lifting techniques
- Lock-out/tag-out procedures
- Hazardous materials
- Building searches
- Slips and falls
- Ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods
- Personal protective equipment
- Respiratory equipment

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- Hazardous chemical exposures
- Hazard communication
- Physical hazards, such as heat/cold stress, noise, and ionizing and non-ionizing radiation
- Bloodborne pathogens and other biological hazards
- Other job-specific hazards

## Gun Violence Restraining Orders

### 389.1 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).

#### 389.1.1 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).

**Temporary Emergency Order** - Civil restraining order applied for orally or in writing to a judge. Valid for 21 days. May only be used by law enforcement. (Penal Code § 18125, et seq.)

**Temporary Ex-Parte** - A formal application made in court by close family members or law enforcement, followed by a formal court hearing. Valid for 21 days pending a hearing on granting a firearms restriction for one year. (Penal Code § 18150, et seq.)

**Order After Notice/Hearing** - Civil restraining order granted for one year after a full hearing by the court. (Penal Code § 18170, et seq.)

### 389.2 POLICY

It is the policy of the San Luis Obispo County Sheriff's Office to petition and serve gun violence restraining orders in compliance with state law when less restrictive methods either have been tried and found ineffective or have been determined to be inadequate or inappropriate for the circumstances of the subject of the petition (Penal Code § 18125 (a) (2)). The Sheriff's Office will properly account for firearms and ammunition obtained by this Office pursuant to such orders.

### 389.3 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 may petition the court for a gun violence restraining order if no other alternative exists to eliminate the person's access to a firearm.

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). If it is not practical under the circumstances to submit a written petition, a deputy may orally request an order using the procedures for obtaining an oral search warrant and preparing the order using the appropriate Judicial Council form (Penal Code § 18140; Penal Code § 18145).

The petition shall describe why a temporary emergency gun violence order is necessary to prevent injury to the subject of the petition or another person because less restrictive alternatives

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either have been tried and found to be ineffective or have been determined to be inadequate or inappropriate. The order will expire in 21 days after the date it is issued.(Penal Code § 18125 (a), (b); Penal Code § 18150; Penal Code § 18175)

#### 389.3.1 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) 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).

In cases where the restrained person poses a risk to others, deputies should be aware that a Gun Violence Restraining Order does not restrain a person from having contact with anyone, nor does it restrain them from a specific location.

If the goal is to restrain a person from having contact with protected person(s) or from being present at a specific location, the deputy should consider and counsel the reporting party on other more suitable orders, such as Domestic Violence Restraining Orders, Civil Harassment Restraining Orders, Elder or Dependent Adult Abuse Restraining Orders, or Workplace Violence Restraining Orders, which also prohibit firearms possession.

#### **389.4 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 in the subject's possession or under the subject's control or custody 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) Advise the restrained person that any firearms or ammunition not surrendered to law enforcement must be surrendered to law enforcement, sold to a licensed firearms dealer or transferred to a licensed firearms dealer in accordance with Penal Code Section 29830 within 24 hours of being served with the order.
- (e) Advise the restrained person that they must file with the court that issued the order the original receipt showing all firearms and ammunition have been surrendered to a local

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law enforcement agency or sold or transferred to a licensed firearms dealer within 48 hours (Penal Code § 18120 (2) (A)).

- (f) Advise the restrained person that if they transfer their firearms and ammunition rather than surrendering them to law enforcement they must provide a copy of the receipt to the Sheriff's Office showing all firearms and ammunition have been sold or transferred to a licensed firearms dealer within 48 hours. (Penal Code § 18120 (2) (B)).
- (g) Inform the restrained person of any scheduled hearing regarding the order (Penal Code § 18160).
- (h) Ensure the patrol station legal clerks transmit the original proof of service form to the issuing court as soon as practicable but within one business day and submit a copy of the proof of service to Records and Warrants for prompt entry into the California Restraining and Protective Order System (Penal Code § 18115).
- (i) As soon as practicable, but by the end of his/her shift, forward a copy of the order and proof of service to Sheriff's Dispatch for entry into CLETS and to the Detective Division Commander for coordination and tracking purposes.

All firearms and ammunition collected shall be handled and booked in accordance with the Property and Evidence Policy.

#### **389.4.1 SERVICE OF ORAL GUN VIOLENCE RESTRAINING ORDERS**

If a gun violence restraining order is obtained orally, the deputy shall (Penal Code § 18140):

- (a) 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 Counsel (EPO-002).
- (b) Serve the order on the restrained person, if the restrained person can reasonably be located.
- (c) Forward a copy of the order to Sheriff's Dispatch for CLETS entry.
- (d) Ensure the order is forwarded to the court and to Records and Warrants for entry into the computer database system for protective and restraining orders maintained by the Department of Justice.

#### **389.5 SEARCH WARRANTS**

If a person who has been served with a gun violence restraining order refuses to surrender any firearm or ammunition to law enforcement upon request or fails to transfer any firearms or ammunition to a licensed firearms dealers within 24 hours, the deputy should consider whether to seek a search warrant. Prior to seeking a search warrant the deputy will consult with the Sheriff's Watch Commander and the on duty/on call Detective Supervisor to determine the best course of action in each circumstance.

If a search warrant is to be obtained, it should be reviewed by a deputy district attorney from the San Luis Obispo County District Attorney's Office to ensure proper content and format.

The warrant may be issued if the property or things to be seized are firearms or ammunition or both that are owned by, in the possession of, or in the custody or control of a person who is the subject

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of a gun violence restraining order that has been issued pursuant to Division 3.2 (commencing with Section 18100) of Title 2 of Part 6, if a prohibited firearm or ammunition or both is possessed, owned, in the custody of, or controlled by a person against whom a gun violence restraining order has been issued, the person has been lawfully served with that order, and the person has failed to relinquish the firearm as required by law. (Penal Code § 1524 (a) (14))

Penal Code § 1542.5 requires the following:

- (a) The deputy executing the warrant shall take custody of any firearm or ammunition that is in the restrained person's custody or control or possession or that is owned by the restrained person, which is discovered pursuant to a consensual or other lawful search.
- (b) If the location being searched is occupied by the restrained person and one or more other persons and the deputy executing the warrant finds a firearm or ammunition in the restrained person's custody or control or possession, but that is owned by a person other than the restrained person, the firearm or ammunition shall not be seized if both of the following conditions are satisfied:
  - 1. The firearm or ammunition is removed from the restrained person's custody or control or possession and stored in a manner that the restrained person does not have access to or control of the firearm or ammunition.
  - 2. There is no evidence of unlawful possession of the firearm or ammunition by the owner of the firearm or ammunition.
- (c) If the location to be searched during the execution of the search warrant is jointly occupied by the restrained person and one or more other persons and a locked gun safe is located that is owned by a person other than the restrained person, the contents of the gun safe shall not be searched except in the owner's presence, and with his or her consent or with a valid search warrant for the gun safe.

### **389.6 RECORDS MANAGER RESPONSIBILITIES**

The Records Manager is responsible for ensuring:

- (a) Proof of service of any gun violence restraining order served by a deputy or received from the clerk of the court is entered in the computer database system for protective and restraining orders maintained by the Department of Justice within one business day of service if served by a deputy, or within one business day of receipt of proof of service if served by a person other than a law enforcement officer (Penal Code § 18115).
- (b) Oral orders are entered into the California Restraining and Protective Order System (Penal Code § 18140).
- (c) Copies of receipts of surrendered firearms or ammunition issued by other agencies for gun violence restraining orders issued by the Sheriff's Office are properly maintained (Penal Code § 18120).
- (d) Any relinquishment of firearm rights form received from the court is entered into the California Restraining and Protective Order System within one business day of receipt (Penal Code § 18115).

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#### **389.7 COURT-ORDERED FIREARMS AND AMMUNITION SURRENDERS**

Deputy Sheriffs 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.

#### **389.8 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.

A restrained person who owns any firearms or ammunition that are in the custody of the Sheriff's Office pursuant to this policy is entitled to sell any firearms or ammunition to a licensed firearms dealer or transfer any firearms or ammunition to a licensed firearms dealer in accordance with Penal Code Section 29830, provided that the firearm or firearms or ammunition are otherwise legal to own or possess and the restrained person otherwise has a right to title of the firearm or firearms or ammunition (Penal Code § 18120 (c) (2)).

#### **389.9 GUN VIOLENCE RESTRAINING ORDER COORDINATOR**

The Sheriff will appoint the Detective Division Commander as the gun violence restraining order coordinator. The responsibilities of the coordinator include:

- (a) Developing and maintaining procedures for the filing of a petition for an order or a renewal of an order by Sheriff's 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.

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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.
  2. Forwarding orders to the Records 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 Training Manager to provide deputies who may be involved in petitioning for or serving orders with training on such orders. Training 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, Sheriff's 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 Sheriff's 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).

#### **389.10 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS**

The Detective Division Commander or their designee is responsible for the review of a gun violence restraining order obtained by the [Department/Office] to determine if renewal should be requested within the time prescribed by law (Penal Code § 18190).

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#### **389.11 POLICY AVAILABILITY**

The Sheriff or the authorized designee shall be responsible for making this policy available to the public upon request (Penal Code § 18108).

#### **389.12 TRAINING**

The Training Manager should ensure that members receive periodic training on the requirements of this policy (Penal Code § 18108).

## Chapter 4 - Patrol Operations

## Patrol Function

### 400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol divisions of the Sheriff's Office to ensure intra-office cooperation and information sharing.

#### 400.1.1 FUNCTION

Deputies will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of San Luis Obispo County, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours per day seven days per week.

Patrol will generally provide the following services within the limits of available resources:

- (a) Patrol that is directed at the prevention of criminal acts, traffic violations, the maintenance of public order, and the discovery of hazardous situations or conditions
- (b) Crime prevention activities such as residential inspections, business inspections, community presentations, etc.
- (c) Calls for service, both routine and emergency in nature
- (d) Investigation of both criminal and non-criminal acts
- (e) The apprehension of criminal offenders
- (f) Community Oriented Policing and Problem Solving activities such as citizen assists and individual citizen contacts of a positive nature
- (g) The sharing of information between the Patrol and other divisions/bureaus within the Sheriff's Office, as well as other outside governmental agencies
- (h) The application of resources to specific problems or situations within the community, which may be improved or resolved by Community Oriented Policing and problem solving strategies
- (i) Traffic direction and control as needed.

#### 400.1.2 TERRORISM

It is the goal of the San Luis Obispo County Sheriff's Office to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Deputies should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report or Field Interview (FI). The supervisor should ensure that all terrorism related reports and FIs are forwarded to the Detective Unit Supervisor in a timely fashion.

### 400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-office cooperation and information flow between the various bureaus of the San Luis Obispo County Sheriff's Office.

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#### 400.2.1 CRIME REPORTS

A crime report may be completed by any patrol deputy who receives criminal information. The report will be processed and forwarded to the appropriate division/bureau for retention or follow-up investigation.

#### 400.2.2 PATROL BRIEFINGS

Patrol supervisors, detective sergeants, and special unit sergeants are encouraged to share information as much as possible. All supervisors and/or deputies will be provided an opportunity to share information at the daily patrol briefings as time permits.

#### 400.2.3 INFORMATION CLIPBOARDS

Several information clipboards will be maintained in the briefing room and will be available for review by deputies from all bureaus within the Sheriff's Office. These will include, but not be limited to, the patrol check clipboard, the wanted persons clipboard, and the written directive clipboard.

#### 400.2.4 BULLETIN BOARDS

A bulletin board will be kept in the briefing room and the Detective Division for display of suspect information, intelligence reports and photographs. New Sheriff's Office Directives will be made available for patrol supervisors and will be discussed at briefings and shift meetings. A copy of the Sheriff's Office Directive will be placed on the briefing room clipboard.

### **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. 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.

#### 400.3.1 CAMPUS LIAISON

The local community college and state university have designated a liaison between our department and students exercising rights guaranteed by the First Amendment to the United States Constitution, a similar provision of the California Constitution or both (Education Code § 66303). The designated department staff member will work with this liaison regarding relevant issues, scheduled events, training and crowd control.

## Bias-Based Policing

### 402.1 PURPOSE AND SCOPE

This policy provides guidance to department members and establishes appropriate controls to ensure that employees of the San Luis Obispo County Sheriff's Office do not engage in racial- or bias-based profiling or violate any related laws while serving the community.

#### 402.1.1 DEFINITIONS

Definitions related to this policy include:

**Bias-based policing** - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, 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).

Reportable Stop:

1. Any detention of a person by a peace officer.
2. Any peace officer interaction with a person in which the officer conducts a search (including consensual searches).

### 402.2 POLICY

The San Luis Obispo 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 department to provide law enforcement services and to enforce the law equally, fairly and without discrimination toward any individual or group.

Race, ethnicity or nationality, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law.

### 402.3 RACIAL- OR BIAS-BASED PROFILING PROHIBITED

Racial- or bias-based profiling is strictly prohibited. However, nothing in this policy is intended to prohibit a deputy from considering factors such as race or ethnicity in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

#### 402.3.1 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):

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- (a) In compiling personal information about a person's religious belief, practice, affiliation, national origin or ethnicity.
- (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.

#### **402.4 MEMBER RESPONSIBILITY**

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any known instances of racial- or bias-based profiling to a supervisor.

##### **402.4.1 REASON FOR DETENTION**

Deputies detaining a person shall be prepared to articulate sufficient reasonable suspicion to justify a detention, independent of the individual's membership in a protected class.

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 deputy's reasonable suspicion or probable cause for the detention, as applicable.

Nothing in this policy shall require any deputy to document a contact that would not otherwise require reporting.

#### **402.5 RACIAL IDENTITY PROFILING ACT (RIPA)**

Deputies shall collect and report data on all reportable stops for all individuals detained or searched during a call for service or self-initiated activity, in accordance with the Racial and Identity Profiling Act (Government Code § 12525.5)

This data shall be collected and submitted through the department issued application that can be found on department issued electronic equipment and should be submitted upon completion of the activity when reasonable. The data shall be submitted prior to end of shift, unless otherwise directed by a supervisor. Submissions shall only occur on department issued computer system (on-site and portable), MDC and PCD.

Supervisors shall review the data to ensure that personal identifying information is not included in the RIPA information prior to approval. Approval of RIPA data should be completed in a timely manner, in most cases prior to the end of shift.

#### **402.6 SUPERVISOR RESPONSIBILITY**

Supervisors shall monitor those individuals under their command for any behavior that may conflict with the purpose of this policy and shall handle any alleged or observed violation of this policy 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.

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- (b) Supervisors should periodically review MAV recordings, MDC data and any other available resource used to document contact between deputies and the public to ensure compliance with the policy.
  - 1. Supervisors should document these periodic reviews.
  - 2. Recordings that capture a potential instance of racial- or bias-based profiling should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should ensure that no retaliatory action is taken against any member of this department who discloses information concerning racial- or bias-based profiling.

#### **402.7 TRAINING**

Training on racial- or bias-based profiling and review of this policy should be conducted as directed by the Training Unit.

- (a) All sworn members of this department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of racial- or bias-based profiling.
- (b) Pending participation in such POST-approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.
- (c) Each sworn member of this department who received initial racial- or bias-based profiling training will thereafter be required to complete an approved 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)).

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## Briefing Training

### 404.1 PURPOSE AND SCOPE

Briefing training is generally conducted at the beginning of the deputy's assigned shift. Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Briefing; however deputies may conduct Briefing for training purposes with supervisor approval.

Briefing 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 Sheriff's Office Directives or changes in Sheriff's Office Directives
- (d) Reviewing recent incidents for training purposes
- (e) Providing training on a variety of subjects

### 404.2 PREPARATION OF MATERIALS

The supervisor conducting Briefing 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.

## Crime And Disaster Scene Integrity

### 406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

### 406.2 CRIME SCENE RESPONSIBILITY

The first deputy at the scene of a crime or major incident is generally responsible for taking reasonable efforts to preserve the scene. Deputies shall also consider officer safety and public safety, including reasonable efforts to render medical aid to any obviously injured parties. Once a deputy has assumed or been assigned to maintain the integrity of the crime/disaster scene, the deputy shall continue to do so until he/she is relieved by a supervisor.

#### 406.2.1 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the functions which the first responder should reasonably attempt to take 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, the availability of resources, capacity of personnel and totality of each circumstance:

- (a) Ensure no suspects are still in the area.
- (b) Broadcast emergency information, including all requests for additional assistance.
- (c) Provide first aid to injured parties if it can be done safely.
- (d) Evacuate the location as required.
- (e) Secure the inner and outer perimeter if needed.
- (f) Protect items of apparent evidentiary value.
- (g) Identify potential witnesses.
- (h) Start a chronological log noting critical times and personnel allowed access.

#### 406.2.2 EXECUTION OF HEALTH ORDERS

Any sworn member of this Sheriff's 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).

### 406.3 SEARCHES AT CRIME OR DISASTER SCENES

Deputies arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims and 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 persons to be treated, those exigent circumstances will likely no longer exist. Deputies should thereafter secure the scene and conduct no further search until proper authority for the search is obtained.

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#### 406.3.1 CONSENT

Deputies should seek consent to search from authorized individuals where possible. However, in the case of serious crimes or major investigations, it may be prudent to obtain a search warrant. Consent may be sought even in cases where a search warrant has been granted.

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## Special Enforcement Detail

### 408.1 PURPOSE AND SCOPE

The Special Enforcement Detail (SED) is comprised of two specialized teams: the Crisis Negotiation Team and the Special Weapons and Tactics Team. 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 2019 SWAT Operational Guidelines and Standardized Training Recommendations (Penal Code § 13514.1).

#### 408.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the Special Enforcement Detail 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 Sheriff's Office personnel allowing for appropriate on scene decision making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

#### 408.1.2 SWAT TEAM DEFINED

Special Enforcement Detail 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 incidents. As a matter of Sheriff's Office policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

### 408.2 LEVELS OF CAPABILITY/TRAINING

#### 408.2.1 LEVEL I

A level I SED (SWAT) team is a basic team capable of providing containment and intervention with critical incidents that exceed the training and resources available to line-level deputies. This does not include ad hoc teams of officers that are formed around a specific mission, detail or incident (e.g. active shooter response). Generally 5% of the basic team's on-duty time should be devoted to training.

#### 408.2.2 LEVEL II

A level II, Intermediate level SED (SWAT) team is capable of providing containment and intervention. Additionally, these teams possess tactical capabilities above the Level I teams. These teams may or may not work together on a daily basis, but are intended to respond to incidents as

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a team. At least 5% of their on-duty time should be devoted to training with supplemental training for tactical capabilities above the Level I team.

#### 408.2.3 LEVEL III

A Level III, Advanced level SED (SWAT) team is a tactical team whose personnel function as a full-time unit. Generally 25% of their on-duty time is devoted to training. Level III teams operate in accordance with contemporary best practices. Such units possess both skills and equipment to utilize tactics beyond the capabilities of Level I and Level II teams.

#### **408.3 POLICY**

It shall be the policy of the Sheriff's Office to maintain a SED team and to provide the equipment, manpower, and training necessary to maintain a SED team. The SED 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.

#### 408.3.1 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of SED missions and operations appropriate to the Sheriff's Office. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the SED Commander or his/her designee.

#### 408.3.2 ORGANIZATIONAL PROCEDURES

The Sheriff's Office shall develop a separate written set of organizational procedures which should address, at minimum, the following:

- (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.
- (e) Procedures for activation and deployment.
- (f) Command and control issues, including a clearly defined command structure.
- (g) Multi-agency response.

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- (h) Out-of-jurisdiction response.
- (i) Specialized functions and supporting resources.

#### 408.3.3 OPERATIONAL PROCEDURES

This Sheriff's 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 SED 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 SED team members should have an understanding of operational planning.
  - 2. SED team training should consider planning for both spontaneous and planned events.
  - 3. SED teams should incorporate medical emergency contingency planning as part of the SED 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 SED.
- (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.

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3. Debriefing after every deployment of the SWAT team.
  - (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.

#### **408.4 TRAINING NEEDS ASSESSMENT**

The SED Commander shall conduct an annual SED Training needs assessment to ensure that training is conducted within team capabilities, Sheriff's Office policy and the training guidelines as established by POST (11 C.C.R. § 1081).

##### **408.4.1 INITIAL TRAINING**

SED team operators and SED supervisors/team leaders should not be deployed until successful completion of the POST-certified Basic SWAT Course or its equivalent.

- (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 Sheriff's Office requirements or POST standardized training recommendations.

##### **408.4.2 UPDATED TRAINING**

Appropriate team training for the specialized SED functions and other supporting resources should be completed prior to full deployment of the team.

SED team operators and SED supervisors/team leaders should complete update or refresher training as certified by POST, or its equivalent, every 24 months.

##### **408.4.3 SUPERVISION AND MANAGEMENT TRAINING**

Command and executive personnel are encouraged to attend training for managing the SED function at the organizational level to ensure personnel who provide active oversight at the scene of SED operations understand the purpose and capabilities of the teams.

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Command personnel who may assume incident command responsibilities should attend SWAT or Critical Incident Commander course or its equivalent. SED command personnel should attend a POST-certified SWAT commander or tactical commander course, or its equivalent.

#### 408.4.4 SWAT ONGOING TRAINING

Training shall be coordinated by the SED Commander. The SED 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 non-supervisory SED member shall perform a physical fitness test twice each year. A minimum qualifying score must be attained by each team member.
- (b) Any SED 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.
- (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) Twice per year, each SED team member shall perform the mandatory SED handgun and rifle qualification courses. The qualification course shall consist of the SED Basic Drill for the handgun and rifle. Failure to qualify will require that team member to seek remedial training from a team range master approved by the SED Commander. Team members who fail 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 SED team member shall complete an annual SED qualification course for any specialty weapon (such as the 40mm launcher or breaching shotgun) issued to, or used by, the team member during SED operations. Failure to qualify will require the team member to seek remedial training from the Rangemaster who has been approved by the SED commander. Team members who fail to qualify on their specialty weapon may not utilize the specialty weapon on SED 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 disqualified from use of that particular specialty weapon.

#### 408.4.5 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

#### 408.4.6 SCENARIO BASED TRAINING

SED (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.

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#### 408.4.7 TRAINING DOCUMENTATION

Individual and team training shall be documented and records maintained by team supervision. A separate agency SED training file shall be maintained with documentation and records of all team training.

### **408.5 UNIFORMS, EQUIPMENT, AND FIREARMS**

#### 408.5.1 UNIFORMS

SED 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.

#### 408.5.2 EQUIPMENT

SED teams from this agency should be adequately equipped to meet the specific mission(s) identified by the agency.

#### 408.5.3 FIREARMS

Weapons and equipment used by SED, the specialized units, and the supporting resources should be agency-issued or approved, including any modifications, additions, or attachments.

#### 408.5.4 OPERATIONAL READINESS INSPECTIONS

The SED Commander shall appoint a SED supervisor to perform operational readiness inspections of all unit equipment at least annually. The result of the inspection will be reviewed by the SED Commander and Sergeants. The inspection will include personal equipment issued to members of the unit, operational equipment maintained in the SED facility and equipment maintained or used in SED vehicles.

### **408.6 MANAGEMENT/SUPERVISION OF CRISIS RESPONSE UNIT**

The Commander of SED shall be selected by the Sheriff upon recommendation of executive staff.

#### 408.6.1 PRIMARY UNIT MANAGER

Under the direction of the Sheriff, through the Field Operations Bureau Chief, the Special Enforcement Detail shall be managed by a Sheriff's Commander.

#### 408.6.2 TEAM SUPERVISORS

The Special Enforcement Detail will be supervised by sergeants.

The team supervisors shall be selected by the Sheriff upon specific recommendation by staff and the SED Commander.

The following represent the supervisor responsibilities for the Special Enforcement Detail.

- (a) The Crisis Negotiation Team supervisor's primary responsibility is to supervise the operations of the Crisis Negotiation Team which will include deployment, training, first line participation, and other duties as directed by the SED Commander.

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- (b) The Special Enforcement Detail supervisor's primary responsibility is to supervise the operations of the SED Team, which will include deployment, training, first line participation, and other duties as directed by the SED Commander.

#### **408.7 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES**

The Crisis 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 Crisis Negotiation Team.

##### **408.7.1 SELECTION OF PERSONNEL**

Interested sworn personnel, who are off probation, shall submit a collateral assignment request to the Field Operations Chief. A copy will be forwarded to the SED Commander and team supervisors. Qualified applicants will then be invited to an oral interview. The oral board will consist of the SED Commander, one 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.

The oral board shall submit a list of successful applicants to executive staff for final selection.

##### **408.7.2 TRAINING OF NEGOTIATORS**

Those deputies selected as members of the Crisis 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 Crisis Negotiation Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the unit.

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#### **408.8 SWAT TEAM ADMINISTRATIVE PROCEDURES**

The SED(SWAT) 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 predictable 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 Enforcement Detail.

##### **408.8.1 SELECTION OF PERSONNEL**

Interested sworn personnel who are off probation shall submit a collateral assignment request to the Operations Bureau Chief, a copy of which will be forwarded to the SED Commander and 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 SED Commander. The testing process will consist of an oral board, physical agility, SWAT basic handgun, and team evaluation.

- (a) Oral board: The oral board will consist of personnel selected by the SED 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; and,
  - 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 SED Commander. A minimum qualifying score shall be attained by the applicant to be considered for the position.
- (c) SWAT basic handgun: Candidates will be invited to shoot the SED Basic handgun course of fire. Candidates' performance will be assessed as part of the overall testing process.
- (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 executive staff, by the Commander, for final selection.

##### **408.8.2 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 SED Commander. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all SED members.

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Any member of SED who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

#### **408.9 OPERATION GUIDELINES FOR CRISIS RESPONSE UNIT**

The following procedures serve as guidelines for the operational deployment of the Special Enforcement Detail. Generally, the Special Weapons and Tactics Team and the Crisis Negotiation 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 Crisis Negotiation Team such as warrant service operations. This shall be at the discretion of the SED Commander.

##### **408.9.1 ON-SCENE DETERMINATION**

The supervisor or deputy in charge on the scene of a particular event will assess whether the Special Enforcement Detail is needed to respond to the scene. The supervisor or deputy in charge of the scene will relay the facts of the event to the watch commander. The watch commander will contact either the Sheriff, Undersheriff, Operations Chief Deputy or SED Commander to request approval to activate the Special Enforcement Detail. Under extraordinary situations like active shooter, deputies under fire or other situation that dictates the need of immediate call out the watch commander may first activate SED than as soon as possible notify executive commander staff.

##### **408.9.2 APPROPRIATE SITUATIONS FOR USE OF CRISIS RESPONSE UNIT**

The following are examples of incidents which may result in the activation of the Special Enforcement Detail

- (a) Barricaded suspects who refuse an order to surrender.
- (b) Incidents where hostages are taken.
- (c) Arrests of dangerous persons.
- (d) Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

##### **408.9.3 OUTSIDE AGENCY REQUESTS**

Requests by field personnel for assistance from outside agency crisis units must be approved by Executive Staff or the SED Commander. Deployment of the San Luis Obispo County Sheriff's Office Special Enforcement Detail in response to requests by other agencies must be authorized by the Sheriff, Undersheriff, Field Operations Chief Deputy or SED Commander.

##### **408.9.4 MULTI-JURISDICTIONAL SWAT OPERATIONS**

The SED team, including relevant specialized units and supporting resources, should develop protocols, agreements, MOU's, or working relationships to support multi-jurisdictional or regional responses.

- (a) If it is anticipated that multi-jurisdictional SWAT operations will regularly be conducted; SWAT multi-agency and multi-disciplinary joint training exercises are encouraged.

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- (b) Members of the San Luis Obispo County Sheriff's Office SED team shall operate under the policies, procedures and command of the San Luis Obispo County Sheriff's Office when working in a multi-agency situation.

#### 408.9.5 MOBILIZATION OF CRISIS RESPONSE UNIT

The On-Scene supervisor or deputy shall make a request to the Watch Commander for the Special Enforcement Detail. Once the Watch Commander receives approval from executive staff the watch commander shall then notify the SED Commander. If unavailable, a team supervisor shall be notified. A current mobilization list shall be maintained in the Watch Commander's office by the SED Commander. The Watch Commander will then notify the remaining executive staff as soon as practical.

The Watch Commander should advise the SED 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 SED Commander or supervisor shall insure that calls/pages of selected deputies to respond is completed.

#### 408.9.6 FIELD UNIT RESPONSIBILITIES

While waiting for the Special Enforcement Detail, 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.
  2. Taking action to mitigate a deadly threat or behavior.
- (d) Evacuate any injured persons or citizens in the zone of danger.

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- (e) Attempt to establish preliminary communication with the suspect. Once SED has arrived, all negotiations should generally be halted to allow the negotiators and SWAT time to set up.
- (f) Be prepared to brief the SED Commander on the situation.
- (g) Plan for, and stage, anticipated resources.

#### 408.9.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the Special Enforcement Detail at the scene, the Incident Commander shall brief the SED Commander and team supervisors about the situation. Upon review, it will be the Incident Commander's decision, with input from the SED Commander, whether to deploy the Special Enforcement Detail. If the SED Commander is the highest ranking Sheriff's Office member on scene he shall be the incident commander until relieved by executive staff or another commander. Once the Incident Commander authorizes deployment, the SED 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 Enforcement Detail. The Incident Commander and the SED Commander (or his or her designee) shall maintain communications at all times.

#### 408.9.8 COMMUNICATION WITH CRISIS RESPONSE UNIT PERSONNEL

All of those persons who are non-Special Enforcement Detail personnel should refrain from any non-emergency contact or interference with any member of the unit during active negotiations. Investigations require the utmost in concentration by involved personnel and, as a result, no one should interrupt or communicate with Negotiation Team personnel directly. All non-emergency communications shall be channeled through the Negotiation Team Sergeant or his or her designee.

## Ride-Along Policy

### 410.1 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.

#### 410.1.1 ELIGIBILITY

The San Luis Obispo 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:

- No one allowed under 15 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Sheriff's Office
- Denial by any supervisor

#### 410.1.2 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 Sheriff, Undersheriff, Bureau Chief, or Station Commander.

### 410.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Station 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. No one under 15 years of age is allowed.

The Station Commander will schedule a date, based on availability, at least one week after the date of application. If approved, a copy will be forwarded to the respective station sergeant as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the Sheriff's Office will contact the applicant and advise him/her of the denial.

#### 410.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once a year. An exception would apply to the following: Cadets, Explorers, SAVP, Chaplains, Reserves, sheriff's applicants, and all others with approval of the Station 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 cadets are covered in Policy Manual § 1048, "Sheriff's Cadet Program."

#### **410.2.2 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 Station Commander or field supervisor may refuse a ride along to anyone not properly dressed.

#### **410.2.3 PEACE OFFICER RIDE-A-LONGS**

Off-duty members of the Sheriff's Office or any other law enforcement agency will not be permitted to ride-along with on-duty deputies without the expressed consent of the Operations Bureau Chief Deputy. 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.

#### **410.2.4 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 San Luis Obispo County Sheriff's Office) (CLETS Policies, Practices and Procedures Manual § 1.6.1.F.2.).

### **410.3 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.

Each Station Commander is responsible for maintaining and scheduling ride-alongs at their stations. Upon completion of the ride-along, the form shall be returned to the Station Commander with any comments which may be offered by the deputy.

### **410.4 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

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- (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
- (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

## Hazardous Material Response

### 412.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees resulting from their exposure. To comply with Title 8, California Code of Regulations, § 5194, the following is to be the policy of the Sheriff's Office.

#### 412.1.1 HAZARDOUS MATERIAL DEFINED

A hazardous material is a substance which by its nature, containment and 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.

### 412.2 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 § 25354.5).

### 412.3 REPORTING EXPOSURE(S)

Sheriff'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 exposure report that shall be forwarded via chain of command to the Support Services Chief Deputy. 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 required forms.

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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 if appropriate.

#### 412.3.1 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she 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 Sheriff's Office will be obtained through the Fire Department.

## Armed Robbery Response

### 413.1 PURPOSE AND SCOPE

Employees shall adhere to specific procedural steps in concert with recognized tactical considerations when reacting to robbery alarms and/or in-progress armed robberies. Provides employees with a methodical approach to suspected armed robberies which will maximize officer and citizen safety while minimizing liabilities

### 413.2 RESPONSE PHASE

- (a) Assigned units will respond Code 3 (red lights and siren), as directed. When they are within a reasonable distance from the scene, they shall terminate use of emergency equipment to avoid suspect panic and precipitation of a hostage situation.
- (b) Responding units will comply with California Vehicle Code Sections 21055 and 21056.
- (c) In response to banks or savings and loan robbery alarms, the Watch Commander will attempt telephone contact with the establishment as the units are responding. The Watch Commander will initiate a preplanned procedure to authenticate the validity of the alarm.
- (d) For other robbery alarm responses, the Dispatcher or Watch Commander will attempt to authenticate the validity of the alarm by telephone after units have arrived at the scene.
  - 1. Upon contacting a person in charge, the Dispatcher or Watch Commander will identify that the call is from the Sheriff's Office and attempt to determine if an armed robbery has occurred.
  - 2. If the person in charge indicates the alarm was false, obtain his name and clothing description and direct that he walk out the front door to make contact with the officers outside

### 413.3 ARRIVAL AT SCENE

- (a) As circumstances permit, the first officer will take a position of observation and safety and await backup.
- (b) The first officer on the scene will broadcast arrival and direct other responding unit(s). Deployment should provide concealment from suspect(s).
- (c) Uniformed officers should avoid entering a scene unless they believe that entry must be made to save a life, or the suspect(s) have fled. Uniformed officers may wait for plain clothes officer(s) to enter the scene if appropriate and reasonably safe.
- (d) After determining that the scene is safe or that the call is unfounded, the result of a false alarm, the suspect(s) have departed, or a suspect is in custody, the first officer shall enter the scene and:

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1. Broadcast his findings and clear any units no longer needed.
2. If a robbery did occur and suspect(s) have fled:
  - (a) Obtain and broadcast a description of suspect(s), vehicle(s), weapon(s), direction of travel and time element.
  - (b) Secure the scene and await assistance in conducting the investigation.
  - (c) If the first officer enters the scene to secure the interior for the follow-up investigation, the second officer shall take charge of perimeter security.

#### **413.4 INVESTIGATION**

The F.B.I. has primary investigative responsibility in all robbery cases involving federally insured funds to include:

- (a) Banks.
- (b) Savings and Loans.
- (c) Federal Credit Unions.
- (d) Armored cars transporting federally insured funds.
- (e) Extortion of federal funds through abduction and/or the taking of hostages

In all other cases, Sheriff's Office personnel have the primary investigative responsibilities.

In all cases of Sheriff's Office response to robberies, a crime report will be completed.

## Hostage and Barricade Incidents

### 414.1 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.

#### 414.1.1 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 unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

**Critical Incident** - A significant event which requires either planned or reactive law enforcement intervention to resolve. The event might be static, mobile, or a combination of the two.

**Sniper** - A person armed with a high powered weapon in a position of advantage.

### 414.2 POLICY

It is the policy of the San Luis Obispo 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.

### 414.3 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, department-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.

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#### 414.3.1 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, 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 Section 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.

#### 414.3.2 INCIDENT COMMANDER RESPONSIBILITY

- (a) Acquire all available intelligence information upon which to complete a situation assessment. As additional intelligence is gathered, the assessment must be modified accordingly.
- (b) Establish a Field Command Post from which he will direct additional responding units. The first officer on the scene may establish his unit as the Command Post. Dispatch and the Watch Commander will be advised of the Command Post location.
- (c) Identify and request additional resources needed to resolve the incident. Establish a staging area for those resources.
- (d) As necessary resources become available:
  - 1. Establish an outer and then an inner containment. One containment may suffice in some incidents.
  - 2. Direct necessary evacuations to ensure public and officer safety.
  - 3. Identify communications to be used, to include types, call signs, alternatives and actions to be taken if one or more communication links are lost.
  - 4. Appoint subordinate commanders as needed. Provide those commanders with up-to-date situation assessment and clear mission assignments.
  - 5. Assign resources, as appropriate, to subordinate commanders.

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- (e) Approve, modify or reject any tactical plan recommended by the Tactical Commander, before its implementation.
- (f) Recognize that, particularly if he is the first officer on the scene, he may have to take rapidly contrived tactical steps to contain an incident prior to the arrival of additional resources.
- (g) Only be relieved by a superior officer who shall be thoroughly briefed before command is passed.
- (h) Ensure that appropriate information on suspect(s), threat conditions, site information and resource deployment is reflected in logs at the Command Post.
- (i) Ensure that evacuees, rescued hostages, and suspects taken into custody, etc., are all identified, interrogated and can be later located.
- (j) Designate a radio frequency for incident command communications and a separate frequency for tactical operations, make necessary notification of those frequencies and direct appropriate restrictions for their use.
- (k) Ensure that all items of evidence are seized, preserved, and recorded in official reports.
- (l) Arrange for food, shelter, personal hygiene and relief of involved officers.
- (m) Ensure that a Public Information Officer is assigned to coordinate designation of a media center and release newsworthy information on a timely basis.
- (n) Ensure that any person, including officers, who may have information critical to incident resolution are questioned for the compilation of intelligence information.

#### 414.3.3 TACTICAL COMMANDER RESPONSIBILITY

In most cases the Tactical Commander will be the SED Commander or a manager with similar tactical experience.

The Tactical Commander has the following responsibilities:

- (a) Establish a Tactical Command Post, ensure that the inner containment is complete, and that employees assigned to the tactical unit are given clear direction on their mission, communications, and rules of engagement.
- (b) Devise a tactical plan which reflects the situation assessment, resources assigned, and the most risk effective course(s) of action, or combination thereof, which will be employed to resolve the incident. Alternative courses of action for incidents involving suspects and/or hostages may include:
  1. Waiting the situation out - Some incidents can be resolved by simply a show of force and giving a suspect time to reflect on potential consequences of his continued criminal conduct.

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2. Establishing control of the environment - May include provision or deprivation of heat, air conditioning, electricity, gas, water, light, medical needs, food, drink, personal needs, communication capabilities and noise.
  3. Negotiations - Conflict resolution dialogue with suspect(s) directed toward hostage release, suspect surrender or reduction of threat level.
  4. Use of chemical agents - May be used to deny suspect access to all or part of the incident site. It must be recognized that the effect of chemical agents on a suspect may range from no effect to total incapacitation.
  5. Clearing searches - Methodical search minimizing risk to officers.
  6. Use of snipers - To neutralize suspects during the course of, or prior to the commission of, violent acts.
  7. Assault - High risk, tactical action which may include weapon fire or use of other devices to neutralize or suppress suspect activity and help conceal team movement. This alternative is seldom used in hostage situations.
- (c) Ensure that tactical plans are kept simple to avoid confusion which will increase the likelihood of failure.
- (d) Ensure that tactical plans are flexible and adaptive to meet rapidly changing situations in a timely fashion.
- (e) In devising the tactical plan, clearly understand capabilities and limitations of tactical teams and officers in order to:
1. Only assign missions which can be accomplished.
  2. Properly deploy resources for execution of tasks.
  3. Make substitutions pending assigned specialists arrival.
  4. Properly overlap capabilities for depth of response.
- (f) Ensure that tactical plans involving entry of an area or structure, either for a clearing search or assault, include:
1. Approach(es) to the objective with contingency plan if compromised on approach.
  2. Breach points, equipment needed to accomplish breach, and contingency plans for aborted/failed breaches.
- (g) Review and change, as appropriate, the rules of engagement for containment officers and snipers prior to an entry team approaching a structure for a clearing search or assault.

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- (h) Whenever possible, afford entry team the opportunity to rehearse an entry for a clearing search or an assault, using identical or similar conditions for the rehearsal.
- (i) Present all tactical plans to the Incident Commander for approval before implementation. Changes in situation assessment before implementation may require a change or modification to the plan which shall also be approved by the Incident Commander.

#### 414.3.4 PUBLIC INFORMATION OFFICER RESPONSIBILITY

- (a) Establish a media center at or near the outer containment.
- (b) Provide factual data, authorized for release by the Incident Commander, to the media. Caution should be exercised as to information released if suspects have access to television, radio, etc.
- (c) Restrict use of media equipment when informed that equipment will hinder tactical operations.
- (d) Ensure that media representatives allowed inside the outer containment are accompanied by uniformed officers. Normally, media representatives will not be allowed inside the inner containment.

#### 414.3.5 CRITICAL INCIDENT DEBRIEFING

Will be conducted by the Sheriff's Office within 72 hours of the conclusion of a Critical Incident Response.

- (a) The debriefing will be attended by at least supervisors and managers participating in the response effort. Depending on the nature of the incident, consideration should be given to the benefits which could be derived from having all participants attend.
- (b) Debriefing objectives should include:
  1. Identifying specifically what happened and why it happened.
  2. Determining which response efforts went right and which went wrong.
  3. Determining what should be done differently in a future incident of the same nature.
  4. Determining need for additional follow-up.
  5. Identifying strengths or weaknesses of participating units, leaders, and individuals.
  6. Identifying required action necessary to overcome assessed weaknesses and sustain demonstrated strengths.
  7. Completing an after-action report for appropriate review by Sheriff's Office staff.
- (c) Debriefing roles:

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1. Incident Commander will:
  - (a) Conduct a pre-debriefing with key participants.
  - (b) Give general overview of incident.
  - (c) Guide the discussion, asking questions as necessary to meet debriefing objectives, avoid detailed examination of insignificant events, and avoid excuse making for poor response actions.
2. Subordinate commanders and supervisors will:
  - (a) Conduct a pre-debriefing with subordinates, allowing them to understand the entire incident (big picture), talk openly and honestly about both positive and negative aspects of their involvement without embarrassment.
  - (b) Review each task performed.
  - (c) Discuss strong points, good performance, and areas of needed improvement.
3. An after-action report will be completed by the Incident Commander, following the debriefing, with consideration given to who will review the report and its desired purpose. The report will contain:
  - (a) An overview of the incident.
  - (b) Damage assessment, if appropriate, for damage to buildings, equipment, and civilian property.
  - (c) Medical assessment to include injuries and deaths.
  - (d) Logistics (resource) assessment to include availability, effectiveness, and problems.
  - (e) Operational assessment of plans, adequacy of personnel assigned, training, tactics, supervision, communications, etc.
  - (f) Recommendations for the future.
  - (g) Conclusions.

#### **414.4 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

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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.

#### 414.4.1 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.
- (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 non-injured 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 Department, such as command officers and the Public Information Officer.
- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post.

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#### 414.4.2 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 non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (h) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (i) Attempt or 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 Department, such as command officers, SED, TNT and the Public Information Officer.
- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

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#### **414.5 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 SED response if appropriate and apprising the SED 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. The supervisor must ensure the Department obtains a court order for this process.
- (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 the Dispatch Center.
- (i) Identify a media staging area outside the outer perimeter and have the department Public Information Officer or a designated temporary media representative provide media access in accordance with the News 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.

#### **414.6 CRISIS RESPONSE UNIT RESPONSIBILITIES**

The Incident Commander will decide, with input from the SED Commander, whether to deploy the SED during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the SED 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 SED.

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The Incident Commander and the SED Commander or the authorized designee shall maintain communications at all times.

#### **414.7 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

### 416.1 PURPOSE AND SCOPE

These guidelines have been prepared to assist deputies in their initial response to incidents involving explosives, explosive devices, or explosion/bombing 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 shall always be the primary consideration.

### 416.2 FOUND EXPLOSIVES/SUSPECT DEVICES

When handling an incident involving a suspected explosive device, the following guidelines should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging. The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (b) A minimum perimeter of 300 feet should be established around the device. An access point should be provided for support personnel.
- (c) As much information as is available should be promptly relayed to the Watch Commander including:
  1. The stated threat.
  2. Exact comments.
  3. Time of discovery.
  4. Exact location of the device.
  5. Full description (e.g., size, shape, markings, construction) of the device.
- (d) The device should not be touched or moved except by qualified bomb squad personnel.
- (e) All equipment within 300 feet of the suspected device capable of producing radio frequency energy should be turned off. This includes two-way radios, cell phones and other personal communication devices.
- (f) Consideration should be given to evacuating any buildings near the device.
- (g) A search of the area should be conducted for secondary devices or other objects that are either hazardous or foreign to the area and a perimeter should be established around any additional suspicious device found.
- (h) The on scene deputy should be prepared to provide the bomb technician with the following additional information:
  1. As detailed a description of the device as is available.

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2. Has the device/material been removed, and if so, how?
3. Have any devices initiated?
4. Have there been any threats associated with the device?
5. What is the exact wording?
6. Is there a time element?
7. Location of person finding the device and officers or other witnesses who have moved or closely observed the device. NOTE: It is imperative that these people be made available to the responding bomb technicians for interview upon their arrival.
8. Are there suspects?
9. Has there been an evacuation? How large an area?
10. What is the location of the Command Post/Staging area?

Explosive or military ordnance of any type should be handled only by the bomb task force or military ordnance disposal team.

#### **416.3 EXPLOSION/BOMBING INCIDENTS**

When an explosion has occurred, there are multitudes of considerations which may confront the responding deputies. As in other catastrophic incidents, a rapid response may help to minimize injury to victims, contamination of the scene by gathering crowds, or additional damage by resulting fires or unstable structures. Whether the explosion was the result of an accident or a criminal act, the responding deputies should consider the following actions:

- Assess the scope of the incident, including the number of victims and extent of injuries.
- Assist with first aid (Fire Department has primary responsibility).
- Assist with evacuation of victims (Fire Department has primary responsibility).
- Identify and take appropriate precautions to mitigate scene hazards such as collapsed structures, bloodborne pathogens, hazardous materials and secondary explosive devices.
- Request additional resources as needed.
- Identify witnesses.
- Preserve evidence.

##### **416.3.1 NOTIFICATIONS**

When an explosion has occurred, the following people shall be notified as soon as practicable if their assistance is needed:

- (a) Fire Department

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- (b) Bomb Task Force
- (c) Additional deputies
- (d) Field supervisor
- (e) Watch Commander
- (f) Detectives
- (g) Forensic Science Services

#### 416.3.2 CROWD CONTROL

Only authorized personnel with a legitimate need shall be permitted access to the scene. Spectators and other unauthorized individuals shall be excluded to a safe distance as is reasonably practicable given the available resources and personnel.

#### 416.3.3 SCENE OF INCIDENT

As in any other crime scene, steps should immediately be taken to preserve the scene. The scene could extend over a long distance. Evidence may be imbedded in nearby structures or hanging in trees and bushes.

### **416.4 BOMB THREATS RECEIVED AT SHERIFF'S OFFICE FACILITY**

This procedure shall be followed should a bomb threat call be received at the sheriff's facility.

#### 416.4.1 BOMB THREATS RECEIVED BY TELEPHONE

The following questions should be asked if a call of a bomb threat is received at the Sheriff's Office:

- When is the bomb going to explode?
- Where is the bomb?
- What kind of bomb is it?
- What does it look like?
- Why did you place the bomb?
- Who are you? (to avoid possible termination of the call this should be the last question asked)

Attempt to keep the caller on the line as long as possible and obtain expanded answers to these five basic questions.

During this time, document the following:

- Time of the call.
- Exact words of the person as accurately as possible.
- Estimated age and gender of the caller.
- Speech patterns and/or accents.

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- Background noises.

If the incoming call is received at the sheriff's facility on a recorded line, steps shall be taken to ensure that the recording is preserved in accordance with current Sheriff's Office evidence procedures.

#### 416.4.2 RESPONSIBILITIES

The employee handling the call shall ensure that the Watch Commander is immediately advised and fully informed of the details. The Watch Commander will then direct and assign deputies as required for coordinating a general building search or evacuation as he/she deems appropriate.

#### 416.5 EXPLOSIVE THEFT INVESTIGATIONS

(a) Communications Personnel:

1. Dispatch a deputy to investigate and document each incident.
2. Notify the Watch Commander.
3. Notify the on-call Bomb Technician.

(b) Patrol Deputy:

1. Conduct a crime scene investigation for physical evidence.
2. Interview all witnesses and prepare a crime report.
3. Advise the on-call bomb technician of the theft and forward a copy of the report to the Bomb Task Force.

(c) Bomb Task Force:

1. Notify the Federal Bureau of Alcohol, Tobacco and Firearms of theft within 24 hours as required by federal law.
2. Notify the Federal Bureau of Investigation Special Agent Bomb Technician.
3. Initiate a statewide CLETS teletype.
4. Provide technical assistance to investigating deputy

## Mental Illness Commitments

### 418.1 PURPOSE AND SCOPE

This policy provides guidelines for circumstances which involve mental health crisis intervention and evaluation. This may include circumstances where deputies may legally take a person into temporary custody for an application for 72-hour mental health evaluation and treatment (Welfare and Institutions Code § 5150/5585.50). This also may include circumstances where deputies are requested to "check the welfare" of a named individual, due to concern regarding welfare and/or mental health status.

### 418.2 POLICY

The San Luis Obispo County Sheriff's Office is committed to providing a high level of service to the community and recognizes that persons in mental health crisis may benefit from mental health crisis intervention. The Sheriff's Office may employ means to protect the public and individuals through legal and appropriate use of an application for involuntary 72-hour mental health evaluation and treatment (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5585.50).

The Sheriff's Office recognizes that not all persons suffering symptoms of mental health crisis will meet criteria for application for a 72-hour mental health evaluation. Deputies are to receive training, on how to recognize when someone may meet legal criteria for such an application.

### 418.3 AUTHORITY

deputy When a person (adult or minor), as a result of a mental health disorder, is a danger to others, or to himself or herself, or gravely disabled, a Deputy Sheriff, professional person in charge of a facility designated by the county for evaluation and treatment, member of the attending staff, as defined by regulation, of a facility designated by the county for evaluation and treatment, designated members of a mobile crisis team, or professional person designated by the county may, upon probable cause, take, or cause to be taken, the person into custody for a period of up to 72 hours for assessment, evaluation, and crisis intervention, or placement for evaluation and treatment in a facility designated by the county for evaluation and treatment and approved by the State Department of Health Care Services. The facility shall make every effort to notify the minor's parent or legal guardian as soon as possible after the minor is detained. (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 / 5585.50; 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

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- (c) The person subject to the determination or anyone designated by the person

#### 418.3.1 VOLUNTARY EVALUATION

If deputies encounter an individual who may qualify for application for 72-hour mental health evaluation, they 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.
- (b) If at any point the person changes their mind regarding voluntary evaluation, deputies should proceed with application for W&I 5150 5585.50 mental health evaluation, if appropriate.
- (c) Document the circumstances in a W&I 5150 / 5585.50 report or other appropriate mental health incident report.

#### **418.4 CONSIDERATIONS AND RESPONSIBILITIES**

Any deputy handling a call involving an individual who may qualify for a 72-hour mental health evaluation, should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the cause and nature of the person's action or stated intentions:
  - 1. Whether or not the behavior may stem from a known or suspected biological, physiological, medical, or mental health condition.
- (b) Use of County Crisis Intervention Team, Community Action Team (CAT) or Mental Health Evaluation Team (MHET) to assist in evaluation.
- (c) Check DOJ Automated Firearms System for firearms registered to individuals subject to mental health crisis intervention or evaluation.
- (d) Conflict resolution and de-escalation techniques.
- (e) Community or other resources available to assist in dealing with mental health issues.
- (f) Whether or not other protective measures are appropriate: Firearms Prohibition, BOF 4074
  - 1. Gun Violence Restraining Order, EPO-002
  - 2. Firearms Prohibition, BOF 4074

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 may respond to a request for a "check the welfare" whenever a person is believed to be an imminent danger to self or others by another mental health or medical professional. During such a welfare check, deputies should consult directly with the professional requesting the assessment

Deputies should consider application for W&I 5150 / 5585.50 mental health evaluation over arrest when mental health conditions appear to be a mitigating factor for people who are suspected of committing minor crimes or creating other public safety issues.

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#### **418.4.1 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 their 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(e)).

#### **418.5 TRANSPORTATION**

Deputies may transport detained 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.

Deputies shall document in an appropriate Sheriff's Office report, any instance of transporting an individual subject to detainment or temporary custody per W&I 5150, et seq.(adult) and/or W&I 5585, et seq.(minor); whether or not the application was initiated by an allied agency or the Sheriff's Office.

#### **418.6 TRANSFER TO APPROPRIATE FACILITY**

Upon arrival at the appropriate receiving facility, the deputy will escort the individual into a treatment area designated by receiving facility staff. If the individual is not seeking treatment voluntarily, the deputy shall provide the receiving facility with the written application for W&I 5150 / 5585.50 mental health evaluation and treatment (DHCS 1801) and should remain present to, upon request; or when otherwise directed by a field supervisor or the Watch Commander.

Absent exigent circumstances, the transporting deputy should not assist receiving facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered, the deputy may assist with transferring the individual to receiving facility restraints and should remain available to assist during the admission process, if requested.

#### **418.7 DOCUMENTATION**

The deputy shall complete the W&I 5150 / 5585.50 Application for 72-Hour Mental Health Evaluation and Treatment (DHCS 1801), provide it to the receiving facility staff member assigned to that patient and retain a copy of the 72-hour evaluation for inclusion in the case report.

For circumstances which do not meet criteria for W&I 5150 / 5585.50, but fall within circumstances described in 418.3.1 VOLUNTARY EVALUATION, or otherwise require mental health crisis intervention, deputies shall document those circumstances in an appropriate incident report.

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Deputies having contact with an individual in mental health crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to Sheriff's Office reporting procedures or other official mental health or medical processes.

#### 418.7.1 ADVISEMENT

When an individual meets criteria for 72-hour mental health evaluation, the deputy shall read the detainment advisement on the application to the person being taken into temporary custody or complete the statement of good cause for incomplete advisement, as appropriate (Welfare and Institutions Code § 5150/ 5585.50). 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.

#### **418.8 CRIMINAL OFFENSES**

Deputies investigating an individual suspected of committing a minor criminal offense and is being taken into temporary custody pursuant to W&I 5150/ 5585.50 application, should resolve the criminal matter by issuing a warning taking a criminal complaint for filing, or issuing a Notice to Appear as appropriate. W&I 5150 / 5585.50 reports should not be forwarded for purposes of criminal prosecution. A separate crime report must be taken for a criminal complaint associated with a W&I 5150 / 5585.50 application.

When an individual meets criteria for a W&I 5150/ 5585.50 application, and 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 W&I 5150/ 5585.50 application.
- (c) Facilitate the individual's transfer to jail, if deemed appropriate by a supervisor.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may meet criteria for a W&I 5150/ 5585.50 application.
- (e) Inform the on-duty correctional supervisor of the circumstances, including facts which may support W&I 5150 / 5585.50 application.
- (f) Check DOJ Automated Firearms System for firearms registered to the individual.
- (g) Determine whether or not protective measures are appropriate:
  1. Gun Violence Restraining Order, EPO-002
  2. Firearms Prohibition, BOF 4074

The on-duty supervisor or Watch Commander should consider the seriousness of the offense, the treatment options available, the ability of this agency to regain custody of the individual, agency resources (e.g., posting a guard) and other relevant factors in making this decision.

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#### **418.9 FIREARMS AND OTHER WEAPONS**

The Sheriff's Office recognizes that not all persons suffering symptoms of mental health crisis will meet criteria for an application for a 72-hour mental health evaluation. When deputies respond to calls for service, which may only include a "check the welfare" circumstance, deputies should check DOJ Automated Firearms System for firearms registered to the individual, when reasonable.

Whenever a person is taken into temporary custody for a 72-hour mental health evaluation (W&I 5150 / 5585.50) deputies should determine if the person owns or has access to any firearm or other deadly weapon defined in Welfare and Institute § 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 or Gun Violence Restraining Order (GVRO) may also be sought or required before searching for or seizing weapons

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).

##### **418.9.1 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 Detective Unit, 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 Department 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 Department 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.

#### **418.10 TRAINING**

This agency will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training related to mental health crisis intervention and application for 72-hour mental health evaluation and treatment pursuant to Welfare and Institutions Code § 5150 and Welfare and Institutions Code § 5585.50.

## Cite and Release Policy

### 420.1 PURPOSE AND SCOPE

Penal Code § 853.6 requires law enforcement agencies to use citation release procedures in lieu of arrest for misdemeanor offenses with certain exceptions. The State Legislature has shown the intent to release all persons on misdemeanor citations, if qualified for such release.

### 420.2 STATUTORY REQUIREMENTS

Citation releases are authorized by Penal Code § 853.6. Release by citation for misdemeanor offenses can be accomplished in two separate ways:

- (a) A field release is when the violator is released in the field without being transported to a jail facility.
- (b) A jail release is when a violator is released after being transported to the jail and booked.

#### 420.2.1 DISCRETION TO ARREST

While this Sheriff's Office recognizes the statutory power of peace officers to make arrests throughout the state, deputies are encouraged to use sound discretion in the enforcement of the law. On-duty arrests will not generally be made outside the jurisdiction of the Sheriff's Office except in cases of hot and/or fresh pursuit, while following up on crimes committed within 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.

Off-duty deputies observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction. In such situations the involved deputy shall clearly identify him/herself as a sheriff's deputy.

Deputies are authorized to use verbal or written warnings to resolve minor traffic and criminal violations when appropriate.

### 420.3 DEPARTMENT PROCEDURE

The following procedure will be followed to comply with this law.

#### 420.3.1 FIELD CITATIONS

In most misdemeanor cases an arrestee 18 years or older may be released on citation 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 and Penal Code § 1270.1).

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#### 420.3.2 JAIL RELEASE

In certain cases, it may be impractical to release a person arrested for misdemeanor offenses in the field. The person arrested may instead be released after booking at the jail.

Any person arrested for a misdemeanor offense shall be released on his/her written promise to appear after the booking procedure is completed, unless disqualified for reasons listed in Policy Manual § 420.3.3.

#### 420.3.3 DISQUALIFYING CIRCUMSTANCES

A person arrested for a misdemeanor shall be released on a notice to appear unless one of the following situations is present (Penal Code § 853.6(i)):

- (a) The person arrested is so intoxicated that he/she could be a danger to him/herself or to others. Release may occur as soon as this condition no longer exists.
- (b) The person arrested requires medical examination or medical care or is otherwise unable to care for his/her own safety
  - 1. The San Luis Obispo County Sheriff's Office shall not release an arrestee from custody for the purpose of allowing that person to seek medical care at a hospital, and then immediately re-arrest the same individual upon discharge from the hospital, unless the hospital determines this action will enable it to bill and collect from a third-party payment source (Penal Code § 4011.10).
- (c) The person is arrested for one or more of the offenses listed in Vehicle Code §§ 40302, 40303 and 40305.
  - 1. Any person arrested for any offense listed in Vehicle Code § 40303(b) shall, in the judgment of the arresting deputy, either be given a 10 day notice to appear or be taken without delay before a magistrate in the county of arrest.
  - 2. If a person under Vehicle Code §§ 40303 or 40305 does not have satisfactory identification, the deputy may require the individual to provide a right thumbprint (or other finger). However such print may not be used for other than law enforcement purposes.
  - 3. Should any person arrested on a notice to appear claim under penalty of perjury not to be the person listed in the notice, such person may request that his/her thumbprint be taken for comparison at a fee not to exceed the actual cost of such service.
- (d) There are one or more outstanding arrest warrants for the person.
- (e) The person could not provide satisfactory evidence of personal identification.
- (f) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.

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- (g) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.
- (h) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.
- (i) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented.
- (j) The charges fall under Penal Code § 1270.1 (serious or violent felonies, domestic violence, etc.)

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the booking form.

#### 420.3.4 OTHER REASONS FOR NON-RELEASE

If the person arrested is not released for one or more of the reasons specified in Policy Manual § 420.3.3, the Correctional Sergeant shall state specifically on the booking form the reason for non-release. Such reasons for non-release may include:

- (a) Previous failure to appear is on record
- (b) The person lacks ties to the area, such as a residence, job, or family
- (c) Unusual circumstances lead the correctional officer responsible for the release of prisoners to conclude that the suspect should be held for further investigation

#### 420.3.5 INSTRUCTIONS TO CITED PERSON

The citing deputy shall, at the time he/she asks the defendant to sign 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.

#### **420.4 CITATION RELEASE ON MISDEMEANOR WARRANTS**

Penal Code § 827.1 allows the release by citation of a person designated in a warrant of arrest unless one of the following conditions exist:

- (a) The misdemeanor cited in the warrant involves violence
- (b) The misdemeanor cited in the warrant involves a firearm
- (c) The misdemeanor cited in the warrant involves resisting arrest
- (d) The misdemeanor cited in the warrant involves giving false information to a peace officer
- (e) The person arrested is a danger to himself or herself or others due to intoxication or being under the influence of drugs or narcotics

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- (f) The person requires medical examination or medical care or was otherwise unable to care for his or 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 section.

#### **420.5 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 San Luis Obispo County codes

All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to the Detective Division for further action including filing of juvenile petition.

## Arrest, Detention or Death of Foreign Nationals

### 422.1 PURPOSE AND SCOPE

Article 36 of the Vienna Convention on Consular Relations, sets forth certain rights of foreign nationals from member countries when arrested, detained or imprisoned by law enforcement officials in this country. This section provides direction to deputies when considering a physical arrest or detention of a foreign national. All foreign service personnel shall be treated with respect and courtesy, regardless of the level of established immunity. As noted herein, the United States is a party to several bilateral agreements that obligate authorities to notify the consulate upon the person's detention, regardless of whether the detained person requests that his/her consulate be notified. The list of specific countries that the United States is obligated to notify is listed on the U.S. Department of State [website](#).

#### 422.1.1 DEFINITIONS

**Foreign National** - Anyone who is not a citizen of the United States (U.S.). A person with dual-citizenship, U.S. and foreign, is not a foreign national.

**Immunity** - Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments. These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official "missions" (i.e., embassies, consulates, etc.) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized and to maintain reciprocal treatment of U.S. personnel abroad. Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the U.S. Department of State's Office of Foreign Missions (OFM) that illegal acts by Foreign Service personnel should always be pursued through proper channels. Additionally, the host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

### 422.2 ARREST OR DETENTION OF FOREIGN NATIONALS

Deputies should take appropriate enforcement action for all violations observed, regardless of claims of diplomatic or consular immunity received from violators. A person shall not, however, be subjected to in-custody arrest when diplomatic or consular immunity is claimed by the individual or suspected by the deputy, and the deputy has verified or reasonably suspects that the claim of immunity is valid.

### 422.3 LEVELS OF IMMUNITY

The specific degree of immunity afforded to foreign service personnel within the U.S. is directly related to their function and position in this country.

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#### 422.3.1 DIPLOMATIC AGENTS

Diplomatic agents (e.g., ambassadors and United Nations representatives) are afforded the highest levels of immunity. They are exempt from arrest or detention and are immune from all criminal (and most civil) prosecution by the host state. The family members of diplomatic agents enjoy these same immunities. Currently there are no diplomatic agents permanently assigned to California; but they do occasionally visit the state.

#### 422.3.2 CONSULAR OFFICERS

Consular officers are the ranking members of consular posts who perform various formal functions on behalf of their own governments. Typical titles include consul general, consul, and vice consul. These officials are immune from arrest or detention, except pursuant to a felony warrant. They are only immune from criminal and civil prosecution arising from official acts. Official acts immunity must be raised as an affirmative defense in the court jurisdiction, and its validity is determined by the court. Under this defense, the prohibited act itself must have been performed as an official function. It is not sufficient that the consular agent was on-duty or in an official capacity at the time of the violation. The family members of consular officers generally enjoy no immunity, however, any family member who enjoys a higher level of immunity is issued an identification card by Department of State (DOS) enumerating any privileges or immunities on the back of the card. Examples are consular officers and family members from Russia or China.

There are approximately 600 consular officers in California, with most located in Los Angeles, San Francisco and San Diego.

#### 422.3.3 HONORARY CONSULS

Honorary consuls are part-time employees of the country they represent and are either permanent residents of the U.S. or U.S. nationals (unlike career consular officers, who are foreign nationals on temporary assignment to the U.S.). Honorary consuls may be arrested and detained; limited immunity for official acts may be available as a subsequent defense. Family members have no immunity. There are less than 100 honorary consuls in California.

#### 422.4 IDENTIFICATION

All diplomatic and consular personnel who are entitled to immunity are registered with the Department of State and are issued distinctive identification cards by the Department of State Protocol Office. These cards are the best means of identifying Foreign Service personnel. They include a photograph, identifying information, and, on the reverse side, a brief description of the bearer's immunity status. Unfortunately, these identification cards are not always promptly issued by the Department of State. In addition to the Department of State identification card, Foreign Service personnel should also have a driver license issued by the Department of State Diplomatic Motor Vehicle Office (DMVO), which in most circumstances replaces the operator's license issued by the state. Additionally they may have California credentials issued by the California Governor's Office of Emergency Services (Cal OES).

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#### 422.4.1 VEHICLE REGISTRATION

Vehicles that are owned by foreign missions or Foreign Service personnel and their dependents are registered with the Department of State OFM and display distinctive red, white, and blue license plates. Vehicles assigned to diplomatic or consular officers will generally have license plates labels with the words "diplomat" or "consul." Vehicles owned by honorary consuls are not issued OFM license plates; but may have California license plates with an "honorary consul" label. Driver's identity or immunity status should not be presumed from the type of license plates displayed on the vehicle. The status of an OFM license plate should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state, if the deputy has reason to question the legitimate possession of the license plate.

#### **422.5 ENFORCEMENT PROCEDURES**

The following procedures provide a guideline for handling enforcement of foreign nationals:

##### 422.5.1 CITABLE OFFENSES

An enforcement document shall be issued at the scene for all violations warranting such action, regardless of the violator's immunity status. The issuance of a citation is not considered an arrest or detention under current Department of State guidelines. Whenever the equivalent of a notice to appear is issued to an immunity claimant, the following additional procedures shall be followed by the arresting deputy:

- (a) Identification documents are to be requested of the claimant
- (b) The title and country represented by the claimant are to be recorded on the back of the deputy's copy of the Notice to Appear for later reference. Do not include on the face of the notice to appear
- (c) The claimant shall be requested to sign the notice to appear. If the claimant refuses, the identity and immunity status of the individual shall be conclusively established
- (d) Verified diplomatic agents and consular officers, including staff and family members from countries with which the U.S. has special agreements, are not required to sign the Notice to Appear. The word "Refused" shall be entered in the signature box, and the violator shall be released
- (e) Verified consular staff members, excluding those from countries with which the U.S. has special agreements, are generally obligated to sign the Notice to Appear, but a signature shall not be required if their immunity status is uncertain
- (f) All other claimants are subject to the provisions of Vehicle Code § 40302(b) and policy and procedures outlined in this chapter
- (g) The violator shall be provided with the appropriate copy of the notice to appear

##### 422.5.2 IN-CUSTODY ARRESTS

Diplomatic agents and consular officers are immune from arrest or detention (unless they have no identification and the detention is to verify their diplomatic status). Proper identification of

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immunity claimants is imperative in potential in-custody situations. Claimants who are not entitled to immunity shall be placed in custody in accordance with the provisions outlined in Policy Manual § 422.6 of this policy.

A subject who is placed under arrest and claims diplomatic or consular immunity shall not be physically restrained before verification of the claim (unless restraint is necessary for the protection of the deputy or others.)

A supervisor shall be promptly notified and should respond to the scene when possible.

Field verification of the claimant's identity is to be attempted as follows:

- (a) Identification cards issued by the Department of State, Protocol Office, are the only valid evidence of diplomatic or consular immunity. The following types of identification cards are issued: Diplomatic (blue bordered), Consular (red bordered), and Official (green bordered), The Department of State identification cards are 3-3/4 inch by 1-1/2 inch and contain a photograph of the bearer.
- (b) Initiate telephone verification with the Department of State. Newly arrived members of diplomatic or consular missions may not yet have official Department of State identity documents. Verify immunity by telephone with the Department of State any time an individual claims immunity and cannot present satisfactory identification, the deputy has reason to doubt the claim of immunity, or there is a possibility of physical arrest. Law enforcement personnel should use the following numbers in order of preference:

Office of Foreign Missions	Office of the Foreign Missions
San Francisco, CA	Los Angeles, CA
(415) 744-2910, Ext. 22 or 23	(310) 235-6292, Ext. 121 or 122
(415) 744-2913 FAX	(310) 235-6297 FAX
(0800-1700 PST)	(0800-1700 PST)
Office of Foreign Missions	Department of State
Diplomatic Motor Vehicle Office	Diplomatic Security Service
Washington D.C.	Command Center
(202) 895-3521 (Driver License Verification) or	Washington D.C.
(202) 895-3532 (Registration Verification)	(202) 647-7277
(202) 895-3533 FAX	(202) 647-1512
(0815-1700 EST)	(Available 24 hours)
	(202) 647-0122 FAX

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Members of diplomatic or consular missions also may have other forms of identification. These include identification cards issued by Cal OES, local law enforcement agencies, the foreign embassy, or consulate; driver licenses issued by Department of State; and, Department of State license indicia on the vehicle. All these items are only an indication that the bearer may have some form of immunity.

Subjects verified through the above procedures as being officials entitled to immunity (diplomatic agent, consular officers and consular staff and family members from countries with which the U.S. has special agreements) may not be arrested. The procedures below shall be followed. These procedures should also be used in the event immunity cannot be verified, but another form of identification indicates that immunity is probable.

If the release of the violator will not create an additional hazard, adequate information to properly identify the violator shall be obtained then the official shall be released. A supervisor's approval for the release shall be obtained whenever possible. The necessary release documents and/or a Certificate of Release form should only be issued under the proper conditions.

If the violator appears to have been driving while under the influence, field sobriety tests, including Preliminary Alcohol Screening (PAS) device tests and chemical tests should be offered and obtained whenever possible, however, these tests cannot be compelled. The subject shall not be permitted to drive. A supervisor's approval for release shall be obtained whenever possible and alternative transportation should be arranged.

All facts of the incident shall be documented in accordance with this policy in a Driving Under the Influence (DUI) Arrest-Investigation Report, Arrest-Investigation Report and/or any other relevant Report form. Notwithstanding the field release of the subject, prosecution is still appropriate and should be pursued by the command concerned. The Department of State will take appropriate sanctions against errant foreign service personnel, even where prosecution is not undertaken by the agency.

#### **422.6 DIPLOMATIC IMMUNITY TABLE**

Reference table on diplomatic immunity:

<b>Category</b>	<b>Arrested or Detained</b>	<b>Enter Residence Subject to Ordinary Procedures</b>	<b>Issued Traffic Citation</b>	<b>Subpoenaed as Witness</b>	<b>Prosecuted</b>	<b>Recognized Family Members</b>
<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)

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<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:

- (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.

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#### 422.6.1 VEHICLES

Vehicles, which are owned by subjects with full immunity, may not be searched, stored, or impounded without the owner's permission. (Such permission may be assumed if the vehicle has been stolen.) These vehicles may, however, be towed the necessary distance to remove them from obstructing traffic or creating any other hazard.

#### 422.6.2 REPORTS

A photocopy of each report involving an identified diplomat and/or immunity claimant shall be forwarded to the Office of the Sheriff within 48 hours whether or not the claim is verified. The words "Immunity Claim" shall be marked on the photocopy, together with a notation of the claimant's title, country, and type of identification presented (if applicable). In addition to the report, a follow-up cover memorandum should be submitted if the violation was flagrant, if the claimant was uncooperative, or if there were any other unusual aspects of the enforcement contact that should be reported to the Department of State for further action. The Watch Commander/Supervisor apprised of the incident/accident shall also send a copy of all documents and reports submitted by the investigating deputy along with any supervisor's notes, materials and/or logs to the Sheriff's Office within 48 hours of the incident. The Sheriff's Office will check to ensure that notification of Department of State and all necessary follow-up occur.

#### **422.7 FOREIGN NATIONALS WHO DO NOT CLAIM IMMUNITY**

These policies and procedures apply to foreign nationals who do not claim diplomatic or consular immunity.

Deputies shall arrest individuals who identify themselves as foreign nationals only under the following circumstances:

- (a) There is a valid warrant issued for the person's arrest
- (b) There is probable cause to believe that the foreign national has violated a federal criminal law, a state law, or a local ordinance
- (c) Deputies shall not arrest foreign nationals solely for alleged undocumented entry into the United States.

Deputies shall not arrest foreign nationals for undocumented presence in the United States. Federal courts have consistently held that undocumented presence is not a crime but a federal civil violation only enforceable by federal officers.

- Deputies shall not stop or detain persons solely for determining immigration status.
- Deputies shall not inquire into an individual's immigration status for immigration enforcement purposes.
- International treaty obligations provide for notification of foreign governments when foreign nationals are arrested or otherwise detained in the U.S.
- Whenever a deputy arrests and incarcerates an individual who identifies themselves as a foreign national or detains a foreign national for investigation for over two hours, the deputy shall promptly advise the individual that he/she is entitled to have his/her

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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.

#### 422.7.1 ARREST PROCEDURE

Whenever a deputy physically arrests or detains an individual for criminal investigation and the individual identifies themselves as a foreign national the deputy shall advise the individual that he/she has a right to have the nearest appropriate embassy or consulate notified of the arrest/detention. (Vienna Convention on Consular Relations, Art. 36 (1969))

If the individual requests such notification, the deputy shall contact the Dispatch Center as soon as practical and request the appropriate embassy/consulate be notified. Deputies shall provide the Dispatch Center with the following information concerning the individual:

- Country of citizenship
- Full name of individual, including paternal and maternal surname, if used
- Date of birth or age
- Current residence
- Time, date, place, location of incarceration/detention and the 24-hour telephone number of the place of detention if different from the Sheriff's Office itself

If the individual claims citizenship of one of the countries for which notification of the consulate/embassy is mandatory, deputies shall provide the Dispatch Center with the information above as soon as practicable, regardless of whether the individual desires that the embassy/consulate be notified. This procedure is critical because of treaty obligations with the particular countries. The list of countries and jurisdictions that require notification can be found on the U.S. Department of State website.

#### 422.7.2 DOCUMENTATION

Deputies shall document on the face page and in the narrative of the appropriate Arrest-Investigation Report the date and time the Dispatch Center was notified of the foreign national's arrest/detention and his/her claimed nationality.

#### 422.7.3 DEATH OF A FOREIGN NATIONAL

The Vienna Convention on Consular Relations requires notification to a consular official in the case of the death of a national of his country. Such notification assists consular officials in timely advising next of kin and other appropriate. A coroner investigator should also be notified to assist in notifications.

## Rapid Response and Deployment

### 424.1 PURPOSE AND SCOPE

Violence in schools, workplaces and other locations by any individual or group of individuals presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding deputies as they make decisions in these rapidly unfolding and tense situations.

### 424.2 POLICY

The San Luis Obispo 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 [Department/Office] in protecting themselves or others from death or serious injury.

### 424.3 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).

#### **424.3.1 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).

#### **424.4 COUNTYWIDE COMMUNICATIONS PROTOCOL**

Because active shooter incidents may create an immediate response from multiple law enforcement agencies in the county this communications protocol has been adopted by all San Luis Obispo County law enforcement agencies for use by the agency holding responsibility for containment and management of the incident to effectively handle the increase in radio traffic generated between responding officers and those on scene to effectively utilize incoming resources.

#### **424.5 COMMUNICATIONS PROCEDURE**

The agency managing the incident shall do the following:

- (a) Broadcast over Red Channel the following message: "Station (ID Number) broadcasting to all cars and stations a report of an active shooter or assailant incident at (Location). Monitor Red Channel for updated information and the locations of the Incident Command Post".
- (b) The agency managing the incident will transfer the call information to Control 20 via Computer Aided Dispatch.
- (c) The agency managing the crime scene will maintain communications for the incident and broadcast all incident communications on Red Channel

#### **424.6 ALLIED AGENCY RESPONSE AND COMMUNICATION**

- (a) Communications between units responding to the crime scene will be managed by the San Luis Obispo County Sheriff's Office (Control 20) on Yellow Channel.

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- (b) Units from Allied agencies responding to the incident shall contact Control 20 and provide their call sign, officer names(s), locations and whether they are uniformed or plainclothes personnel. Responding officers will transmit clear and brief messages to reduce radio traffic and prevent miscommunication.
- (c) Control 20 will update the incident in CAD with information regarding the number of responding units, their call signs, locations and whether plainclothes or uniformed.
- (d) Control 20 will direct responding units to the staging area, command post or other location(s) as requested by the managing law enforcement agency.
- (e) All responding units shall follow directions given to them by Control 20.
- (f) All responding units will monitor Red Channel, but will refrain from broadcasting on Red Channel while enroute to the incident locations.
- (g) Upon arrival at the incident location responding units will advise Control 20 via Yellow Channel and then switch to Red Channel for incident communications and deployment instructions from the command post.

## Reporting Police Activity Outside of Jurisdiction

### 426.1 PURPOSE AND SCOPE

This policy provides general guidelines for reporting police activity while on or off-duty and occurring outside the jurisdiction of the San Luis Obispo County Sheriff's Office.

#### 426.1.1 ASSISTANCE TO AGENCIES OUTSIDE THE COUNTY

When a deputy is on-duty and is requested by an allied agency to participate in law enforcement activity in another jurisdiction, he/she shall obtain prior approval from the immediate supervisor or the Watch Commander. If the request is of an emergency nature, the deputy shall notify the Dispatch Center before responding and thereafter notify a supervisor as soon as practical.

#### 426.1.2 LAW ENFORCEMENT ACTIVITY OUTSIDE THE COUNTY

Any on-duty deputy, who engages in law enforcement activities of any type outside the immediate jurisdiction of the San Luis Obispo County shall notify his or her supervisor or the Watch Commander at the earliest possible opportunity. Any off-duty deputy who engages in any law enforcement activities, regardless of jurisdiction shall notify the Watch Commander as soon as practical.

The supervisor shall determine if a case report or other documentation of the deputy's activity is required. The report or other documentation shall be forwarded to the deputy's Bureau Chief.

### 426.2 INVESTIGATIONS IN OTHER JURISDICTIONS

Deputies operating outside the unincorporated areas of the County will normally coordinate investigations with the agency having geographical jurisdiction.

(a) **Notification:**

1. Deputies shall contact the agency having jurisdiction whenever they conduct investigations in that agency's area.
2. The agency will be notified of:
  - (a) Location and nature of investigation.
  - (b) Length of investigation.
  - (c) Whether assistance will be required.
  - (d) Number and identity of officers involved and whether they will be in uniform or plain clothes.

(b) **Joint Investigations:**

- (a) Establish a liaison officer for coordination of investigation.
- (b) Determine which agency will be the primary (lead) agency in the investigation.

(c) **Confidential Investigations Not Requiring Notification:**

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- (a) Must have a Bureau Chief's approval prior to initiation.

# Immigration Violations

## 428.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the San Luis Obispo County Sheriff's Office relating to immigration and interacting with federal immigration officials.

### 428.1.1 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.

**Immigration enforcement** - Any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, including any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry or reentry to, or employment in the United States.

**Judicial warrant** - An arrest warrant for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge.

## 428.2 POLICY

It is the policy of the San Luis Obispo 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 department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their immigration status.

## 428.3 PROCEDURES FOR IMMIGRATION COMPLAINTS

Persons wishing to report immigration violations should be referred to the local office of the U.S. Immigration and Customs Enforcement (ICE). The Employer Sanction Unit of ICE has primary jurisdiction for enforcement of Title 8, United States Code.

### 428.3.1 BASIS FOR CONTACT

Unless immigration status is relevant to another criminal offense or investigation (e.g., harboring, smuggling, terrorism), the fact that an individual is suspected of being an undocumented alien shall not be the sole basis for contact, detention, or arrest.

### 428.3.2 SWEEPS

The San Luis Obispo County Sheriff's Office does not independently conduct sweeps or other concentrated efforts to detain suspected undocumented aliens.

When enforcement efforts are increased in a particular area, equal consideration should be given to all suspected violations and not just those affecting a particular race, ethnicity, age, gender, sexual orientation, religion, or socioeconomic status.

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The disposition of each contact (e.g., warning, citation, arrest), while discretionary in each case, should not be affected by such factors as race, ethnicity, age, gender, sexual orientation, religion or socioeconomic status.

#### 428.3.3 FEDERAL REQUESTS FOR ASSISTANCE

If a specific request is made by ICE or any other federal agency, the Sheriff's Office will provide available support services, such as traffic control or peacekeeping efforts, during the federal operation.

Members of the Sheriff's Office should not participate in such federal operations as part of any detention team unless it is in direct response to a request for assistance on a temporary basis for officer safety. Any detention by a member of the Sheriff's Office should be based upon the reasonable belief that an individual is involved in criminal activity.

#### 428.3.4 IDENTIFICATION

Whenever any individual is reasonably suspected of a criminal violation (infraction, misdemeanor or felony), the investigating deputy should take reasonable steps to determine the person's identity through valid identification or other reliable sources.

If an individual would have otherwise been released for an infraction or misdemeanor on a citation, the person should be taken to the station and given a reasonable opportunity to verify his/her true identity (e.g., telephone calls). If the person's identity is thereafter reasonably established, the original citation release should be completed without consideration of immigration status.

#### 428.3.5 ARREST

If the deputy intends to take enforcement action and the individual is unable to reasonably establish his/her true identity, the deputy may take the person into custody on the suspected criminal violation (see Vehicle Code § 40302(a) and Penal Code § 836, if pertinent to the circumstances).

#### 428.3.6 BOOKING

If the deputy is unable to reasonably establish an arrestee's identity, the individual may be booked into jail for the suspected criminal violation and held for bail.

A person detained exclusively pursuant to the authority of Vehicle Code § 40302(a) for any Vehicle Code infraction or misdemeanor shall not be detained beyond two hours for the purpose of establishing his/her true identity. Regardless of the status of that person's identity at the expiration of two hours, he/she shall be released on his/her signature with a promise to appear in court for the Vehicle Code infraction or misdemeanor involved.

#### 428.3.7 NOTIFICATION OF IMMIGRATION AND CUSTOMS ENFORCEMENT

Generally, deputies will not need to notify the Department of Homeland Security (DHS) and Immigration and Customs Enforcement (ICE) when booking arrestees at the county jail. Procedures for notifying DHS/ICE of the pending release of an inmate will be done by custody staff in compliance with the California Values Act, which requires a conviction for the crimes and under the criteria set forth in California Government Code section 7282.5.

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#### **428.4 IMMIGRATION INQUIRIES PROHIBITED**

Deputies shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6).

##### **428.4.1 U-VISA/T-VISA NONIMMIGRANT STATUS**

Under certain circumstances, federal law allows temporary immigration benefits to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U); 8 USC § 1101(a)(15)(T)). A declaration/certification for a U-Visa/T-Visa from the U.S. Citizenship and Immigration Services may be completed on the appropriate U.S. DHS Form supplements (I-918 or I-914) by law enforcement and must include information on how the individual can assist in a criminal investigation or prosecution in order for a U-Visa/T-Visa to be issued. Deputies may make inquiries into an individual's immigration status to obtain information necessary to certify an individual who has been identified as a potential crime or trafficking victim for a U-Visa/T-Visa.

Any request for assistance in applying for U-Visa/T-Visa status should immediately be forwarded to the Detective Unit sergeant assigned to supervise the handling of any related case. The Detective Unit sergeant should do the following:

- (a) Consult with the assigned detective to determine the current status of any related case and whether further documentation is warranted.
- (b) Review the instructions for completing the declaration/certification if necessary. Instructions for completing Forms I-918/I-914 can be found on the U.S. DHS website.
- (c) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the declaration/certification has not already been completed and whether a declaration/certification is warranted.
- (d) Address the request and complete the declaration/certification, if the victim qualifies under Penal Code § 679.10. Certification for I-918 Supplemental B forms shall be processed within 90 days of request, unless the noncitizen is in removal proceedings, in which case the certification shall be processed within 14 days of the request. (California Penal Code § 679.10)
- (e) Ensure that any decision to complete or not complete the form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed declaration/certification in the case file and provide a copy to the Investigative Services Bureau Chief Deputy.

##### **428.4.2 HUMAN TRAFFICKING T-VISA**

Deputies and their supervisors who are assigned to investigate a case of human trafficking shall complete the above process and documents needed for a T-Visa application within 15 business days of the first encounter with the victim, whether or not it is requested by the victim (California Penal Code § 236.5).

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#### 428.4.3 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).

#### 428.4.4 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).

#### **428.5 RECORD KEEPING AND DATA COLLECTION**

This department shall maintain records of Form I-918 Supplement B certifications. It is the responsibility of the Records Manager to report to the Legislature, on or before January 1 2017 and annually thereafter, the number of victims that requested Form I-918 Supplement B certifications, the number of these certifications that were signed and the number that were denied. (California Penal Code § 679.10)

## Patrol Rifles

### 432.1 PURPOSE AND SCOPE

In order to more effectively and accurately address the increasing level of fire power and body armor utilized by criminal suspects, the San Luis Obispo County Sheriff's Office makes patrol rifles available to qualified patrol deputies as an additional tactical resource.

### 432.2 PATROL RIFLE

#### 432.2.1 DEFINITION

A patrol rifle is an authorized weapon which is owned by the Sheriff's Office or employee and which is made available to properly trained and qualified deputies as a supplemental resource to their duty handgun or shotgun. No personally owned rifles may be carried for patrol duty unless approved in writing by the Sheriff and the senior rangemaster.

### 432.3 SPECIFICATIONS

Only weapons, magazines from a reputable manufacturer and ammunition that meet agency authorized specifications, approved by the Sheriff, and senior range master may be used by deputies in their law enforcement responsibilities. The authorized patrol rifle issued by the Sheriff's Office is the Colt Type AR-15 or other approved AR-15 manufacturer.

#### 432.3.1 PERSONALLY OWNED PATROL RIFLES

Sworn Sheriff's Office personnel may purchase their own patrol rifle for use in the performance of their duties.

- (a) The employee must submit a memorandum to the Sheriff with the Make and Model of the rifle they wish to purchase.
- (b) The employee may purchase the rifle after receiving approval in the form of a Sheriff's Office letter authorizing the purchase.
- (c) The rifle must be registered through The Department of Justice within ninety (90) days of purchase.
- (d) The rifle must be inspected and approved by the Sheriff's Office Senior Range Master or their designee prior to its use on patrol.
- (e) The employee must qualify with their rifle on the same schedule as Sheriff's Office Patrol Rifles and a Sheriff's Office Range Master will ensure the weapon is properly sighted and serviceable.
- (f) A current inventory list of personally owned patrol rifles will be maintained by the Senior Range Master and forwarded to the Field Operations Chief Deputy.

Personal Patrol Rifles will adhere to the following specifications:

- The rifles will fall under what is commonly known as the AR-15 family of weapons.
- The rifles will be semi-automatic only and chambered in .223 caliber only.

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- The rifle will be made by a reputable manufacturer to include Colt, Bushmaster, DPMS, Stag Arms, Rock River Arms or other reputable manufacturer approved by the senior rangemaster. Model shall be each manufacturer's general purpose patrol rifle and shall be similar in appearance to Sheriff's Office-owned patrol rifles.
- The rifles must have a barrel length between 16 and 20 inches.

Additional or modifications to the personally owned Patrol Rifles:

- Slings will be from a reputable manufacturer.
- Dedicated lights shall be made by a reputable manufacturer and be suitable for a general purpose patrol rifle.
- Butt stocks may be adjustable to the size of the Deputy. Folding stocks are not authorized.
- The sighting system shall be iron sights or red dot optics that are suitable for a general purpose patrol rifle. Magnified optics or scopes are not authorized unless specifically authorized by a bureau chief for specialty units.
- Any additions or modifications that are eccentric or unsuitable for a patrol rifle will not be allowed.

Personally owned rifles will be deployed in accordance with policy for Sheriff's Office Patrol Rifles:

- A personally owned rifle may be deployed (by another employee) instead of a Sheriff's Office owned rifle if the need arises.
- Employees shall deploy the rifles with discretion, keeping in mind other available force options.

#### 432.3.2 DEPARTMENT OWNED PATROL RIFLES

Patrol rifles owned by the Sheriff's Office for use by properly trained and qualified deputies shall meet the following specifications:

- The authorized patrol rifle issued by the Sheriff's Office is the Colt Type AR-15 or other approved AR-15 manufacturer.
- The rifles will be semi-automatic only and chambered in .223 caliber only.
- The patrol rifle shall be equipped with a weapon mounted light from a reputable manufacturer and suitable for a general purpose patrol rifle.
- The patrol rifle shall be equipped with a sling from a reputable manufacturer.
- The butt stock may be adjustable to the size of the deputy.
- The patrol rifle must be equipped with iron sights, either traditional fixed, "flip up" style, or a combination of the two. Rifles may be equipped with a red dot optic sighting system. When an optic sighting system is installed, the optic sighting system may serve as the primary sighting system and the iron sights may serve as the back up sighting system in the event the optic sighting system should fail. Specialty units such as SED, SOU, etc, shall refer to section 312.2.5(c) for further on rifles equipped with visible/IR laser equipment.

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#### **432.4 RIFLE MAINTENANCE**

- (a) Primary responsibility for maintenance of patrol rifles shall fall on the Range Program Manager and approved armorers who shall inspect and service each patrol rifle on an annual basis.
- (b) Each patrol deputy carrying a patrol rifle may be required to field strip and clean an assigned patrol rifle as needed.
- (c) Each patrol deputy shall be responsible for promptly reporting any damage or malfunction of an assigned patrol rifle.
- (d) Any patrol rifle found to be serviceable shall be removed from service. The rifle shall be clearly labeled as "out of service" and details regarding the weapon's condition shall be included on the label.
- (e) Each patrol rifle shall be subject to inspection by a supervisor or the Rangemaster at any time.
- (f) No modification shall be made to any patrol rifle without prior written authorization from the Rangemaster.

#### **432.5 TRAINING**

Deputies shall not carry or utilize the patrol rifle unless they have successfully completed Sheriff's Office training or another approved training course. This training shall consist of a 16-hour patrol rifle user's course and qualification score with a certified patrol rifle instructor. Deputies shall thereafter be required to successfully complete yearly qualification conducted by range staff.

Any deputy who fails to qualify or who fails to successfully complete two or more Sheriff's Office sanctioned training/qualification sessions within a calendar year will no longer be authorized to carry the patrol rifle without successfully retaking the initial patrol deputies user's course and qualification.

#### **432.6 DEPLOYMENT OF THE PATROL RIFLE**

Deputies may deploy the patrol rifle in any circumstance where the deputy 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 deputy reasonably anticipates an armed encounter.
- (b) When a deputy is faced with a situation that may require the delivery of accurate and effective fire at long range.
- (c) Situations where a deputy reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When a deputy reasonably believes that there may be a need to deliver fire on a barricaded suspect or a suspect with a hostage.
- (e) When a deputy reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.

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- (g) When needed to euthanize an animal.

#### **432.7 DISCHARGE OF THE PATROL RIFLE**

The discharge of the patrol rifle shall be governed by the Sheriff's Office Deadly Force Policy, Policy Manual § 300.

#### **432.8 PATROL READY**

Any qualified deputy carrying a patrol rifle in the field shall maintain the weapon in a patrol ready condition until deployed. A rifle is considered in a patrol ready condition when it has been inspected by the assigned deputy, the fire selector switch is in the safe position, the chamber is empty and a loaded 30 round magazine is inserted into the magazine well.

#### **432.9 RIFLE STORAGE**

- (a) When not in use, patrol rifles will be stored in the station armory in rifle racks.
- (b) When not deployed, in-service patrol rifles should be secured in the vehicle in a locked gun rack or locked in the trunk.
- (c) At the end of the assigned deputy's shift, the patrol rifle will be returned and secured in the department armory.

## Aircraft Accidents

### 434.1 PURPOSE AND SCOPE

This policy describes situations involving aircraft accidents including responsibilities of personnel making proper notification and documentation.

### 434.2 RESPONSIBILITIES

In the event of an aircraft crash or forced landing the employee responsibilities are as follows:

#### 434.2.1 DEPUTY RESPONSIBILITY

Deputies should treat an aircraft crash site as a crime scene until it is determined that such is not the case. If a military aircraft is involved, additional dangers, such as live ordnance or hazardous materials, may be present. The scene may require additional security due to the potential presence of confidential equipment or information.

The duties of the field deputy at the scene of an aircraft accident include the following:

- (a) Determine the nature and extent of the accident.
- (b) Request additional personnel and other resources to respond as needed.
- (c) Provide assistance for the injured parties until the arrival of Fire Department personnel and/or other emergency personnel.
- (d) Cordon off and contain the area to exclude unauthorized individuals as soon as practicable.
- (e) Provide crowd control and other assistance until directed otherwise by a supervisor.
- (f) Ensure the Coroner's office is notified if a death occurs.

Entering an aircraft or tampering with parts or debris is only permissible for the purpose of removing injured or trapped occupants, protecting the wreckage from further damage or protecting the public from danger. If possible, the investigating authority should first be consulted before entering or moving any aircraft or any crash debris. Photographs or sketches of the original positions should be made whenever feasible.

The Fire Department will be responsible for control of the accident scene until the injured parties are cared for and the accident scene has been rendered safe for containment. Thereafter, sheriff's personnel will be responsible for preserving the scene until relieved by the investigating authority.

Once the scene is relinquished to the investigating authority, personnel from this agency may assist in containment of the scene until the investigation is completed or assistance is no longer needed.

An airport service worker or the airport manager may respond to the scene to assist the on-scene commander with technical expertise, should it be needed during the operation.

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### *Aircraft Accidents*

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#### 434.2.2 NATIONAL TRANSPORTATION SAFETY BOARD

The National Transportation Safety Board (NTSB) has the primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft incident, the appropriate branch of the military will be involved in the investigation. The NTSB is concerned with several aspects of a crash as described in this section.

Every effort should be made to preserve the scene to the extent possible in the condition in which it was found until such time as NTSB or other authorized personnel arrive to take charge of the scene.

Military personnel will respond to take charge of any military aircraft involved, whether or not injuries or deaths have occurred.

If the accident did not result in a death or injury and the NTSB elects not to respond, the pilot or owner may assume control of the aircraft.

Removal of the wreckage shall be done under the guidance of the NTSB or military authorities or, if the NTSB is not responding for an on-site investigation, at the discretion of the pilot or the owner.

#### 434.2.3 THE DISPATCH CENTER RESPONSIBILITIES

Dispatchers are responsible to make notifications as directed 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. Generally, the dispatcher will need to notify the following agencies or individuals when an aircraft accident has occurred.

- (a) Watch Commander
- (b) Ambulances or other assistance as required
- (c) Fire Department
- (d) The affected airport tower
- (e) Closest military base if a military aircraft is involved

When an aircraft accident is reported to the Sheriff's Office by the airport tower personnel the dispatcher receiving such information should verify that the tower personnel will contact the Federal Aviation Administration (FAA) Flight Standards District Office and the National Transportation Safety Board (NTSB). In the event that airport personnel are not involved, the dispatcher should notify the FAA and the NTSB.

#### 434.2.4 RECORDS MANAGER RESPONSIBILITIES

The Records Manager is responsible for the following:

- (a) Forward and maintain an approved copy of the incident report to the California Department of Aeronautics

#### 434.2.5 PUBLIC INFORMATION OFFICER RESPONSIBILITIES

The Sheriff's Office Public Information Officer is responsible for the following:

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- (a) Obtain information for a press release from the on-scene commander or his or her designee
- (b) When practical, the Sheriff's Office Public Information Officer should coordinate with the FAA Press Information Officer to prepare a press release for distribution to the Media

Information released to the press regarding any aircraft accident should be handled by the Sheriff's Office Public Information Officer or in accordance with existing policy. The Public Information Officer should coordinate the release of such information with the FAA Press Information Officer.

#### **434.3 DOCUMENTATION**

Any aircraft accident (crash) within the County, regardless of whether injuries or deaths occur, shall be documented.

## Field Training Program

### 436.1 PURPOSE AND SCOPE

The Field Training Program(FTP) 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 San Luis Obispo County Sheriff's Office.

It is the policy of the Sheriff's 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.

### 436.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced senior deputy or 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.

#### 436.2.1 SELECTION PROCESS

Deputies who are interested in being FTO's when no Senior Deputy is available will be selected based on the following requirements:

- (a) Desire to be an FTO
- (b) Minimum of four years of patrol experience, two of which shall be with the Sheriff's Office
- (c) Demonstrated ability as a positive role model
- (d) Participate and pass an internal oral interview selection process
- (e) Evaluation by supervisors and current FTO's
- (f) Possess a POST Basic certificate
- (g) Meets the training requirements specified in CCR 1004(d)
- (h) Not prohibited from training as specified in Government Code 7286(b)(18)

#### 436.2.2 TRAINING

A Deputy or Senior 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.

All FTOs will be evaluated annually by the FTP Coordinator or designee to ensure they possess the skills and performance necessary to continue in the assignment.

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#### **436.3 FIELD TRAINING PROGRAM COORDINATOR**

The FTP Coordinator should be selected from the rank of sergeant or above by the Operations Bureau Chief or a designee and should possess, or be eligible to receive, a POST Supervisory Certificate. The FTP Coordinator may select additional personnel from the rank of Sergeant as Field Training Supervisors.

The responsibilities of the FTP Coordinator and Field Training Sergeants 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 liaison with FTO coordinators of other agencies
- (h) Maintain liaison with academy staff on recruit performance during the academy
- (i) Develop ongoing training for FTOs

The FTP Coordinator and any assigned Field Training Sergeants 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)).

#### **436.4 TRAINEE DEFINED**

Any entry level or lateral sheriff's deputy newly appointed to the San Luis Obispo County Sheriff's Office who has successfully completed a POST approved Basic Academy.

#### **436.5 REQUIRED TRAINING**

Entry level deputies shall be required to successfully complete the Field Training Program, consisting of a minimum of 10 weeks (11 CCR 1004; 11 CCR 1005).

The training period for a lateral deputy may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of tenweeks.

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.

##### **436.5.1 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 San Luis Obispo 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.

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The Field Training Manual will specifically cover those policies, procedures, rules and regulations adopted by the San Luis Obispo County Sheriff's Office.

#### 436.5.2 TRAINING PHASES

The Field Training Program is divided into four progressive phases. Each phase provides sufficient time for the trainee to learn skills and practice tasks assigned to that phase, predicated on the trainee's previous training, experience, and learning ability.

- (a) Phase I - The trainee will be assigned to a Field Training Supervisor or designee for an orientation period (80 hours [two weeks]). After the orientation period, the trainee will be assigned to a Field Training Officer for an observation period (120 hours [three weeks]). The trainee will be expected to learn, become involved, and handle duties at the discretion of the Field Training Officer. (Phase I training will consist of approximately 200 hours [five weeks]).
- (b) Phase II - The trainee will be assigned to a Field Training Officer. The trainee will be expected to become more involved in calls and take the lead when directed by the Field Training Officer. (Phase II training will consist of approximately 240 hours [six weeks]).
- (c) Phase III - The trainee will be assigned to a Field Training Officer. The trainee will be expected to take the lead on all calls and field contacts. The Field Training Officer will act as a resource and instructor. The trainee must apply the knowledge that has been learned. (Phase III training will consist of approximately 240 hours [six weeks]).
- (d) Phase IV - The trainee will ride with a Field Training Officer who will act strictly as an observer of the trainee's performance. The purpose of this observation period is to determine how effectively and safely the trainee can perform as a single person patrol unit. The Field Training Officer will not become involved in field situations unless there is an officer safety or other related liability issue. If a second deputy is needed, the trainee will be expected to request the appropriate level of assistance from Dispatch (observation period will consist of approximately 120 hours [three weeks]). After the observation period the trainee will receive periodic evaluations by a Field Training Officer at the direction of the Field Training Supervisor. The trainee may be assigned as a solo beat deputy or assigned to work with a regular partner for an evaluation period (8 hours [two weeks]). The evaluation period may be extended if the Field Training Supervisor, or Coordinator determine a need. (Phase IV will consist of approximately 200 hours [five weeks]).
- (e)
- (f)

The Field Training Program allows acceleration of a phase if the training is redundant or remediation of a phase when the training provided is not sufficiently absorbed or retained. If it is determined the trainee has demonstrated a pattern of difficulty or an inability to perform to the established standards of achievement in any phase, he/she should either receive an extension of training, be given a remedial training plan, or be terminated from the program.

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Lateral hires that have completed a California Regular Basic Course/Module I and a California POST approved Field Training Program may be considered for an accelerated training program. Peace Officers hired from outside California and who have completed the POST Basic Course Waiver process must complete the Field Training Program established for entry level deputies.

#### **436.6 EVALUATIONS**

Evaluations are an important component of the training process and shall be completed as outlined below.

##### **436.6.1 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 Field Training Supervisor or Coordinator on a daily basis. The evaluation will use the POST (Numeric Scale) Daily Observation Report 2-237 (DOR), and the Standard Evaluation Guidelines (SEGs). The Standardized Evaluation Guidelines (SEGs) define the competency levels for all required performance categories.
- (b) Review the Daily Daily Observation Reports 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.

##### **436.6.2**

##### **436.6.3 FIELD TRAINING COORDINATOR**

The Field Training Coordinator or Supervisors will review and approve the Daily Observation Reports submitted by the FTO through his/her immediate supervisor.

On a weekly basis, The Field Training Coordinator or Supervisors will document the performance of a trainee using the Supervisor's Weekly Report.

##### **436.6.4 TRAINEE**

At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTO's and on the Field Training Program to the Field Training Program Manager.

#### **436.7 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 Observation Reports
- (b) Supervisor's Weekly Reports
- (c) End of phase evaluations

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- (d) A Completion Record/Competency Attestation Form certifying that the trainee has successfully completed the Field Training Program.

## Obtaining Air Support

### 438.1 PURPOSE AND SCOPE

The use of a police helicopter can be invaluable in certain situations. This policy specifies potential situations where the use of a helicopter may be requested and the responsibilities for making a request.

### 438.2 REQUEST FOR HELICOPTER ASSISTANCE

If a supervisor or deputy in charge of an incident determines that the use of a helicopter would be beneficial, a request to obtain helicopter assistance may be made.

#### 438.2.1 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Police 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 helicopters may reduce such hazard
- (c) When the use of the helicopters will aid in the capture of a suspected fleeing felon 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

## Use of Sheriff's Aero Squadron

### 439.1 PURPOSE AND SCOPE

The Sheriff's Aero Squadron is an auxiliary unit of the Sheriff's Office and may be utilized in support functions. All requests for use of the Aero Squadron shall be coordinated by the Sheriff's Office Aero Squadron liaison officer or the Watch Commander.

#### 439.1.1 ACTIVATION OF AERO SQUADRON

- (a) Activation by Watch Commander:
  - 1. Notify the on-call Aero Squadron Incident Commander or, in his absence, the Aero Squadron liaison officer.
  - 2. The Aero Squadron Incident Commander or liaison officer will coordinate the Aero Squadron support with the on-duty supervisor/Watch Commander.
  - 3. When requested, Aero Squadron personnel will maintain contact with the Watch Commander regarding status of the support mission.
- (b) Aero Squadron personnel can provide the following support:
  - 1. Disaster, such as earthquake, flood, fire, hazardous material/offshore oil or chemical spills.
  - 2. Search and rescue, such as lost/missing persons; missing/overdue aircraft, vehicles, vessels; accident response; and search for stolen property.
  - 3. Law enforcement and public service support, such as surveillance, evacuation, transportation, intelligence gathering, aircraft ground control, and community relations.
  - 4. Assist in coordinating with FAA to establish 'No Fly' zones.
- (c) In incidents of overdue or missing aircraft, Aero Squadron personnel are available to assist in determining whether the aircraft is possibly within our jurisdiction and the feasibility of an aerial search.
- (d) In all incidents of possible downed aircraft, Aero Squadron personnel are prepared to assist the Watch Commander in initiating and coordinating an air search for the downed aircraft.

## Detentions And Photographing Detainees

### 440.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for conducting field interviews (FI) and pat-down searches, and the taking and retention of photographs of persons detained in the field but not arrested. Due to a variety of situations confronting the deputy, the decision to FI or photograph a field detainee shall be left to the discretion of the involved deputy based on the totality of the circumstances available to them at the time of the detention.

#### 440.1.1 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.

### 440.2 POLICY

The San Luis Obispo 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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#### **440.3 FIELD INTERVIEWS**

Deputies may stop individuals for the purpose of conducting an FI where reasonable suspicion is present. In justifying the stop, the deputy should be able to point to specific facts which, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to, the following:

- (a) The appearance or demeanor of an individual suggests that he/she is part of a criminal enterprise or is engaged in a criminal act.
- (b) The actions of the suspect suggest that he/she is engaged in a criminal activity.
- (c) The hour of day or night is inappropriate for the suspect's presence in the area.
- (d) The suspect's presence in the particular area is suspicious.
- (e) The suspect is carrying a suspicious object.
- (f) The suspect's clothing bulges in a manner that suggests he/she is carrying a weapon.
- (g) The suspect is located in proximate time and place to an alleged crime.
- (h) The deputy has knowledge of the suspect's prior criminal record or involvement in criminal activity.

##### **440.3.1 INITIATING A FIELD INTERVIEW**

A deputy may initiate the stop of a person when there is articulable, reasonable suspicion to do so. A person however, should not be detained longer than is reasonably necessary to resolve the deputy's suspicions.

Nothing in this policy is intended to discourage consensual contacts. Frequent and random casual contacts with consenting individuals are encouraged by the San Luis Obispo County Sheriff's Office to strengthen our community involvement, community awareness and problem identification.

##### **440.3.2 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 seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigators to utilize available personnel for the following:

- (a) Identify all persons present at the scene and in the immediate area.
  - 1. When feasible, a recorded statement should be obtained from those persons 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

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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 Sheriff's Office personnel.
  - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a Sheriff's Office vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

#### **440.4 PAT-DOWN SEARCHES**

A pat-down search of a detained subject may be conducted whenever a deputy reasonably believes that the person may possess an object that can be utilized as an offensive weapon or whenever the deputy has a reasonable fear for his/her own safety or the safety of others. Circumstances that may establish justification for performing a pat-down search include, but are not limited to the following:

- (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 deadly weapons.
- (e) The appearance and demeanor of the suspect.
- (f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.
- (g) The age and gender of the suspect.

Whenever possible, pat-down searches should be performed by deputies of the same gender.

#### **440.5 FIELD PHOTOGRAPHS**

Before photographing any field detainee, the deputy shall carefully consider, among other things, the factors listed below.

##### **440.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT**

Field photographs may be taken when the subject of the photograph 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.

##### **440.5.2 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

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enforcement purpose related to the detention. Mere knowledge or suspicion of gang membership or affiliation is not a sufficient justification for taking a photograph without consent. 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.

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.

#### **440.6 SUPERVISOR RESPONSIBILITY**

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. Access to field photographs shall be strictly limited to law enforcement purposes.

#### **440.7 DISPOSITION OF PHOTOGRAPHS**

All detainee photographs must be adequately labeled and submitted to the Division Commander with either an associated FI card or other memorandum explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Division Commander should review and forward the photograph to one of the following locations:

- (a) If the photo and associated FI or memorandum is relevant to criminal street gang enforcement, the Division Commander will forward the photo and documents to the Gang Unit Supervisor. The Gang Supervisor will ensure the photograph and supporting documents are retained as prescribed by Policy § 442.
- (b) Photographs that do not qualify for Criminal Street Gang file retention or which are not evidence in an investigation with an assigned case number should be forwarded to the Records Section. These photographs will be purged as described in Policy § 440.7.1.

When a photograph is taken in association with a particular case, the detective may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file.

##### **440.7.1 PURGING THE FIELD PHOTO FILE**

The Records Manager will be responsible for ensuring that photographs maintained by the Records Unit that are more than one year old and no longer serve a law enforcement purpose are periodically purged and destroyed. Photographs that continue to serve a legitimate law enforcement purpose may be retained longer than one year provided that a notation of that fact is added to the file for each additional year that they are retained. Access to the FI photo file shall be strictly limited to law enforcement purposes.

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A photograph need not be purged but may be retained as an updated photograph in a prior booking file if the person depicted in the photograph has been booked at the San Luis Obispo County Sheriff's Office and the booking file remains in the Records Unit.

#### **440.8 PHOTO REVIEW POLICY**

Any person who has been the subject of a field photograph or an FI by this agency during any contact other than an arrest may file a written request within 30 days of the contact requesting a review of the status of the photograph/FI. The request shall be directed to the station/division Commander who will ensure that the status of the photograph or FI is properly reviewed according to this policy as described below. Upon a verbal request, the Sheriff's Office will send a request form to the requesting party along with a copy of this policy.

##### **440.8.1 REVIEW PROCESS**

Upon receipt of such a written request, the Division Commander or his or her designee will permit the individual to appear in person (any minor must be accompanied by their parent or legal guardian) for a review of the status of the photograph/FI.

Such a meeting will generally be scheduled during regular business hours within 30 days of the receipt of the written request. An extension of the 30-day limit may be made either upon the mutual convenience of the parties or if, at the discretion of the Sheriff, there appears to be an ongoing legitimate law enforcement interest which warrants a delay. If the delay could jeopardize an ongoing investigation, nothing in this policy shall require the Sheriff to disclose the reason(s) for the delay.

A meeting for the review of the status of any non-arrest photograph/FI is not intended to be a formal hearing, but simply an informal opportunity for the individual to meet with the Sheriff or his/her designee to discuss the matter.

After carefully considering the information available, the Division Commander or designee will determine, generally within 30 days of the original meeting, whether the photograph/FI was obtained in accordance with existing law and San Luis Obispo County Sheriff's Office policy and, even if properly obtained, then whether there is any ongoing legitimate law enforcement interest in retaining the photograph/FI.

If the Division Commander or his/her designee determines that the photograph/FI was obtained in accordance with existing law and department policy and that there is an ongoing legitimate law enforcement interest in retaining the non-arrest photograph, the photograph/FI shall be retained according to this policy and applicable law.

If the Division Commander or his/her designee determines that the original legitimate law enforcement interest in retaining a non-arrest photograph no longer exists or that it was obtained in violation of existing law or San Luis Obispo County Sheriff's Office policy, the original photograph will be destroyed or returned to the person photographed, if requested. All other associated reports or documents, however, will be retained according to department policy and applicable law.

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If the Division Commander or his/her designee determines that the original legitimate law enforcement interest in retaining a non-arrest FI no longer exists or that the original F/I was not obtained in accordance with established law or San Luis Obispo County Sheriff's Office policy, the original FI may only be destroyed upon the execution of a full and complete waiver of liability by the individual (and guardian if a minor) arising out of that field contact.

If the Division Commander or his/her designee determines that any involved San Luis Obispo County Sheriff's Office personnel violated existing law or department policy, the Sheriff or designee shall initiate a separate internal investigation which may result in additional training, discipline or other appropriate action for the involved employees.

The person photographed/FI'd will be informed in writing within 30 days of the Station/Division Commander determination whether or not the photograph/FI will be retained. This does not entitle any person to any discovery or access to any law enforcement records not otherwise authorized by law.

## Criminal Organizations

### 442.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the San Luis Obispo County Sheriff's Office appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

#### 442.1.1 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.

### 442.2 POLICY

The San Luis Obispo County Sheriff's Office recognizes that certain criminal activities, including but not limited to gang 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 department to collect and share relevant information while respecting the privacy and legal rights of the public.

### 442.3 CRIMINAL INTELLIGENCE SYSTEMS

No [department/office] member may create, submit to or obtain information from a criminal intelligence system unless the Sheriff has approved the system for [department/office] use.

Any criminal intelligence system approved for [department/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 [department/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.

#### 442.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, FI, photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Section. Any supporting documentation for an entry shall be retained by the Records Section in accordance

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with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Section are appropriately marked as intelligence information. The Records Manager may not purge such documents without the approval of the designated supervisor.

#### 442.3.2 GANG DATABASES

The Sheriff may approve participation by the gang unit in a shared criminal gang intelligence database, such as CALGANG®. Members must obtain the requisite training before accessing any such database (11 CCR 751.6).

It is the gang unit 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 gang member, associate, or affiliate in a shared gang database; or submitting a document to the Attorney General's office for the purpose of designating a person in a shared gang database; or otherwise identifying the person in a shared gang database, the gang unit 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 gang member, associate, or affiliate in a shared gang database accessible by the [Department/Office], the basis for that designation, and the name of the agency that made the designation. The [Department/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 gang unit supervisor. If it is determined that the person is not a suspected gang 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 [department/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).

The gang unit supervisor should forward reports or FIs to the Records Section after appropriate database entries are made. The supervisor should clearly mark the report/FI as gang intelligence information.

It is the responsibility of the Records Section supervisor to retain reports and FIs in compliance with the database rules and any applicable end user agreement.

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Records contained in a shared gang 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).

#### 442.3.3 REPORT TO THE CALIFORNIA DEPARTMENT OF JUSTICE

The Investigation Bureau Chief or the authorized designee shall ensure that the annual report of information submitted to a shared gang database as required by Penal Code § 186.34 is submitted to the California Department of Justice.

#### **442.4 TEMPORARY INFORMATION FILE**

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the [department/office]-approved criminal intelligence system only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of criminal intelligence system entries.

##### 442.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

- (a) Must only be included upon documented authorization of the responsible [department/office] supervisor.
- (b) Should not be originals that would ordinarily be retained by the Records Section or Property Office, but should be copies of, or references to, retained documents such as copies of reports, FI forms, the Dispatch Center records or booking forms.
- (c) 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.
- (d) 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.

##### 442.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged or entered in an authorized criminal intelligence system, as applicable.

The designated 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.

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#### **442.5 INFORMATION RECOGNITION**

[Department/Office] members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

- (a) Gang 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.

[Department/Office] supervisors who utilize an authorized criminal intelligence system should work with the Training Manager to train members to identify information that may be particularly relevant for inclusion.

#### **442.6 RELEASE OF INFORMATION**

[Department/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 [department/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.

#### **442.7 CRIMINAL STREET GANGS**

The Detective Commander should ensure that there are an appropriate number of department members who can:

- (a) Testify as experts on matters related to criminal street gangs, 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 street gang member and criminal street gang-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 street gang-related crimes and information.

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- (c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

#### **442.8 TRAINING**

The Training Manager 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) Participation in a multiagency criminal intelligence system.
- (c) Submission of information into a multiagency 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

### **444.1 PURPOSE AND SCOPE**

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with Sheriff's Office policies, procedures, practices, functions and objectives. To accomplish this goal, a Sergeant heads each watch.

### **444.2 DESIGNATION AS ACTING WATCH COMMANDER**

When a Watch Commander Sergeant is unavailable for duty as Watch Commander, in most instances a station sergeant shall be designated as Watch Commander.

## Patrol Unit Digital Video System Procedure

### 446.1 PURPOSE AND SCOPE

The San Luis Obispo County Sheriff's Office has equipped marked patrol cars with in-car digital video recording systems to provide records of events and assist deputies in the performance of their duties. The in-car digital video system works in conjunction with the body worn camera (BWC) system. This policy provides guidance on the use of the in-car digital video system. BWC usage is covered in Policy 449.

#### 446.1.1 DEFINITIONS

Definitions related to this policy include:

**Activate** - Any process that causes the in-car digital video system to transmit or store video or audio data in an active mode.

**In-car digital video system, camera system and Mobile Audio Video (MAV) system-** Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor.

**Recorded media** - Audio-video signals recorded or digitally stored on a storage device or portable media.

### 446.2 POLICY

It is the policy of the San Luis Obispo County Sheriff's Office to use mobile audio and video technology to more effectively fulfill the department's mission and to ensure these systems are used securely and efficiently.

### 446.3 DEPUTY RESPONSIBILITIES

Prior to going into service, each deputy will properly equip him/herself to record audio and video in the field. In circumstances where a deputy has been issued a BWC, the BWC will function as the wireless microphone for the in-car video system. Use of a separate microphone is not necessary.

At the start of each shift, deputies should test the in-car digital video system's operation in accordance with manufacturer specifications and department operating procedures and training.

If the system is malfunctioning, the deputy shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

### 446.4 ACTIVATION OF THE IN-CAR DIGITAL VIDEO SYSTEM

The in-car digital video system system is designed to turn on whenever the unit's emergency lights are activated. The system remains on until it is turned off manually. In circumstances where vehicle emergency lights are not activated, the system may be activated using the wireless microphone. When audio is being recorded, the video will also record.

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#### 446.4.1 REQUIRED ACTIVATION OF THE IN-CAR DIGITAL VIDEO SYSTEM

This policy is not intended to describe every possible situation in which the in-car digital video system may be used. There are many situations where its use is appropriate. A deputy may activate the system any time the deputy believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the in-car camera(s). However, the audio portion can be valuable evidence. Activation requirements are the same regardless of whether or not images will be captured on camera.

Deputies shall activate the in-car digital video system during the following circumstances:

- (a) Arrests and detentions, or situations where a deputy reasonably believes that they will effect an arrest or detention (to include traffic stops and consensual encounters made with the intent to develop reasonable suspicion to detain);
- (b) All dispatched calls for service;
- (c) Deputies assisting in an arrest or detention situation;
- (d) Confrontational interactions with citizens;
- (e) Vehicle and foot pursuits;
- (f) Forced entries, search warrants, and warrantless searches (including vehicles);
- (g) Suspect interviews in the field (including Miranda advisement) and generally, interviews of victims and witnesses;
- (h) Eyewitness identification(s) to comply with Policy §610 and PC §859.7;
- (i) When loading, unloading, or transporting civilians in department vehicles (other than civilian ride alongs);
- (j) Code 3 driving;
- (k) Any other citizen contact or official duty circumstance at the deputy's discretion based on circumstances and reasonableness.

#### 446.4.2 DEACTIVATION OF THE IN-CAR DIGITAL VIDEO SYSTEM

Once the in-car digital video system is activated, recording will continue until the event has concluded and the deputy has cleared the call. If the deputy deactivates the system, the deputy will announce on camera the reason for deactivation. The following are exceptions which allow for camera deactivation prior to the conclusion of the event:

- (a) The incident has concluded prior to the arrival of the deputy;
- (b) When a deputy arrives at a detention facility, they may deactivate recording upon walking the prisoner into the facility;
- (c) The deputy determines that the recording must be stopped, either temporarily or for the duration of the event, based upon clearly articulable reasons which must be documented in the deputy's incident report;

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- (d) While conferring with other deputies/supervisors regarding the specifics or tactics of a call;
- (e) Any exception otherwise noted in this policy.

#### 446.4.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the in-car digital video system is not required when exchanging information with other deputies or during breaks, lunch periods, when not in service or actively on patrol.

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Sheriff or the authorized designee for the purpose of conducting a criminal or administrative investigation.

#### 446.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors shall:

- (a) Ensure that all deputies utilize the in-car digital video system in accordance with this policy;
- (b) Determine if vehicles with non-functioning in-car digital video systems should be placed into service. If such a vehicle is placed into service, Sheriff's Dispatch shall be notified so that it can be noted in CAD.

#### **446.5 REVIEW OF IN-CAR DIGITAL VIDEO RECORDINGS**

All recording media, recorded images and audio recordings are the property of the Office. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law.

Recordings may be reviewed in any of the following situations:

- (a) For use when preparing reports or statements
- (b) To refresh one's recollection prior to court
- (c) By a supervisor investigating a specific act of deputy conduct
- (d) By a supervisor to assess deputy performance
- (e) To assess proper functioning of MAV systems
- (f) By department investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation
- (g) By department personnel who request to review recordings
- (h) By a deputy who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment
- (i) By court personnel through proper process or with permission of the Sheriff or the authorized designee
- (j) By the media through proper process or with permission of the Sheriff or the authorized designee
- (k) To assess possible training value

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- (l) Recordings may be shown for training purposes. If an involved deputy objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the deputy's objection

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

#### **446.6 DOCUMENTING IN-CAR DIGITAL VIDEO SYSTEM USE**

If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the deputy's report. If a citation is issued, the deputy shall make a notation on the back of the records copy of the citation, indicating that the incident was recorded.

#### **446.7 RECORDED MEDIA STORAGE AND INTEGRITY**

All recorded digital files not considered evidence shall be retained pursuant to agency records retention policies. Files booked as evidence shall be retained according to the type of crime and case status.

##### **446.7.1 RECORDINGS AS EVIDENCE**

Deputies who reasonably believe that an in-car digital video recording is likely to contain evidence relevant to a criminal offense, potential claim against the deputy or against the San Luis Obispo County Sheriff's Office should indicate this in an appropriate report. Deputies should ensure relevant recordings are preserved.

#### **446.8 TRAINING**

All members who are authorized to use the in-car digital video system shall successfully complete an approved course of instruction prior to its use.

## Mobile Digital Computer Use

### 448.1 PURPOSE AND SCOPE

The Mobile Digital Computer (MDC) accesses confidential records and criminal offender record information (CORI) from the State of California, Department of Justice and Department of Motor Vehicles and the Sheriff's Office databases. Employees using the MDC shall comply with all appropriate federal and state and Sheriff's Office rules and regulations.

### 448.2 MDC USE

The MDC shall be used for official sheriff's communications only. Messages that are of a sexual, racist, or offensive nature, or otherwise critical of any member of the Department are strictly forbidden. MDC use is also subject to the Department Technology Use Policy.

Messages may be reviewed by supervisors at anytime without prior notification. Employees generating or transmitting messages not in compliance with this policy are subject to discipline.

All calls dispatched to patrol units shall be communicated by voice and MDC unless otherwise authorized by the Watch Commander.

Full details of In Progress calls for service will be transmitted by voice for the benefit of deputy sheriffs in unmarked cars and for deputies who are out of their marked units on handheld radio.

#### 448.2.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages that are likely to contain information that is required for immediate enforcement, investigative or safety needs.

During a Code 3 response by deputies all updated information regarding the call for service they are responding to will be transmitted by dispatch via the radio.

Deputies not involved in a Code 3 response should utilize the MDC for necessary communications to keep the radio available for deputies who are responding Code 3.

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.

When a deputy sheriff initiates a traffic stop in an MDC equipped vehicle they should begin the traffic stop by activating the Traffic button on the touch screen and then transmit all other information via the radio before the actual stop occurs.

Initiating the traffic stop by activating the Traffic button on the touch screen will cause a traffic screen to automatically be populated on the CAD which will allow the dispatcher to enter information related to the traffic stop more efficiently. Broadcasting via the radio the license plate

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of the stopped vehicle and the location will keep deputies in non MDC equipped vehicles aware of ongoing traffic stop activity.

#### 448.2.2 DOCUMENTATION OF ACTIVITY

MDC's and voice transmissions are used to record the deputy's daily activity. To ensure the most accurate recording of these activities, the following are required:

- (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 shall be entered into the Computer Aided Dispatch (CAD) system by a dispatcher;
- (c) Whenever the activity or contact is not initiated by voice, the deputy shall record it on the MDC.
- (d) The decision by the deputy sheriff to use either method will be dictated by the totality of the circumstances known to the deputy at the time.

#### 448.2.3 STATUS CHANGES

All changes in status (e.g., out at the station, arrival at scene, meal periods, in service) will should be transmitted either verbally over the sheriff's radio or through the MDC system and via radio as appropriate. If the status change is not transmitted via the MDC it shall be done verbally via the radio.

Deputies responding to in-progress calls shall advise changes in status verbally over the radio to assist other deputies responding to the same incident. Deputies who are not initially dispatched to an incident, but who elect to respond until other units are Code 4 shall advise dispatch via the radio that they are responding as well.

Other changes in status may be entered by depressing the appropriate keys on the MDC's or touch screens.

#### 448.2.4 EMERGENCY ACTIVATION OF MDC

If the emergency button is depressed on the MDC, the dispatcher will call the unit and ask if Code-4. If there is no emergency, then he/she should answer "Code-4" and all units will resume their normal activity. If there is no response or the deputy answers in some other way, the dispatcher shall proceed as follows:

- (a) If the unit is not on a call, send available units to assist in locating the unit transmitting the emergency. Whenever a location is known, immediately dispatch the nearest available unit Code-3.
- (b) Notify the field sergeant and/or Watch Commander of the incident without delay.

Units not responding to the emergency shall refrain from transmitting on the radio until there is a Code-4, unless they are themselves handling an emergency.

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#### **448.3 MDC CONSIDERATIONS**

Call information of a confidential nature should not be broadcast via radio unless otherwise authorized by the Watch Commander.

##### **448.3.1 NON-FUNCTIONING MDC**

Whenever possible, deputies will not use units with malfunctioning MDC's. Whenever deputies must drive a unit in which the MDC is not working, they shall notify the Dispatch Center. It shall be responsibility of the Dispatch Center to record all information that will then be transmitted verbally over the sheriff's radio.

##### **448.3.2 BOMB CALLS**

When investigating reports of possible bombs, deputies will turn off their MDC's and cellular phones or other electric equipment. Operating the MDC and other electric equipment may cause some devices to detonate.

#### **448.4 UNAUTHORIZED APPLICATIONS/SOFTWARE/ INTERNET ACCESS**

Deputies are not authorized to install or use any computer programs, software, hardware, or other electronic devices on, with or in conjunction with the MDC. Access to the INTERNET for purposes of browsing or other activity not directly related to Sheriff's Office business is not authorized. The MDC is designed and intended for field use law enforcement activity only.

##### **448.4.1 EQUIPMENT TAMPERING**

Deputies are not authorized to modify or tamper with the MDC, its software, hardware, or any portion of the peripheral devices, antennas, GPS, or other equipment. Normal adjustment of designed mounting equipment is authorized (ie; keyboard mount adjustments).

## Body Worn Cameras (BWC)

### 449.1 PURPOSE AND SCOPE

The San Luis Obispo County Sheriff's Office recognizes that video and audio recording of contacts between department personnel and the public provides a video record of enforcement and investigative field contacts that can enhance criminal prosecutions and limit civil liability. The audio/video recording of any event or contact allows a review of events and of a deputy's actions that may be used in resolving complaints against law enforcement and in assessing the effectiveness of the training and equipment provided to deputies by the Sheriff's Office.

While recordings obtained from video recorders provide a record of events, it is understood that video recordings do not necessarily reflect the experience or state of mind of the individual deputy involved in each incident. Moreover, the recordings, especially video, have limitations and may depict events differently than the events recalled by the involved deputy sheriff. Specifically, video recording devices have a limited field of vision and may not capture all of the events or information that a deputy may use in their decision-making process.

All video recordings made while working as an employee of the San Luis Obispo County Sheriff's Office in any capacity are property of the Department and subject to review by the Department and its agents. Personally owned video recording devices are prohibited for use in an official capacity.

This policy establishes guidelines for Sheriff's Office deputies using body worn cameras (BWC) and the preservation of related digital evidence.

### 449.2 OPERATING PROCEDURES

All uniformed deputies in field operations and selected civil division assignments who have been issued a body worn camera as part of their duty assignment shall wear the BWC while on duty. Deputies assigned to the Investigative Services Bureau may wear a body worn camera when directed by their supervisor or when necessary to capture evidence for investigative use. Cameras will be worn on the deputies person in a conspicuous forward facing position that facilitates awareness of its presence, the reasonable likelihood of capturing facial images of those persons with whom the wearer interacts, and comprehensive recording of the contact and/or incident. Deputies should check the position of the camera mount as needed during each shift to ensure the camera position is maintained to facilitate optimum recording. BWCs shall not be worn on the belt or in an area generally described as on or around the wearer's waist.

Deputies will inspect the BWC system for any physical damage and to insure the device is in working order at the beginning of their shift. Any malfunctions, missing equipment or damage shall be immediately reported to their supervisor.

All deputies in uniform, working special events (concerts, fair, festivals, parades, etc..) shall wear a BWC and comply with the provisions of this policy.

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#### **449.3 GUIDELINES FOR CAMERA ACTIVATION**

Deputies will activate their BWC while on duty as soon as practicable to record enforcement actions, investigative contacts, or critical incidents. Because critical incidents can unfold rapidly a deputy may delay in activating their BWC if it would jeopardize their safety, the safety of other deputies or of the public. Deputies will record contacts with citizens in the following instances:

- (a) 1. (a) Arrests and detentions, or situations where a deputy reasonably believes they will effect an arrest or detention (to include traffic stops and consensual encounters made with the intent to develop reasonable suspicion to detain).
- (b) All dispatched calls for service.
- (c) Deputies assisting in an arrest or detention situation.
- (d) Confrontational interactions with citizens.
- (e) Vehicle and foot pursuits.
- (f) Forced entries, search warrants and warrantless searches (including vehicles);
- (g) Suspect interviews in the field (including Miranda advisement) and generally, interviews of victims and witnesses.
- (h) Eyewitness identification(s) to comply with Policy §610 and PC §859.7.
- (i) When loading, unloading, or transporting civilians in department vehicles.
- (j) Code 3 driving.
- (k) Any other citizen contact or official duty circumstance at the deputy's discretion based on circumstances and reasonableness.

When a deputy is dispatched to a high priority call, the deputy shall activate their camera upon being dispatched. When a deputy is unable to activate their camera at the beginning of an event or contact, and a report case number is issued for the event, they shall document the reason for the delay in activating their camera in the report.

Deputies may use discretion when deciding whether to advise a citizen they are being recorded. Generally, deputies should not cease recording solely based on the request or demand of a citizen.

#### **449.4 GUIDELINES FOR CAMERA DEACTIVATION**

Once the BWC is activated, recording will continue until the event has concluded and the deputy has cleared the call. If the deputy deactivates the BWC prior to the conclusion of a call, the deputy will announce on camera the reason for deactivation. The following are exceptions for camera deactivation prior to the conclusion of the event:

- (a) The incident has concluded prior to the arrival of the deputy.
- (b) When the deputy arrives at any detention facility; they may deactivate recording upon walking the prisoner into the jail.

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- (c) The deputy determines that the recording must be stopped, either temporarily or for the duration of the event, based on clearly articulable reasons which must be documented in the deputy's incident report.
- (d) A citizen has requested the deputy not record within their residence, if the deputy's presence is not pursuant to an investigation, arrest, lawful search, or the circumstances clearly dictate that continued recording is necessary. As a general rule, if a deputy must legally ask permission to enter a premise, the deputy should ask the resident with standing if they consent to the recording.
- (e) While conferring with a supervisor regarding the specifics an unrelated investigation or administrative matter and you are outside the presence of a civilian, you may temporarily deactivate recording upon authorization of the supervisor.
- (f) While discussing tactical planning or operational information at an incident command post.
- (g) Any exception otherwise noted in this policy.

#### **449.5 VICTIMS AND WITNESSES**

Deputies should record interviews of crime victims and witnesses. Deputies have no obligation to advise a victim or witness that they are being recorded but may do so at their discretion.

However, when a victim or witness requests they not be recorded, deputies may consider their request based on the sensitivity of the crime, the emotional or physical state of the victim/witness, or other articulable circumstances which will be clearly documented by the deputy in their incident report. In cases where a victim or witness requests they not be recorded, and the deputy agrees they shall record the victim/witnesses' request prior to turning the camera off. Deputies may offer to avert their camera to capture only audio during the interview, when doing so would facilitate obtaining the victim's recorded statement.

#### **449.6 NON-ENFORCEMENT COMMUNITY INTERACTIONS**

Deputies may use discretion regarding the recording of informal non-enforcement interactions with members of the community. Examples of these interactions include but are not limited to:

- (a) A member of the community wishes to report or discuss criminal activity anonymously, deputies have the discretion to not record.
- (a) Video recording of individuals who are picketing, engaged in peaceful protest or First Amendment protected speech will be avoided unless the deputy believes a violation of criminal law is occurring, may occur, or if the deputy interacts with a participant or third party to the event.
- (a) Community relations events.

In the event a public encounter becomes adversarial, deputies shall activate their recorders without compromising their safety or the safety of others. Non-enforcement community interactions differ from "consensual encounters" that deputies might make to further an investigation, develop reasonable suspicion to detain or probable cause for arrest.

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#### **449.7 PROHIBITED RECORDINGS**

BWC's shall not be used to record non-official personal activity. BWC's will not be activated in places where a reasonable expectation of privacy exists, such as workplace locker rooms, dressing rooms, or restrooms. No type of recording device may be intentionally activated to record the conversations of fellow employees or superiors without their knowledge. In addition:

- (a) 1. (a) Deputies shall not record undercover deputies or confidential informants, absent supervisor approval and under limited circumstances.
- (b) Investigative briefings without a supervisor's approval.
- (c) Sheriff's Office meetings, work groups and training classes.

Employees shall not obtain, convert, delete or tamper with any Sheriff's Office digital file(s) obtained during the course and scope of their duties for personal use. The following are specifically prohibited:

- (a) Personal copies of Office digital file(s);
- (b) Re-recording of Office digital file(s) with other devices;
- (c) Posting any Office digital file(s) on any website/social media site; or
- (d) Posting of any Office digital file(s) on any Sheriff's Office sponsored site without express permission from the Sheriff or his designee.

Sheriff's Office BWC digital files shall not be shared except for official purposes and only by personnel who have been authorized by the Sheriff or his designee.

#### **449.8 CATEGORY AND RETENTION**

In addition to attaching a case number to digital file(s), deputies must assign one of the categories listed below to facilitate proper retention of the digital file(s). Categories are selected based on the statutory retention requirements for the incident and will be stored in the Getac Management System which is managed by the system administrator. BWC recordings not otherwise subject to longer retention periods shall be retained for a period of not less than one year. (Government Code § 34090.6)

#### **CATEGORY**

Citizen Contact

Call for Service, No Crime

Criminal Investigation/Arrest

Homicide

Traffic Stop- Warning/Citation

Code 3 Driving

Civil Division Service

Supervisor Use of Force Review

Professional Standards Investigation

Coroner's Case

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Accidental Activation

Training

Equipment Check

#### **449.9 RECORDED DATA ACCESS AND REVIEW**

All access and activity on Getac Enterprise Systems are logged and subject to audit at any time. Access to Getac Enterprise Systems and the data stored there is permitted on a right to know and need to know basis. Authorized personnel in the categories listed below may view video data according to the provisions of this policy or as authorized by the Sheriff or his designee.

BWC video can be viewed on a mobile device, mobile data terminal in patrol cars, and on computer workstations. Once uploaded to Getac Enterprise, authorized personnel may view BWC recordings on a Department computer by logging into the system and documenting the reason for access in the "Notes" section prior to viewing any data.

##### (a) Deputy Access

Deputies may view their own BWC recordings as they relate to:

- (a) (a) Their involvement in an incident for the purposes of completing an investigation and preparing official reports. To insure accuracy and consistency, deputies are encouraged to review the BWC recording prior to preparing reports.
- (b) Prior to court to refresh their recollection of events.
- (c) Prior to providing a statement pursuant to an internal investigation, including officer involved shooting investigations and other critical incidents.

NOTE: Following an officer involved shooting or other critical incident resulting in injury or death, involved personnel shall not view their BWC recording on any device or computer prior to the BWC recording being uploaded into the Getac Enterprise System by the Detective Division.

##### (a) Supervisor Access

Supervisors may view BWC recordings from personnel under their supervision in the following instances:

- (a) (a) Supervisors shall review randomly selected BWC videos monthly to ensure policy compliance by their subordinates. Each division is responsible for reviewing a total of five videos per number of supervisors assigned to the division/substation. The Division Commander is responsible for determining how BWC review is divided among the supervisors under their command, as long as the formula of five videos per month per number of supervisors assigned to the division/substation is followed. The monthly BWC audits shall be emailed to the PSU Commander by the division/substation Commander by the last day of the month being audited.

NOTE: Two RIPA audits are required for every (5) BWC videos audited.

- (a) (a) Supervisory investigation following the application of reportable use of force (except use of deadly force). Supervisors will insure that they document their

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review of the BWC video in the narrative of their investigative comments. Supervisors will insure that the video is labeled and categorized in accordance with this policy.

- (b) Supervisory response to a citizen complaint. Supervisors will handle receipt of complaints in accordance with Personnel Complaint Policy 1020. Supervisors may access the video on scene through a mobile device or any mobile data terminal. Review of the recording will not occur in the presence of the complainant. If the allegation appears to be valid the supervisor will note in the narrative of the statement of complaint that BWC video is available, was reviewed, and is one of the justifications for the statement of complaint.
- (c) During an internal investigation forwarded to the Professional Standards Unit for completion.
- (d) To assist in appropriately addressing a clearly documented performance issue. In such cases the supervisor will discuss the issue with their station commander who will review the circumstances and, if appropriate, retrieve the video from Getac Enterprise and forward it to the employee's direct supervisor.

(a) Detective Access

Deputies assigned to criminal investigative units may view BWC recordings as part of their review or investigation of an incident.

(a) Professional Standards Unit Access

BWC recordings will be administratively reviewed and used during investigations related to the use of force, officer involved shootings, complaints, pursuits and routine calls for service. Furthermore, the Professional Standards Unit will also review BWC recordings to evaluate the effectiveness of training, tactics and equipment to improve officer safety and critical incident response.

When recordings are administratively reviewed, use of profanity by deputies will be considered within the overall context of the incident, as well as accepted training and practices. However, deputies remain prohibited from engaging in discourteous, disrespectful, or discriminatory treatment of the public per Policy 341- Conduct.

#### **449.10 CRITICAL INCIDENTS**

The San Luis Obispo County Sheriff's Office acknowledges that recordings taken during critical incidents obtained from video recorders do not necessarily reflect the full extent of the nature of the event or the experience, analysis, training, threat assessment or state of mind of the individual deputy(s) in each incident. Moreover, the recordings, especially video, have limitations and may depict events differently than the events recalled by the involved deputy. Specifically, it is understood that the recording device will capture information that may not have been heard and/or observed by the involved deputy and that deputies may see and hear events that are not captured by the camera.

Deputies involved in critical incidents shall notify the responding supervisor of any related recordings. During an investigation of a critical incident by the Detective Division, detectives shall

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secure the recording device as soon as possible, insure the recording has stopped, power off the camera and maintain chain of custody. Detectives from the Major Crimes Unit shall coordinate the download or electronic transfer, minimizing those involved with the chain of custody.

Deputies who are involved in any significant use of force incident or collision causing injuries will be permitted to review their recordings prior to providing a statement or written report.

#### **449.11 REQUESTS FOR DELETION OF ACCIDENTAL BWC RECORDING**

In the event of an accidental or sensitive personal recording using the BWC system, where the resulting recording is of no investigative or evidentiary value, the recording employee may request that the file be deleted by submitting an email request to the Professional Standards Unit Commander. The PSU Commander will review the file and recommend approval or denial of the request. In cases where the administrator denies the request to delete, an appeal may be submitted to the Sheriff, or designee, for deletion authorization. In all cases of deletion requests, a determination should be made within 7 calendar days.

#### **449.12 UPLOADING TO GETAC ENTERPRISE SYSTEM**

At the end of their shift, deputies shall place their BWC into the designated docking station for charging and uploading of recordings. Deputies shall not remove the camera and related equipment from the docking station until the video files are completely uploaded and battery is fully charged. If a deputy is unable to upload their BWC prior to the end of shift, it is the responsibility of the deputy's supervisor to coordinate the video download.

#### **449.13 SYSTEM ADMINISTRATOR AND BWC COMMITTEE**

The system administrator will be a Commander designated by the Sheriff. The BWC Committee will be assigned to report to the system administrator. The system administrator and BWC Committee have oversight responsibilities including, but not limited to, the following:

- (a) 1. (a) Insure the system is operational and functioning properly.
- (b) Insure files are maintained in accordance with the Department's retention schedule.
- (c) Operation and user administration of the BWC system and Getac Enterprise.
- (d) Ongoing System evaluation.
- (e) Ongoing review of related Sheriff's Office policies and procedures.
- (f) Assessment and recommendations for modification of policies, procedures and practices associated with video recording.
- (g) All BWC training, to include the use of BWC video for training purposes.
- (h) Coordination with IT regarding system related issues

#### **449.14 RELEASE OF OFFICIAL VIDEO TO THIRD PARTIES**

Requests for BWC camera video images from other government agencies or by the submission of a court order or subpoena shall be submitted to Investigative Services Bureau Chief Deputy

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who will promptly research the request and submit the results of such search through the Sheriff to the County Counsel's Office for further handling.

BWC video images requested by the public or media will be made available only to the extent required by law. Except as required by a valid court order or other lawful process, video images requested under the Public Records Act will generally not be disclosed when such video images are evidence in an ongoing criminal investigation in which a disposition has not been reached.

The Sheriff may elect to release video of an incident when it serves the public interest in aiding in the apprehension of a criminal suspect, assisting in a criminal investigation or advising of a potential public safety hazard.

When considering whether disclosure is warranted the privacy rights and the impacts of the disclosure on the involved employees should be considered. If it is determined that disclosure is necessary, the Sheriff's Office should provide as much advance notice as practicable to those involved member(s).

All requested BWC recordings of an incident will be provided to the District Attorney's Office as part of the routine criminal discovery process.

#### **449.15 KNOWLEDGE OF RECORDING**

Any sworn member of the Sheriff's Office may surreptitiously record conversations during the normal course of duty for a criminal investigation in which the deputy reasonably believes that such a recording will be beneficial to the investigation. (Penal Code § 633)

Members of the Sheriff's Office shall not surreptitiously record another member of this agency without a court order or unless lawfully authorized by the Sheriff or their authorized designee.

#### **449.16 RECORDING PREPARATION**

When recording an interview, the deputy should include the following information if practicable:

- (a) 1. (a) The location of the interview or recording.
- (b) The identities of all parties involved in or present at the interview or recording.
- (c) Describe the time of and reason for any temporary stoppage of the recording and include the fact all parties had knowledge of the stoppage.

When circumstances do not permit compliance with these guidelines (i.e., spontaneous recordings), the deputy should document the above information in an incident report.

Whenever possible, members should insure the device recorded properly before the interviewed person leaves.

#### **449.17 DETECTIVE RESPONSIBILITIES**

Detectives will be provided a Getac Enterprise System account to access recordings related to their assigned investigations. Absent a valid reason, detectives shall not access recordings that

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are not related to their specific investigations. Detective responsibilities include, but are not limited to the following:

- (a) 1. (a) When criminal charges are being filed in a case and related digital file(s) exist, the follow-up detective should review the digital file(s) prior to providing them to the DA's office.
  1. All digital file(s) related to a case must be submitted to the DA's office for filing, regardless of apparent relevance.
  2. After filing, additional searches shall be performed for any other digital files(s) added to Getac Enterprise. Upon the discovery of additional file(s), they shall be submitted to the DA's office immediately by the records division.
- (b) When a detective determines the digital file(s) is likely to have evidentiary value to either the prosecution or defense in a specific case, they shall ensure the digital file(s) is properly classified for retention in compliance with Policy.
- (c) When a detective discovers a digital file(s) has been entered into the system with a missing, improper, wrong, etc., ID and or/category, they shall make the appropriate changes upon the discovery of the error.

3) The detective should notify the deputy and/or their supervisor of the mistake to prevent future errors.

- (a) 1. (a) The detective will ensure the recording(s) are submitted to the DA's office via the records division in a timely manner.
- (b) All Department digital file(s) in Getac Enterprise shall be retained pursuant to the Department's retention schedule.
- (c) When the status of a case changes, the detective(s) conducting follow up will review and extend retention categories as needed to match retention required by the court.
- (d) When reviewing digital file(s), the detective may make an entry in the Getac Enterprise notes section documenting the reason for their review.

When a deputy is directly involved in a critical incident that merits investigation by the Detective Division or the Professional Standards Unit, a detective will secure the deputy's BWC at the scene, transport it to a docking location, and upload the video to Getac Enterprise. The detective shall write a supplemental report documenting their actions. Once a camera has been uploaded and it retains no information or evidentiary value, it will be returned to the assigned deputy.

#### **449.18 SUPERVISOR RESPONSIBILITIES**

- (a) Ensure all deputies assigned BWC's have completed the required training in their operation and utilize the cameras in accordance with this policy.

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- (b) Ensure any malfunction or damage to a BWC unit is addressed without delay. The supervisor will remove the BWC from service and provide the deputy with a replacement camera until the unit is repaired.
- (c) Ensure all deputies upload all BWC recordings at the end of their shift.
- (d) Access BWC recordings, as appropriate, in accordance with the provisions of this policy.

#### **449.19 TRAINING ACKNOWLEDGEMENT**

The BWC will only be worn and used by deputies who have attended Sheriff's Office approved training regarding the operation of the system pursuant to this policy. All supervisors of BWC equipped deputies and other personnel who may access or otherwise be involved with BWC's are required to attend this training. All training related to body worn cameras will be developed and conducted jointly by the body worn camera committee and the Professional Standards Unit.

In instances where a BWC recording contains material that is beneficial for training purposes, the recording may be used upon the approval of the Professional Standards Unit Commander. If an involved deputy objects to showing the recording for training purposes, their objection will be submitted in writing to their bureau chief deputy, who will determine if the training value outweighs the deputy's objection.

#### **449.20 POLICY AND PROGRAM EVALUATION**

Because body worn camera technology is evolving at a rapid pace, the body worn camera committee is responsible for monitoring advancements in technology and for staying abreast of changes in law or court decisions that affect their use. The committee will prepare an annual report on the status of the BWC program at the start of each fiscal year. The report should include advancements in technology, changes in the law, examples of successful uses of the BWC and any recommendations to changes in the policies or procedures governing their use.

#### **449.21 SECTION TITLE**

## Portable Audio/Video Recorders

### 450.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties.

This policy does not apply to surreptitious interception of electronic communications for lawful authorized investigative purposes or to mobile audio video recordings (see the Mobile Audio Video Policy).

### 450.2 POLICY

The San Luis Obispo County Sheriff's Office may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the [Department/Office] by accurately capturing contacts between members of the [Department/Office] and the public.

### 450.3 MEMBER PRIVACY EXPECTATION

All recordings made by members on any [department/office]-issued device at any time, and any recording made while acting in an official capacity for this [department/office], regardless of ownership of the device it was made on, shall remain the property of the [Department/Office]. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

### 450.4 MEMBER RESPONSIBILITIES

When using a recorder, the assigned member shall record his/her name, employee number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

### 450.5 ACTIVATION OF THE AUDIO RECORDER

Members should activate the recorder during all enforcement stops and field interrogation situations and any other time the member reasonably believes that a recording of an on-duty contact may be useful. Once started, recordings should continue without interruption until the contact ends, if feasible.

At no time is a member expected to jeopardize his/her safety in order to activate a recorder or change the recording media. However, the recorder should be activated in required situations as soon as practicable.

#### 450.5.1 SURREPTITIOUS USE OF THE AUDIO RECORDER

Members of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the deputy reasonably believes that such a recording will be beneficial to the investigation (Penal Code § 633).

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Members shall not surreptitiously record another department member without a court order or unless lawfully authorized by the Sheriff or the authorized designee.

#### **450.6 PROHIBITED USE OF PORTABLE RECORDERS**

Members are prohibited from using department-issued or personally owned portable recorders for 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 department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of a supervisor. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements.

Recordings shall not be used by any member for the purpose of embarrassment or ridicule.

Any member who may have questions regarding the application of this policy is encouraged to seek clarification from supervisory personnel.

#### **450.7 RETENTION OF RECORDINGS**

Any time a member records any portion of a contact that the member reasonably believes constitutes evidence in a criminal case, the member shall record the related case number and download the file in accordance with the Computers and Digital Evidence Policy and document the existence of the recording in the related case report.

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.

Members should upload the file, in accordance with current procedure for storing digital files, at the end of their shift and any time the storage capacity is nearing its limit.

##### **450.7.1 RETENTION REQUIREMENTS**

All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

#### **450.8 RELEASE OF RECORDINGS**

Recordings made using portable recording devices pursuant to this policy are department records and may only be released as provided in the Release of Records and Information Policy or for other authorized legitimate department business purposes.

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#### **450.9 REVIEW OF RECORDED MEDIA FILES**

When preparing written reports, members should review their recordings as a resource. However, members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Sheriff or the authorized designee.
- (d) In compliance with a public records request, if permitted, and in accordance with the Release of Records and Information Policy.

## Medical Marijuana

### 452.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for investigating the acquisition, possession, transportation, delivery, production or use of marijuana under California's medical marijuana laws.

#### 452.1.1 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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#### **452.2 POLICY**

It is the policy of the San Luis Obispo 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 San Luis Obispo 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.

#### **452.3 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.

##### **452.3.1 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.

##### **452.3.2 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.

#### 452.3.3 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).

#### 452.3.4 ADDITIONAL CONSIDERATIONS

Deputies should consider the following when investigating an incident involving marijuana possession, delivery, production, or use:

- (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.

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4. Other relevant factors, such as available [department/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.

#### 452.3.5 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).
- (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.

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- (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).

#### **452.4 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.

#### **452.5 PROPERTY OFFICE SUPERVISOR RESPONSIBILITIES**

The Property Office 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 Office 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 Office 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 Office Supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Detective Unit Supervisor.

## **Bicycle Patrol Unit**

### **454.1 PURPOSE AND SCOPE**

The San Luis Obispo County Sheriff's Office has established the Bicycle Patrol Unit (BPU) for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas and their quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

### **454.2 POLICY**

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control, or special events. The use of the patrol bicycle will emphasize their mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to Sheriff's Office needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol deputies shall be coordinated through the Bicycle Patrol Unit supervisor or the Operations Chief Deputy.

### **454.3 SELECTION OF PERSONNEL**

Interested sworn personnel, who are off probation, shall submit a collateral duty request to Operations Bureau Chief Deputy. A copy will be forwarded to the BPU supervisor. Qualified applicants will then be invited to an oral interview. The oral board will consist of the BPU supervisor and second person to be selected by the BPU supervisor. Interested personnel shall be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by performance.
- (b) Special skills or training as it pertains to the assignment.
- (c) Good physical condition.
- (d) Willingness to perform duties using the bicycle as a mode of transportation.

#### **454.3.1 BICYCLE PATROL UNIT SUPERVISOR**

The Bicycle Patrol Unit supervisor will be selected from the rank of sergeant by the Operations Bureau Chief or his/her designee.

The Bicycle Patrol Unit supervisor shall have responsibility for the following:

- (a) Organizing bicycle patrol training.
- (b) Inspecting and maintaining inventory of patrol bicycles and program equipment.
- (c) Scheduling maintenance and repairs.
- (d) Evaluating performance of bicycle deputies.
- (e) Coordinating activities with the Investigation Bureau.

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- (f) Other activities as required to maintain the efficient operation of the Bicycle Patrol Unit.

#### **454.4 TRAINING**

Participants in the program must complete an initial Sheriff's Office approved bicycle-training course after acceptance into the program within one year. Thereafter bicycle patrol deputies should receive twice yearly in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies.
- Bicycle safety and accident prevention.
- Operational tactics using bicycles.

Bicycle patrol deputies will be required to qualify with their duty firearm while wearing bicycle safety equipment including the helmet and riding gloves annually.

#### **454.5 UNIFORMS AND EQUIPMENT**

Deputies shall wear the department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes department-approved helmet, riding gloves, protective eyewear and approved footwear.

The bicycle patrol unit uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt with department badge and patches, and department-approved bicycle patrol pants or shorts.

Optional equipment includes a radio head set and microphone, and jackets in colder weather. Turtleneck shirts or sweaters are permitted when worn under the uniform shirt.

Bicycle patrol deputies shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Deputies will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

#### **454.6 CARE AND USE OF PATROL BICYCLES**

Deputies will be assigned a specially marked and equipped patrol bicycle, attached gear bag, two batteries and a charger.

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white in with a "SHERIFF" decal affixed to each side of the crossbar or the bike's saddlebag. Every such bicycle shall be equipped with front and rear reflectors front lights and a siren/horn satisfying the requirements of Vehicle Code §2800.1(b).

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bag(s) sufficient to carry all necessary equipment to handle routine patrol calls including report writing, vehicle storage and citations.

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Each bicycle gear bag shall include a first aid kit, tire pump, repair tool, tire tube, security lock, equipment information and use manuals. These items are to remain with/on the bicycle at all times.

Each bicycle shall be equipped with a steady or flashing blue warning light that is visible from the front, sides, or rear of the bicycle. (Vehicle Code § 21201.3)

Bicycle deputies shall conduct an inspection of the bicycle and equipment prior to use to insure proper working order of the equipment. Deputies are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to the program supervisor for repair by an approved technician.

Each bicycle will have scheduled maintenance twice yearly to be performed by a Sheriff's Office approved repair shop/technician annually.

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

Electric patrol bicycle batteries shall be rotated on the assigned charger at the end of each tour of duty. During prolonged periods of non-use, each officer assigned an electric bicycle shall periodically rotate the batteries on the respective charges to increase battery life.

Deputies shall not modify the patrol bicycle, remove, modify or add components except with the expressed approval of the bicycle supervisor, or in the event of an emergency.

Vehicle bicycle racks are available should the deputy need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

Bicycles shall be properly secured when not in the deputy's immediate presence.

#### **454.7 DEPUTY RESPONSIBILITY**

Deputies must operate the bicycle in compliance with the vehicle code under normal operation. Deputies may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and tactical considerations. Deputies must use caution and care when operating the bicycle without lighting equipment.

Deputies are exempt from the rules of the road under the following conditions (Vehicle Code § 21200(b)(1)):

- (a) In response to an emergency call.
- (b) While engaged in rescue operations.
- (c) In the immediate pursuit of an actual or suspected violator of the law.

## Foot Pursuit Policy

### 458.1 PURPOSE AND SCOPE

Foot pursuits are inherently dangerous and require common sense, sound tactics and heightened officer safety awareness. This policy sets forth guidelines to assist deputies in making the decision to initiate or continue the pursuit of suspects on foot by balancing the objective of apprehending the suspect with the risk of potential injury to the deputy, the public or the suspect.

#### 458.1.1 POLICY

It is the policy of the Sheriff's Office when deciding to initiate or continue a foot pursuit that deputies must continuously balance the objective of apprehending the suspect with the risk and potential for injury to Sheriff's Office personnel, the public or the suspect.

Deputies are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of Sheriff's Office personnel and the public 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 Sheriff's Office personnel.

### 458.2 DECISION TO PURSUE

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 the sole justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity.

Deciding to initiate or continue a foot pursuit is a decision that a deputy must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits potentially place Sheriff's Office personnel and the public at significant risk. Therefore, no deputy or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

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 pursuit based upon the circumstances and resources available, such as the following:

- (a) Containment of the area.
- (b) Canine search.
- (c) Saturation of the area with patrol personnel.

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- (d) Aerial support.
- (e) 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 pursuit.

#### **458.3 GUIDELINES FOR FOOT PURSUIT**

Unless the deputy reasonably believes that exigent circumstances exist (e.g. a serious threat to the safety of personnel or members of the public), deputies should consider alternatives to engaging in or continuing a foot pursuit under the following conditions:

- (a) When directed by a supervisor to terminate the foot pursuit. Such an order shall be considered mandatory
- (b) When the deputy is acting alone.
- (c) When 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) When pursuing multiple suspects and the pursuing deputies do not reasonably believe that they would be able to control the suspect should a confrontation occur.
- (f) When the physical condition of the deputies renders them incapable of controlling the suspect if apprehended.
- (g) When the deputy loses radio contact with the Dispatch Center or with backup deputies.
- (h) When the suspect enters a building, structure, confined space or a wooded or otherwise isolated area and there are insufficient deputies to provide backup and containment. The primary deputy should consider discontinuing the pursuit and coordinating containment pending the arrival of sufficient deputies.
- (i) The deputy becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to deputies or the public.
- (j) The deputy reasonably believes that the danger to the pursuing deputies or public 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.

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- (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 Sheriff's Office personnel or the public if the suspect is not immediately apprehended.
- (o) The deputy's ability to safely continue the pursuit is impaired by inclement weather, darkness or other conditions.

#### **458.4 RESPONSIBILITIES IN FOOT PURSUITS**

##### **458.4.1 INITIATING DEPUTY RESPONSIBILITIES**

Unless relieved by another deputy or a supervisor, the initiating deputy shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating deputy should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient deputies are present to safely apprehend the suspect.

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 broadcast the following information as soon as it becomes practicable and available:

- (a) Unit identifier
- (b) Location and direction of travel
- (c) Reason for the foot pursuit
- (d) Number of suspects and description
- (e) Whether the suspect is known or believed to be armed

Deputies should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any deputy unable to promptly and effectively broadcast this information should terminate the pursuit. 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 Dispatch Center 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.

##### **458.4.2 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.

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Any deputy who is in a position to intercept a fleeing suspect or who can assist the primary deputy with the apprehension of the suspect, shall act reasonably and in accordance with Sheriff's Office policy, based upon available information and his/her own observations.

#### **458.4.3 SUPERVISOR RESPONSIBILITY**

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 pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established Sheriff's 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-pursuit activity.

#### **458.4.4 THE DISPATCH CENTER RESPONSIBILITIES**

Upon being notified or becoming aware that a foot pursuit is in progress, communication personnel shall, as soon as practicable, notify the field supervisor and/or the Watch Commander and provide available information. The Dispatch Center personnel are also responsible for the following:

- (a) Clear the radio channel of non-emergency traffic.
- (b) Repeat the transmissions of the pursuing deputy as needed.
- (c) Relay all pertinent information to responding personnel.
- (d) Contact additional resources as directed by a supervisor.
- (e) Coordinate response of additional resources to assist with the foot pursuit.

#### **458.5 REPORTING**

The initiating deputy shall complete the appropriate crime/arrest reports documenting, at minimum, the following:

- (a) The reason for initiating the foot pursuit.
- (b) The identity of involved personnel.
- (c) The course and approximate distance of the pursuit.
- (d) Whether a suspect was apprehended as well as the means and methods used.
  - 1. Any use of force shall be reported and documented in compliance with the Sheriff's Office Use of Force Policy.
- (e) Any injuries or property damage.

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Assisting deputies taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

In any case in which a suspect is not apprehended and there is insufficient information to warrant further investigation, a supervisor may authorize that the initiating deputy need not complete a formal report.

## Homeless Persons

### 464.1 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 San Luis Obispo County Sheriff's Office recognizes that members of the homeless community are often in need of special protection and services. The San Luis Obispo County Sheriff's Office will address these needs in balance with the overall mission of the Sheriff's Office. Therefore, deputies will consider the following when serving the homeless community.

#### 464.1.1 POLICY

It is the policy of the San Luis Obispo 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.

### 464.2 HOMELESS COMMUNITY LIAISON

The Sheriff can designate a member of this department to act as the Homeless Liaison Deputy. The responsibilities of the Homeless Liaison Deputy include the following:

- (a) Maintain and make available to all department employees a list of assistance programs and other resources that are available to the homeless.
- (b) Meet with social services and representatives of other organizations that render assistance to the homeless.
- (c) Maintain a list of the areas within and near this jurisdiction that are used as frequent homeless encampments.
- (d) 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 in accordance with the Property and Evidence Policy and other established procedures.
- (e) Be present during any clean-up operation conducted by this department involving the removal of personal property of the homeless to ensure that the rights of the homeless are not violated.
- (f) Develop training to assist deputies in understanding current legal and social issues relating to the homeless.

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#### **464.3 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 resource and assistance information whenever it is reasonably apparent that such services may be appropriate.

##### **464.3.1 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 Adult Abuse Policy.
- (f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.
- (g) Consider whether a crime should be reported and submitted for prosecution, even when a homeless victim indicates that he/she does not desire prosecution.

#### **464.4 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.

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 property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the deputy, a

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supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the 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 or the Sheriff's Office Homeless Liaison Deputy. When practicable, requests by the public for clean-up of a homeless encampment should be referred to the Homeless Liaison Deputy.

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 and should inform the Sheriff's Office Homeless Liaison Deputy if such property appears to involve a trespass, blight to the community or is the subject of a complaint. It will be the responsibility of the Homeless Liaison Deputy to address the matter in a timely fashion.

#### **464.5 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 Policy § 418).

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.

#### **464.6 ECOLOGICAL ISSUES**

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Deputies are encouraged 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.

## Public Recording of Law Enforcement Activity

### 465.1 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 department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

### 465.2 POLICY

The San Luis Obispo County Sheriff's Office recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department 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.

### 465.3 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.

### 465.4 DEPUTY RESPONSE

Deputies should promptly request a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, deputies should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

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

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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.

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.

#### **465.5 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 Department members, such as how and where to file a complaint.

#### **465.6 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.

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Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

## Automated License Plate Readers (ALPRs)

### 466.1 PURPOSE AND SCOPE

Automated License Plate Reader (ALPR) technology, also known as License Plate Recognition, provides automated detection of license plates. ALPRs are used by the San Luis Obispo County Sheriff's Office to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. ALPRs may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

### 466.2 ADMINISTRATION OF ALPR DATA

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access shall be managed by the Investigative Services Bureau Chief. The Investigative Services Bureau Chief will assign personnel under his/her command to administer the day-to-day operation of the ALPR equipment and data.

### 466.3 ALPR OPERATION

Use of an ALPR is restricted to the purposes outlined below. Department personnel shall not use, or allow others to use the equipment or database records for any unauthorized purpose. (Civil Code 1798.90;1798.90.53)

- (a) An ALPR shall only be used by department members authorized and trained to access the California Law Enforcement Telecommunications System (CLETS) for official and legitimate law enforcement business.
- (b) 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.
- (c) 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.
- (d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved CLETS training.
- (e) No ALPR operator may access California Law Enforcement Telecommunications System (CLETS) data unless otherwise authorized to do so.
- (f) If practicable, the deputy should verify an ALPR response through CLETS before taking enforcement action that is based solely on an ALPR alert.

### 466.4 ALPR DATA COLLECTION AND RETENTION

All data and images gathered by an ALPR are for the official use of the San Luis Obispo County Sheriff's Office and because such data may contain confidential CLETS information, it is not open

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to public review. ALPR information gathered and retained by this department may be used and shared with prosecutors or others only as permitted by law.

The Investigative Services Bureau Chief or designee is responsible to ensure proper collection and retention of ALPR data, and for transferring ALPR data stored in department vehicles to a secure server on a regular basis, not to exceed 30 days between transfers.

All ALPR data downloaded to the secure server should be stored for a minimum of one year (Government Code § 34090.6), and thereafter may 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 lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

#### **466.5 ACCOUNTABILITY AND SAFEGUARDS**

All saved data will be closely safeguarded and protected by both procedural and technological means. The San Luis Obispo County Sheriff's Office will observe the following safeguards regarding access to and use of stored data (Civil Code 1798.90.51; 1798.90.53; 18 U.S. Code § 2721):

- (a) All non-law enforcement requests for access to stored ALPR data shall be referred to the Investigative Services Bureau Chief or their designee and processed through the Record's Division in accordance with applicable law.
- (b) All ALPR data downloaded to the secure server shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time as a means of protecting individuals' privacy and civil liberties.
- (c) Persons 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.
- (d) Such ALPR data may be shared only with other California law enforcement or prosecutorial agencies for official purposes only, as permitted by law.
- (e) Audits of law enforcement requests for data will be conducted the first of each calendar year by the Investigative Services Bureau Chief or their designee.
- (f) Access and use of ALPR data by law enforcement personnel will be logged for audit purposes.
- (g) The access log will record the following for audit purposes:
  - ° Name of the law enforcement officer requesting information
  - Name of their employing agency
  - Date and time of request
  - The specific information accessed
  - The agency case number associated with a criminal investigation and a brief explanation

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#### **466.6 TRAINING**

The Training Manager should ensure that members receive department-approved CLETS training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

## Medical Aid and Response

### 467.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons who appear to be in need of medical aid and establishes a law enforcement response to such situations.

### 467.2 POLICY

It is the policy of the San Luis Obispo 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.

### 467.3 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 the Dispatch Center 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 the Dispatch Center 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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#### **467.4 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.

#### **467.5 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 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.

##### **467.5.1 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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#### **467.6 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.

#### **467.7 AIR AMBULANCE**

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

The Operations Bureau Chief should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Department should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One department member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

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#### **467.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE**

A member may use an AED only after receiving appropriate training from an approved public safety first aid and CPR course (22 CCR 100014; 22 CCR 100017; 22 CCR 100018).

##### 467.8.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in [department/office] vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Training Manager who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact the Dispatch Center as soon as possible and request response by EMS.

##### 467.8.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

##### 467.8.3 AED TRAINING AND MAINTENANCE

The Training Manager should ensure appropriate training and refresher training is provided to members authorized to use an AED. A list of authorized members and training records shall be made available for inspection by the local EMS agency (LEMSA) or EMS authority upon request (22 CCR 100021; 22 CCR 100022; 22 CCR 100029).

The Training Manager is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule (22 CCR 100021).

#### **467.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION**

Members may administer opioid overdose medication in accordance with protocol specified by the licensed health care provider who prescribed the overdose medication for use by the member and (Civil Code § 1714.22; 22 CCR 100019).

- (a) When trained and tested to demonstrate competence following initial instruction.
- (b) When authorized by the medical director of the LEMSAs.
- (c) In accordance with California Peace Officer Standards and Training (POST) standards.

##### 467.9.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as naloxone, 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 Training Manager.

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Any member who administers an opioid overdose medication should contact the Dispatch Center as soon as possible and request response by EMS.

#### **467.9.2 OPIOID OVERDOSE MEDICATION REPORTING**

Any member administering opioid overdose medication should detail its use in an appropriate report.

The Training Manager will ensure that the Records Manager is provided enough information to meet applicable state reporting requirements.

#### **467.9.3 OPIOID OVERDOSE MEDICATION TRAINING**

The Training Manager 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).

#### **467.9.4 DESTRUCTION OF OPIOID OVERDOSE MEDICATION**

The Training Manager shall ensure the destruction of any expired opioid overdose medication (Business and Professions Code § 4119.9).

#### **467.9.5 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).

#### **467.10 FIRST AID TRAINING**

The Training Manager 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

## Vehicle Towing and Release

### 500.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the San Luis Obispo County Sheriff's Office. Nothing in this policy shall require the Sheriff's Office to tow a vehicle.

### 500.2 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.

The responsibilities of those employees towing, storing or impounding a vehicle are listed below.

#### 500.2.1 VEHICLE STORAGE REPORT

Sheriff's 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 storage report should be given to the tow truck operator and the original shall be submitted to the Station Clerk than forward to the Records Section as soon as practicable after the vehicle is stored.

#### 500.2.2 STORAGE AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of the Sheriff's Office to provide reasonable safekeeping by storing the arrestee's vehicle subject to the exceptions described below. The vehicle, however, shall be stored 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 stored (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 storing, 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.

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- 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 Sheriff's Office will not be responsible for theft or damages.

#### 500.2.3 IMPOUNDMENT AT SOBRIETY CHECKPOINTS

Whenever a driver is stopped at a sobriety checkpoint and the only violation is that the operator is driving without a valid driver's license, the deputy shall make a reasonable attempt to identify the registered owner of the vehicle (Vehicle Code § 2814.2). The deputy shall release the vehicle to the registered owner if the person is a licensed driver, or to another licensed driver authorized by the registered owner, provided the vehicle is claimed prior to the conclusion of the checkpoint operation.

If the vehicle is released at the checkpoint, the deputy shall list on his/her copy of the notice to appear the name and driver's license number of the person to whom the vehicle is released.

When a vehicle cannot be released at the checkpoint, it shall be towed (Vehicle Code § 22651(p)). When a vehicle is removed at the checkpoint, it shall be released during the normal business hours of the storage facility to the registered owner or his/her agent upon presentation of a valid driver's license and current vehicle registration.

#### 500.2.4 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the Department 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.

#### 500.2.5 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.

Dispatcher shall promptly enter pertinent data on the vehicle stored once it is received from the deputy into the Stolen Vehicle System (Vehicle Code §§ 22651.5(b), 22851.3(b) and 22854.5). Dispatch will fax the SVS entry to the deputy as soon as practical.

#### 500.2.6 RECORDS SECTION RESPONSIBILITY

Legal Clerks shall promptly enter pertinent data from the completed storage form (CHP Form 180) into the RMS and confirm the vehicle has been entered into SVS.

Within 48 hours, excluding weekends and holidays, of the storage of any such vehicle it shall be the responsibility of the Legal Clerks 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

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such individuals by first-class mail (Vehicle Code § 22851.3(d); Vehicle Code § 22852(a); Vehicle Code § 14602.6(a)(2)). The notice shall include the following (Vehicle Code § 22852(b)):

- (a) The name, address, and telephone number of this Department.
- (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.

#### **500.3 TOWING SERVICES**

Operators of tow services and vehicle storage facilities meeting Sheriff's Office requirements will be maintained on a rotational tow list in the Dispatch Center

##### **(a) General Requirements**

1. Tow services desiring placement on the rotational tow list shall make their request, in writing, to the Operations Chief Deputy.
2. An applicant must be on the rotational tow list for the California Highway Patrol prior to being placed on the rotational list for the Sheriff's Office.
3. All rotation tow services must comply with the requirements of the California Highway Patrol, applicable Vehicle Code and Civil Code Sections, and this Directive.

##### **(b) Operations Procedures**

1. A rotational tow list, by geographical area, will be maintained by Dispatch.
2. All requests for tow services will be handled in a rotating sequence from the rotational tow list unless a specific tow service is requested. Specific tow service requests are not considered a rotation call.
3. A request to a tow service constitutes a rotation of the list. This includes failure to answer the phone, inability to respond, or cancellation due to excessive response time.
4. Tow services shall not accept a request from the Sheriff's Office unless their towing resources are immediately available.
5. If the tow company is unable to provide requested services, an alternate tow service will be requested. Tow services should arrive at requested location within 30 minutes.

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6. Each tow service shall maintain a schedule of fees and service charges in their place of business and in each tow truck. This schedule shall be available for review at any time.
7. Impounded vehicles will not be released without a written authorization from the Sheriff's Office. Stored vehicles do not require a release.
8. Tow services may be removed from the rotation list for any of the following:
  - (a) Failure to comply with requirements of the California Highway Patrol and/or this Directive.
  - (b) Failure to handle calls for services within a reasonable period of time.
  - (c) Unlawful business practices.
  - (d) Change in ownership of business.
  - (e) Other circumstances which are determined not to be in the best interest of the Sheriff's Office or the public.

#### **500.4 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 Sheriff's Office against fraudulent claims of lost, stolen, or damaged property.

#### **500.5 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.

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.

#### **500.6 RELEASE OF VEHICLE**

The Department 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 (Vehicle Code § 14602.6).

- (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

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and after all applicable fees are paid (Vehicle Code § 22850.3 and 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 and Vehicle Code § 22850.5).
- (c) A vehicle removed pursuant to Vehicle Code § 14602.6(a) shall be released to the registered owner or his/her agent with proof of current registration, proof of a valid driver's license and applicable fees paid prior to the end of the 30-day impoundment period if the vehicle was stolen, if the driver reinstates his/her driver's license, if the driver acquires a license and proper insurance, or under other circumstances as set forth in Vehicle Code § 14602.6.

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.

## Vehicle Impound Hearings

### 502.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Vehicle Code § 22852.

### 502.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the San Luis Obispo 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) and 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)).

#### 502.2.1 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.

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(d)). The Headquarters Division Commander will generally serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

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) and 22852(d)).

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 the Sheriff's Office.

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 §§14602.6(b) and 14602.8(b)).

Aside from those mitigating circumstances enumerated in the Vehicle Code, the registered owner's lack of actual knowledge that the driver to whom the vehicle was loaned was not validly licensed may constitute a mitigating circumstance under Vehicle Code §§ 14602.6(b) or 14608(b), warranting release of the vehicle. This mitigating circumstance exception is not limited to situations

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where the owner made a reasonable inquiry as to the licensed status of the driver before lending the vehicle.

The legislative intent and the Sheriff's Office policy is to prevent unlicensed driving pursuant to Vehicle Code §14602.6. If this purpose is not furthered by the continued impoundment of a vehicle, release is most often appropriate.

- (a) 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.
  - 1. 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.
- (b) 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. Towing and storage fees will be paid at the Sheriff's Office expense (Vehicle Code § 22852(e)).
- (c) If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the appropriate Bureau Chief. The hearing officer will recommend to the appropriate Bureau Chief that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Sheriff's Office.

## Impaired Driving

### 504.1 PURPOSE AND SCOPE

This policy provides guidance to those [department/office] members who play a role in the detection and investigation of driving under the influence (DUI).

### 504.2 POLICY

The San Luis Obispo 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 not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All deputies are expected to enforce these laws with due diligence.

### 504.4 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.
- (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.

#### 504.4.1 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 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,

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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)).

#### 504.4.2 BREATH TEST

If a breath test is chosen the deputy will attempt to have a qualified individual from this department or another agency conduct the breath test. If the breath test is not available than the blood or urine test will be offered.

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)).

#### 504.4.3 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.

#### 504.4.4 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.

#### 504.4.5 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).

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#### 504.4.6 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).

#### 504.4.7 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 REFUSALS**

When a person refuses to provide a viable chemical sample, deputies should:

- (a) Advise the person of the requirement to provide a sample (Vehicle Code § 23612).
- (b) Audio-record the admonishment and the response if 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 ARREST AND INVESTIGATION**

#### 504.6.1 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 him/herself or damage property unless immediately arrested.
- (e) The person may destroy or conceal evidence of a crime unless immediately arrested.

#### 504.6.2 STATUTORY WARNING

A deputy 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).

#### 504.6.3 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, he/she 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 his/her obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).

#### 504.6.4 PRELIMINARY ALCOHOL SCREENING FOR MINORS

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 his/her 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).

#### 504.6.5 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.

#### **504.7 RECORDS SECTION RESPONSIBILITIES**

The Records Manager will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

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#### **504.8 ADMINISTRATIVE HEARINGS**

The supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to DMV.

Any deputies who receive notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

Deputies 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. The Records Section should forward this to the prosecuting attorney as part of the case file.

#### **504.9 TRAINING**

The Training Manager 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 Training Manager should confer with the prosecuting attorney's office and update training topics as needed.

## Traffic Citations

### 506.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

### 506.2 RESPONSIBILITIES

The Headquarter Commander shall be responsible for the development and design of all Sheriff's Office traffic citations in compliance with state law and the Judicial Council.

The Business Office shall be responsible for the supply and accounting of all traffic citations issued to employees of the Sheriff's Office.

### 506.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of the Sheriff's 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)). Any request from a recipient to dismiss a citation shall be referred to the Headquarters Commander. Upon a review of the circumstances involving the issuance of the traffic citation, the Headquarters Commander may request the Operations Bureau Chief to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should a deputy determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the deputy may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the deputy shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Operations Bureau Chief for review.

### 506.4 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. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Records Unit.

### 506.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the deputy issuing the citation shall submit the citation and a letter requesting a specific correction to his/her immediate supervisor. The citation and letter shall then be forwarded to the station Legal Clerk. The Legal Clerk shall prepare a letter of correction to the court having jurisdiction and to the recipient of the citation.

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#### **506.6 DISPOSITION OF TRAFFIC CITATIONS**

The court and file copies of all traffic citations issued by members of the Sheriff's Office shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Unit.

Upon separation from employment with the Sheriff's Office, all employees issued traffic citations books shall return any unused citations to the Station Commander.

#### **506.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE**

Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215.

##### **506.7.1 APPEAL STAGES**

Appeals may be pursued sequentially at three different levels:

- (a) Administrative reviews are conducted by the Station Commander who will review written/documentary data. Requests for administrative reviews are available at the front desk or Patrol Stations of the San Luis Obispo County Sheriff's Office. These requests are informal written statements outlining why the notice of parking violation should be dismissed. Copies of documentation relating to the notice of parking violation and the request for dismissal must be mailed to the current mailing address of the processing agency.
- (b) If the appellant wishes to pursue the matter beyond administrative review, an administrative hearing may be conducted in person or by written application, at the election of the appellant. Independent referees review the existent administrative file, amendments, and/or testimonial material provided by the appellant and may conduct further investigation or follow-up on their own.
- (c) If the appellant wishes to pursue the matter beyond an administrative hearing, a Superior Court review may be presented in person by the appellant after an application for review and designated filing fees have been paid to The Superior Court of California.

##### **506.7.2 TIME REQUIREMENTS**

Administrative review or appearance before a hearing examiner will not be provided if the mandated time limits are not adhered to by the violator.

- (a) Requests for an administrative review must be postmarked within 21 calendar days of issuance of the notice of parking violation, or within 14 calendar days of the mailing of the Notice of Delinquent Parking (Violation Vehicle Code § 40215(a)).
- (b) Requests for administrative hearings must be made no later than 21 calendar days following the notification mailing of the results of the administrative review (Vehicle Code § 40215(b)).
- (c) An administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing, excluding time tolled pursuant to Vehicle Code

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§ 40200 - 40225. The person requesting the hearing may request one continuance, not to exceed 21 calendar days (Vehicle Code § 40215).

- (d) Registered owners of vehicles may transfer responsibility for the violation via timely affidavit of non-liability when the vehicle has been transferred, rented or under certain other circumstances (Vehicle Code § 40209 and Vehicle Code § 40210).

#### 506.7.3 COSTS

- (a) There is no cost for an administrative review.
- (b) Appellants must deposit the full amount due for the citation before receiving an administrative hearing, unless the person is indigent, as defined in Vehicle Code § 40220, and provides satisfactory proof of inability to pay (Vehicle Code § 40215).
- (c) An appeal through Superior Court requires prior payment of filing costs, including applicable court charges and fees. These costs will be reimbursed to the appellant in addition to any previously paid fines if appellant's liability is overruled by the Superior Court.

#### 506.8 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.

## Disabled Vehicles

### 510.1 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.

### 510.2 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 dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available deputy to respond for assistance as soon as practical or notify the closest law enforcement agency having jurisdiction.

### 510.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by Sheriff's Office personnel will be contingent on the time of day, the location, the availability of Sheriff's Office resources, and the vulnerability of the disabled motorist.

#### 510.3.1 MECHANICAL REPAIRS

Sheriff's 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.

### 510.4 PUBLIC ACCESS TO THIS POLICY

This written policy is available upon request.

## **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.

#### 600.1.1 FOLLOW-UP INVESTIGATOR

Follow-up investigators assigned to the crime scene shall:

- (a) Provide assistance to on-scene personnel as needed.
- (b) Complete supplemental reports regarding their actions, both at the crime scene and additional follow-up.
- (c) Expand the investigation, when appropriate, and pursue all investigative leads.
- (d) The primary follow-up investigator shall supervise the crime scene and the continuing investigation in the absence of a higher ranking officer.
- (e) The primary follow-up investigator will prepare the entire report package for presentation to the District Attorney.

#### 600.1.2 DETECTIVE/STATION SUPERVISOR

The Detective supervisor will normally assign a follow-up investigator(s) to the scene of a crime at the request of a field supervisor or the Watch Commander. He may also assign a follow-up investigator without a request. The supervisor shall be guided by the necessity for immediate follow-up investigation and budgetary implications

- (a) The Detective supervisor shall review, daily, all incoming initial reports to determine whether they are to be assigned for follow-up investigation or "for information only":
  1. Reports will be assigned for follow-up investigation when they contain investigative leads such as named suspects, vehicle license numbers, names of witnesses, modi operandi (M.O.'s) similar to other crimes under investigation, or when the supervisor feels that a follow-up investigation would develop such leads. The supervisor shall also assign cases for follow-up when he believes the initial investigation was lacking, or when such action may produce investigative leads
  2. Reports should be assigned "for information only" when they do not contain any substantive investigative leads
  3. The Detective supervisor shall maintain files indicating reports reviewed and assigned either for follow-up or information
- (b) Cases assigned will have supplemental reports completed by the follow-up investigator:

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1. When the crime and/or classification on the initial report is changed
  2. When the occurrence or recovery took place outside the County
  3. When the case is "suspended" or "cleared" by one of the following clearances:
    - (a) Arrest and prosecution
    - (b) Complainant refuses to cooperate
    - (c) Complaint refused by D.A.
    - (d) Prosecuted for another offense
    - (e) Unfounded
    - (f) Prosecuted by another agency
    - (g) Occurred in another jurisdiction
    - (h) Turned over to military authorities
    - (i) Death of offender
    - (j) Located and returned home
    - (k) Notice to appear
    - (l) Turned over to juvenile authority
  4. To reflect investigative steps completed and the results of those steps
- (c) The Detective supervisor shall periodically review RMS to ensure that each case assigned has been properly investigated and that a supplemental report has been submitted.

#### **600.2 MODIFICATION OF CHARGES FILED**

Employees are not authorized to recommend to the District Attorney, County Counsel, or to any other official of the court that charges on a pending case be altered or the case dismissed. In all cases resulting in court prosecution, any request to modify the charges filed or to recommend dismissal of charges in a pending case shall be made to the District Attorney's Office or County Counsel's Office only as authorized by a Bureau Chief, Undersheriff or the Sheriff.

#### **600.3 CUSTODIAL INTERROGATION REQUIREMENTS**

Any custodial interrogation of a person who is suspected of having committed any violent felony offense should be electronically recorded (audio/video or both as available) in its entirety as otherwise allowed by law. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Deputies should also consider electronically recording a custodial interrogation, or any investigative interview, for any other offense when the deputy reasonably believes it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

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No recording of an interrogation should be destroyed or altered without written authorization from the District Attorney and the Detective Division supervisor. Copies of recorded interrogations or interviews may be made in the same or different format provided they are true, accurate and complete copies and are made only for authorized and legitimate law enforcement purposes.

Deputies should not allow the recording to take the place of a thorough report and investigative interviews and should continue to obtain written statements from suspects when applicable.

#### 600.3.1 MANDATORY RECORDINGS OF JUVENILES

Any interrogation of an individual under 18 years of age who in custody and suspected of committing murder shall be audio and video recorded when the interview takes place at a department facility, jail, detention facility or other official setting. 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 refusal anytime during interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.
- (c) The custodial interrogation took place 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 a murder.
- (e) The interrogation would disclose the identity of a confidential informant or 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 was not feasible.
- (g) Questions are part of a routine processing or booking, and not an interrogation.

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 of the individual or the prosecution for that offense is barred (Penal Code § 859.5; Welfare and Institution Code § 626.8).

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#### **600.4 ANTI-REPRODUCTIVE RIGHTS CRIMES**

A member should take a report any time a person living within the jurisdiction of the San Luis Obispo 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 [department/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 [department/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 [department/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 [department/office] use and are specific to this type of investigation.

The Detective Unit supervisor should provide the Records 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 Records Section Policy for additional guidance.

#### **600.5 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.

## Sexual Assault Victims' DNA Rights

### 602.1 PURPOSE AND SCOPE

Consistent with Penal Code § 293 and the Sexual Assault Victims' DNA Bill of Rights (Penal Code § 680), this policy will establish a procedure by which sexual assault victims may inquire about and be provided with information regarding the status of any DNA evidence in their case, their right to confidentiality and other rights afforded by law.

### 602.2 INVESTIGATION CONSIDERATIONS

#### 602.2.1 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 their 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 § (a) and (b)).

- (a) Except as authorized by law, members of the Sheriff's Office shall not publicly disclose the name or address of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293 (c) and (d)).

#### 602.2.2 OFFICER RESPONSIBILITY

Whenever there is an alleged violation of Penal Code §§ 243(e), 261, 261.5, 262, 273.5, 286, 288a, or 289, the assigned deputy shall accomplish the following:

- (a) Immediately provide the victim with the "Victims of Domestic Violence" card containing the names and locations of rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2(a)).
- (b) If victim is transported to a hospital for any medical evidentiary or physical examination the officer shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2(b)(1)).
  1. Prior to any such examination the assigned deputy shall ensure that the victim has been properly informed of their right to have a sexual assault victim counselor and at least one other support person present (Penal Code § 264.2(b)(2)).
  2. A support person may be excluded from the examination by the deputy or the medical provider if their presence would be detrimental to the purpose of the examination (Penal Code § 264.2(b)(4)).

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#### **602.3 TESTING OF SEXUAL ASSAULT EVIDENCE**

- (a) Subject to available resources and other law enforcement considerations which may affect the ability to process and analyze rape kits or other sexual assault victim evidence and other crime scene evidence, any member of the Sheriff's Office assigned to investigate a sexual assault offense (Penal Code §§ 261, 261.5, 262, 286, 288a or 289) 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).
- (b) In order to maximize the effectiveness of such testing and identifying the perpetrator of any sexual assault, the assigned deputy should further ensure that the results of any such test have been timely entered into and checked against both the Department of Justice Cal-DNA database and the Combined DNA Index System (CODIS).
- (c) If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue is not going to be analyzed within two years of the crime, the assigned deputy shall notify the victim of such fact in writing within no less than 60 days prior to the expiration of the two-year period (Penal Code § 680(d)).

#### **602.4 VICTIM NOTIFICATION OF DNA STATUS**

- (a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, the assigned deputy may inform the victim of the status of the DNA testing of any evidence from the victim's case.
  - 1. Although such information may be communicated orally, the assigned deputy should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
  - 2. Absent a written request, no member of the Sheriff's Office is required to, but may, communicate with the victim or victim's designee regarding the status of any DNA testing.
- (b) Subject to the commitment of sufficient resources to respond to requests for information, sexual assault victims shall further have the following rights:
  - 1. To be informed whether or not a DNA profile of the assailant was obtained from the testing of the rape kit or other crime scene evidence from their case.
  - 2. To be informed whether or not there is a match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the Department of Justice Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.
  - 3. To be informed whether or not the DNA profile of the assailant developed from the evidence has been entered into the Department of Justice Data Bank of case evidence.

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### *Sexual Assault Victims' DNA Rights*

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- (c) Provided that the sexual assault victim or victim's designee has kept the assigned deputy informed with regard to current address, telephone number and email address (if available), any victim or victim's designee shall, upon request, be advised of any known significant changes regarding the victim's case.
  - 1. Although such information may be communicated orally, the assigned deputy should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
  - 2. No deputy shall be required to or expected to release any information which might impede or compromise any ongoing investigation.

#### **602.5 DESTRUCTION OF EVIDENCE**

Any destruction of evidence related to a sexual assault shall occur only after victim notification is made as required pursuant to Penal Code § 680 and only in compliance with the Property and Evidence Policy.

## Asset Forfeiture

### 606.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

#### 606.1.1 DEFINITIONS

**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 San Luis Obispo County Sheriff's Office seizes property for forfeiture or when the San Luis Obispo 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 department member assigned by the Sheriff who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned 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.

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### *Asset Forfeiture*

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- (b) Property related to criminal profiteering (may include gang crimes), to include (Penal Code § 186.2; Penal Code § 186.3):
  - 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.

#### **606.2 POLICY**

The San Luis Obispo 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 San Luis Obispo 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.

#### **606.3 ASSET SEIZURE**

Property may be seized for forfeiture as provided in this policy.

##### **606.3.1 PROPERTY SUBJECT TO SEIZURE**

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

- (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).

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Whenever practicable, a search warrant or court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

#### **606.3.2 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).

#### **606.4 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 original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The deputy will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

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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 forfeiture reviewer.

#### **606.5 MAINTAINING SEIZED PROPERTY**

The Property Office Supervisor is responsible for ensuring compliance with the following:

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
- (b) All property received for forfeiture is checked to determine if the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- (d) Property received for forfeiture is not used unless the forfeiture action has been completed.

#### **606.6 FORFEITURE REVIEWER**

The Sheriff will appoint a deputy as the forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a department-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 Department and the forfeiture counsel and ensuring 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) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws. The forfeiture reviewer should contact federal authorities when appropriate.
- (e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.
- (f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to deputies. The forms should be available in languages appropriate for the region and should contain spaces for:

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1. Names and contact information for all relevant persons and law enforcement officers involved.
  2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
  3. A space for the signature of the person from whom cash or property is being seized.
  4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.
- (g) Ensuring that deputies who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or Department Directives. The training should cover this policy and address any relevant statutory changes and court decisions.
- (h) Reviewing each asset forfeiture case to ensure that:
1. Written documentation of the seizure and the items seized is in the case file.
  2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
  3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property.
  4. Property is promptly released to those entitled to its return (Health and Safety Code § 11488.2).
  5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
  6. Any cash received is deposited with the fiscal agent.
  7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
  8. Current minimum forfeiture thresholds are communicated appropriately to deputies.
  9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.

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- (i) Ensuring that a written plan that enables the Sheriff to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.
- (j) Ensuring that the process of selling or adding forfeited property to the department's regular inventory is in accordance with all applicable laws and consistent with the department's use and disposition of similar property.
- (k) Keeping a manual that details the statutory grounds for forfeitures and department 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 (Heath and Safety Code § 11469).
- (l) Providing copies of seized business records to the person or business from whom such records were seized, when requested (Heath and Safety Code §11471).
- (m) 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).

#### **606.7 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 (Heath and Safety Code § 11469).

The Department 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).

#### **606.8 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 investigation reveals that any person, other than the registered owner, is the legal owner, and such 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).

## Investigative Funds

### 607.1 PURPOSE AND SCOPE

Proper documentation will be prepared and maintained to guarantee the integrity of the Sheriff's and Narcotic's Investigative Funds.

The Sheriff's Investigative Fund is utilized for the furtherance of other criminal investigations. Records for the usage of both of these funds are maintained to ensure audit capabilities.

Establishes guidelines for acquiring money from investigative funds and ensuring that the acquisition is properly reported for audit purposes in accordance with County policy.

### 607.2 COMPLETION OF APPLICATION FOR UTILIZATION

The Sheriff's investigative fund is contained in the operational account of the Sheriff's Office Budget.

- (a) Applicant Officer:
  - 1. Complete "Application for Utilization of Sheriff's Investigative Fund."
  - 2. Submit completed application to two members of the command staff of the rank of Commander or higher.
- (b) Business Office:
  - 1. Review application for completeness.
  - 2. Provide requested money and have recipient sign acknowledgment of receipt.
  - 3. Retain original application.
  - 4. Maintain a ledger and record all pertinent information regarding the expenditure of investigative funds.

#### 607.2.1 COMPLETION OF VOUCHER

- (a) Applicant Officer:
  - 1. Complete a receipt for the expenditure of money, to include amount of money spent, signature and address of payee, and driver's license number of payee, if available.
  - 2. After using money, complete the "Supporting Voucher for Utilization of Sheriff's Investigative Fund."
  - 3. Submit supporting voucher and receipt to their supervisor.
- (b) Detective Supervisor:
  - 1. Review supporting voucher and receipt for the expenditure.
  - 2. File copy of voucher and original receipt.

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3. Signed narcotic vouchers for confidential informant payments will be kept in the informants confidential file.
  4. Take voucher and returned money, if any, to the Business Office.
- (c) Business Office:
1. Replace any returned money into fund.
  2. Match the application for use to the corresponding voucher. Retain the original application and voucher in file.
  3. Enter amount of funds expended and/or returned on ledger sheet for investigative fund.

## Confidential Informants

### 608.1 PURPOSE AND SCOPE

In many instances, a successful investigation cannot be conducted without the use of confidential informants. A confidential informant is a person motivated to help law enforcement either for consideration on a pending criminal charge or by financial incentive to do so. To protect the integrity of the San Luis Obispo County Sheriff's Office and the deputies using informants, it shall be the policy of the Sheriff's Office to take appropriate precautions by developing sound informant policies.

### 608.2 INFORMANT FILE SYSTEM

The Narcotics Unit Supervisor or his/her designee shall be responsible for maintaining confidential informant files. A separate file shall be maintained on each confidential informant.

#### 608.2.1 FILE SYSTEM PROCEDURE

Each file shall be coded with an assigned confidential informant control number. An informant history shall be prepared to correspond to each informant file and include the following information:

- (a) Informant's name and/or aliases
- (b) Date of birth
- (c) Physical description: height, weight, hair color, eye color, race, sex, scars, tattoos or other distinguishing features
- (d) Current home address, e-mail address and telephone numbers
- (e) Current employer(s), position, address(es) and telephone numbers
- (f) Vehicles owned and registration information
- (g) Places frequented
- (h) Informant's photograph
- (i) Briefs of information provided by the informant and his or her subsequent reliability. If an informant is determined to be unreliable, the informant's file is marked as "Unreliable"
- (j) Name of deputy initiating use of the informant
- (k) Signed informant agreement
- (l) A confidential payment record and any money vouchers for payment of informants will be attached to the informant file.
- (m) Update on active or inactive status of informants each year.

The informant files shall be maintained in a secure area within the Narcotics Unit. These files shall be used to provide a source of background information about the informant, enable review and

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evaluation of information given by the informant, and minimize incidents that could be used to question the integrity of detectives or the reliability of the confidential informant.

Access to the informant files shall be restricted to the Sheriff, a Bureau Chief, Detective Division Commander, the Narcotics Unit Supervisor, or their designees.

#### **608.3 USE OF INFORMANTS**

Before using an individual as a confidential informant, a deputy must receive approval from the Narcotics Unit Supervisor. The deputy shall compile sufficient information through a background investigation in order to determine the reliability, credibility and suitability, of the individual, including age, maturity and risk of physical harm.

##### **608.3.1 JUVENILE INFORMANTS**

The use of juvenile informants under the age of 13-years is prohibited. Except as provided for in the enforcement of the Tobacco Enforcement Act, Business & Professions Code §§ 22950, et seq., the use of any juvenile informant between the ages of 13 and 18-years is only authorized by court order obtained pursuant to Penal Code § 701.5.

For purposes of this policy, a "juvenile informant" means any juvenile who participates, on behalf of the Sheriff's Office, in a prearranged transaction or series of prearranged transactions with direct face-to-face contact with any party, when the juvenile's participation in the transaction is for the purpose of obtaining or attempting to obtain evidence of illegal activity by a third party and where the juvenile is participating in the transaction for the purpose of reducing or dismissing a pending juvenile petition against the juvenile.

##### **608.3.2 JAIL/CUSTODY**

The jail is recognized as a vital location to receive information. Because Custody Staff is tasked with housing of inmates 24/7 they often receive information from inmates. There are two definitions of the type of information being supplied: Intelligence and Informants.

- (a) Intelligence- The person providing the information is not a participant in the crime and the information being provided is considered information/intelligence only.
  - 1. Intelligence information should be received and provided to the Detective Commander for proper dissemination.
- (b) Confidential/ Citizen Informants-An informant is a person that is providing information in exchange for something else, such as money or consideration in a criminal matter.
  - 1. If an inmate provides information that appears to qualify them as an informant then the Correctional Deputy shall notify the Classification Sergeant and follow section 608.3 of this manual.
  - 2. Patrol/special units seeking specific information from an inmate in custody shall work through the Detective Commander and the Classification Sergeant. Exceptions to this include the need to interview an inmate in a criminal matter or with prior approval by the Sheriff.

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### *Confidential Informants*

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#### **608.4 GUIDELINES FOR HANDLING CONFIDENTIAL INFORMANTS**

All confidential informants are required to sign and abide by the provisions of the Sheriff's Office Informant Agreement. The deputy using the confidential informant shall discuss each of the provisions of the agreement with the confidential informant.

Details of the agreement are to be approved in writing by the unit supervisor before being finalized with the confidential informant.

##### **608.4.1 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS**

No member of the San Luis Obispo County Sheriff's Office shall knowingly maintain a social relationship with a confidential informant while off duty, or otherwise become intimately involved with a confidential informant. Members of the San Luis Obispo County Sheriff's Office shall neither solicit nor accept gratuities nor engage in any private business transaction with a confidential informant.

To maintain deputy/informant integrity, the following must be adhered to:

- (a) Deputies shall not withhold the identity of an informant from their superiors
- (b) Identities of informants shall otherwise be kept confidential
- (c) Criminal activity by informants shall not be condoned
- (d) Informants shall be told they are not acting as sheriff's deputies, employees or agents of the San Luis Obispo County Sheriff's Office, and that they shall not represent themselves as such
- (e) The relationship between deputies and informants shall always be ethical and professional
- (f) Social contact shall be avoided unless necessary to conduct an official investigation, and only with prior approval of the Narcotics Unit supervisor
- (g) Deputies shall not meet with informants of the opposite sex in a private place unless accompanied by at least one additional deputy or with prior approval of the Narcotics Unit Supervisor. Deputies may meet informants of the opposite sex alone in an occupied public place such as a restaurant. When contacting informants of either sex for the purpose of making payments deputies shall arrange for the presence of another deputy, whenever possible
- (h) In all instances when Sheriff's Office funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses

#### **608.5 NARCOTICS INFORMANT PAYMENT PROCEDURES**

The potential payment of large sums of money to any confidential informant must be done in a manner respecting public opinion and scrutiny. Additionally, to maintain a good accounting of such funds requires a strict procedure for disbursements.

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#### 608.5.1 PAYMENT PROCEDURE

The amount of funds to be paid to any confidential 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 amount of assets seized.
- The quantity of the drugs seized.
- The informant's previous criminal activity.
- The level of risk taken by the informant.

The Narcotics Unit Supervisor will discuss the above factors with the Operations Bureau Chief and arrive at a recommended level of payment that will be subject to the approval of the Sheriff. The amount of payment will be based on a percentage of the current market price for the drugs or other contraband being sought, not to exceed 15-percent.

#### 608.5.2 CASH DISBURSEMENT POLICY

The following establishes a cash disbursement policy for confidential informants. No informant will be told in advance or given an exact amount or percentage for services rendered.

- (a) When both assets and drugs have been seized, the confidential informant shall receive payment based upon overall value and the purchase price of the drugs seized not to exceed a maximum of \$150,000.
- (b) A confidential informant may receive a cash amount for each quantity of drugs seized whether or not assets are also seized, not to exceed a maximum of \$30,000.

#### 608.5.3 PAYMENT PROCESS

A check shall be requested, payable to the case agent. The case number shall be recorded justifying the payment. The Sheriff and the County Administrator's signatures are required for disbursements over \$500. Payments \$500 and under may be paid in cash out of the Narcotics Unit Buy/Expense Fund. The Narcotics Unit Supervisor will be required to sign the voucher for amounts under \$500.

To complete the transaction with the confidential informant the case agent shall have the confidential informant initial the cash transfer form. The confidential informant will sign the form indicating the amount received, the date, and that the confidential informant is receiving funds in payment for information voluntarily rendered in the case. The San Luis Obispo County Sheriff's Office case number shall be recorded on the cash transfer form. The form will be kept in the confidential informant's file.

If the payment amount exceeds \$500.00, a complete written statement of the confidential informant's involvement in the case shall be placed in the confidential informant's file. This

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statement shall be signed by the confidential informant verifying the statement as a true summary of his/her actions in the case(s).

Each confidential informant receiving a cash payment shall be informed of his or her responsibility to report the cash to the Internal Revenue Service (IRS) as income.

#### 608.5.4 REPORTING OF PAYMENTS

Each confidential informant receiving a cash payment shall be informed of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed \$600 in any reporting year, the confidential informant should be provided IRS Form 1099 (26 CFR § 1.6041-1). If such documentation or reporting may reveal the identity of the confidential informant and by doing so jeopardize any investigation, the safety of peace officers or the safety of the confidential informant (26 CFR § 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the confidential informant shall be provided a letter identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the confidential informant's file.

## Eyewitness Identification

### 610.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this [department/office] employ eyewitness identification techniques (Penal Code § 859.7).

#### 610.1.1 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.

### 610.2 POLICY

This department 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.

### 610.3 INTERPRETIVE SERVICES

Deputies 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 deputy 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.

### 610.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Detective Unit supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

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.

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- (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.

#### **610.5 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).

##### **610.5.1 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS**

When practicable, the person composing the lineup and the person presenting the lineup should not be directly involved in the investigation of the case. When this is not possible, the member

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presenting the lineup must take the utmost care not to communicate the identity of the suspect in any way.

When practicable, the employee presenting a lineup to a witness should not know which photograph or person is the suspect.

Other persons or photos used in any lineup should bear similar characteristics to the suspect to avoid causing him/her 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.

The employee presenting the lineup to a witness should do so sequentially and not simultaneously (i.e., show the witness one person at a time). The witness should view all persons in the lineup.

The order of the suspect or the photos and fillers should be randomized before being presented to each witness.

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 deputy should contact the appropriate prosecuting attorney before proceeding.

#### 610.5.2 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 or show-up 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 deputy 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.

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### *Eyewitness Identification*

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- (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, deputies should bring the witness to the location of the suspect, rather than bring the suspect to the witness.
- (e) A person 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 suspects one at a time.
- (g) A person in a field identification 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 an individual as the perpetrator, deputies should not conduct any further field identifications with other witnesses for that suspect. In such instances deputies should document the contact information for any additional witnesses for follow up, if necessary.

#### **610.6 DOCUMENTATION**

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report. Witness comments of how certain he/she is of the identification or non-identification should be quoted in the 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.

##### **610.6.1 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).

##### **610.6.2 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

### 612.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

#### 612.1.1 DEFINITIONS

Definitions related to this policy include:

**Brady information** -Information known or possessed by the San Luis Obispo County Sheriff's Office that is both favorable and material to the current prosecution or defense of a criminal defendant.

### 612.2 POLICY

The San Luis Obispo County Sheriff's Office will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the San Luis Obispo 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 [Department/Office] will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

### 612.3 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 attorney-client information, attorney work product), 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 [Department/Office] case file.

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### *Brady Material Disclosure*

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#### **612.4 DISCLOSURE OF PERSONNEL INFORMATION**

Whenever it is determined that *Brady* information is located in the personnel file of a member of this department who is a material witness in a criminal case, the following procedure shall apply:

- (a) In the event that a *Pitchess* motion has not already been filed by the criminal defendant or other party pursuant to Evidence Code § 1043, the prosecuting attorney shall be notified of the potential presence of *Brady* information in the deputy's personnel file.
- (b) The prosecuting attorney should then be requested to file a *Pitchess* motion in order to initiate an in camera review by the court.
- (c) Any member who is the subject of such a motion shall be notified in writing that a motion has been filed.
- (d) 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.
- (e) 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.

#### **612.5 INVESTIGATING BRADY ISSUES**

If the [Department/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.

#### **612.6 TRAINING**

[Department/Office] members should receive periodic training on the requirements of this policy.

## Unmanned Aerial System

### 613.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

#### 613.1.1 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.

### 613.2 POLICY

Unmanned aerial systems may be utilized to enhance the [department/office]'s mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

### 613.3 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. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

### 613.4 PROGRAM COORDINATOR

The Sheriff will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations, and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current, and/or coordinating compliance with FAA Part 107 Remote Pilot Certificate, as appropriate for [department/office] operations.
- Ensuring that all authorized operators and required observers have completed all required FAA and [department/office]-approved training in the operation, applicable laws, policies, and procedures regarding use of the UAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require written authorization of the Sheriff or the authorized designee, depending on the type of mission.

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### *Unmanned Aerial System*

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- Coordinating the completion of the FAA Emergency Operation Request Form in emergency situations, as applicable (e.g., natural disasters, search and rescue, emergency situations to safeguard human life).
- Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing an operational protocol governing the deployment and operation of a UAS including but not limited to safety oversight, use of visual observers, establishment of lost link procedures, and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored, and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates, and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Sheriff.
- Maintaining familiarity with FAA regulatory standards, state laws and regulations, and local ordinances regarding the operations of a UAS.

#### 613.4.1 CALL OUT PROCEDURE

- (a) For planned operations, the initial request for the UAS Team deployment shall be made to the UAS Team sergeant or his/her designee. Upon receiving the request, the sergeant or their designee will assess the request to determine the suitability of UAS deployment. If the request for UAS deployment is appropriate the UAS Team sergeant will forward the request to the Headquarters Division Commander for further review and approval via the chain of command.
- (b) For unplanned operations, the Sheriff's watch commander shall first contact any UAS Team members currently on duty. Requested on duty team members will assess the request and upon determining that UAS deployment is appropriate they will inform the watch commander and begin their response. Contemporaneously, the watch commander will call the UAS Team sergeant who will coordinate the call out of other team members as needed.

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- (c) For unplanned operations where there are no UAS Team members on duty, the initial request shall be made through the UAS Team sergeant or their designee.
- (d) The UAS Team sergeant shall work with the watch commander to conduct appropriate administrative notifications based upon the circumstances of the deployment.
- (e) The UAS Team members will handle all UAS operations, notifications and all necessary pre-flight guidelines as specified in the UAS Operations Manual.

#### **613.5 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.

#### **613.6 PROHIBITED USE**

The UAS video surveillance equipment shall not be weaponized, nor shall it be used to:

- (a) Conduct random surveillance activities.
- (b) Target a person based solely on individual characteristics, such as race, ethnicity, national origin, religion, disability, gender, or sexual orientation.
- (c) Conduct any business other than official Sheriff's Office business.
- (d) Any allegation of civil rights/civil liberties and/or privacy violation complaints shall be investigated pursuant to section 613.3-Privacy of this policy.
- (e) An allegation of misuse or abuse of UAS data shall be investigated pursuant to section 613.1-Privacy of this policy.

#### **613.7 RETENTION OF UAS DATA**

Data collected by the UAS shall be retained as provided in the established records retention schedule.

#### **613.8 PERSONNEL SELECTION**

Positions on the UAS Team will be open to sworn, non-sworn and volunteer members of the Sheriff's Office.

When an opening on the UAS Team occurs personnel may submit a memorandum of interest to the UAS Program Manager. The program manager will review and forward the memorandums along with include any recommendations they have to the Sheriff via the chain of command.

The Sheriff or their designee shall review the requests for assignment to the UAS Team with consideration given to, but not limited by, the following criteria:

- (a) Recognized competence and ability as evidenced by work performance.

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- (b) Special training or skills pertinent to the assignment.
- (c) Ability to work with minimal supervision.
- (d) Ability to complete all required training for the position.
- (e) Ability to meet FAA requirements for the position.
- (f) Meets or exceeds Sheriff's Office employment standards.

#### **613.9 TRAINING**

Personnel assigned to the UAS program must complete an agency approved training program to ensure proper use and operation of the UAS. Additional training may be required to secure and maintain FAA certifications. Periodic training will be required to ensure the continued effective use, safe operation, proper calibration and performance of the equipment. Training flight operations will be evaluated to assess any changes, updates or revisions to Sheriff's Office policy or to the UAS equipment.

All personnel with UAS responsibilities, including supervisors, will be trained in and remain familiar with Federal, State and local laws and regulations governing the deployment and use of the UAS.

#### **613.10 TRANSPARENCY OF OPERATIONS**

The Sheriff's Office Annual Report, which is available to the public on the Sheriff's Office website, will include information on UAS Team operations, including the types and categories of missions flown, the outcome of the mission and the number of times the team assisted other local, state, or tribal governments.

The Sheriff's Office Policy Manual containing the UAS operations policy shall be posted on the Sheriff's Office homepage and be made available for public review (Penal Code § 13650).

At the direction of the Field Operations Chief Deputy, the Public Information Officer will issue a press release and may post information on Sheriff's Office social media accounts to alert the public of the use of unmanned aerial systems during non-critical law enforcement events or search and rescue operations.

At the direction of the Sheriff, or his designee, the UAS team may participate in static displays and flight demonstrations at public events to educate the public on the purpose and capabilities of the UAS program.

## **Chapter 7 - Equipment**

## Sheriff's Office Owned and Personal Property

### 700.1 PURPOSE AND SCOPE

Sheriff's Office employees are expected to properly care for Sheriff's Office property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or Sheriff's Office property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

### 700.2 CARE OF SHERIFF'S OFFICE PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of Sheriff's Office property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of Sheriff's 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 Sheriff's Office issued property or equipment including vehicles assigned for their use.
- (b) The use of damaged or unserviceable Sheriff's Office property should be discontinued as soon as practical and replaced with comparable Sheriff's 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, Sheriff's 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) Sheriff's Office property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
- (e) In the event that any Sheriff's 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 Bureau Chief, 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.

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Sheriff who will then forward the claim to the Business Office.

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### *Sheriff's Office Owned and Personal Property*

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The Sheriff's Office will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

Where reimbursement is ordered by the court, after the employee has been reimbursed by the County, the employee shall assign their interest in court ordered reimbursement to the County.

Appeal of denied claims shall be pursuant to County Civil Service Rules

#### **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. Report will include details of damage and costs for possible reimbursement through the court process.

#### **700.3.2 REPLACEMENT OF UNIFORMS AND SAFETY EQUIPMENT**

Replacement or repair of uniforms and safety equipment destroyed, damaged, or lost in the performance of duty.

- (a) Replacement and/or repair of uniform items as the result of normal wear shall be the responsibility of the safety member.
- (b) Uniforms or safety equipment damaged as the result of an incident "specifically related" to the performance of duties as a safety officer will be replaced or repaired per County Ordinance Section 2.53.040.
  - 1. For claims procedure refer to section 700.3
- (c) The decision whether to replace or repair shall rest with the Sheriff.

#### **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.
- (c) Employee will take photographs or video of damage and collect any physical evidence as needed.
- (d) The supervisor will conduct an investigation to determine extent of loss or damage , how loss or damage occurred, and try to determine a value of loss or damage.
- (e) Report on supervisor finding will be forwarded to the appropriate Bureau Chief Deputy.

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#### 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 Bureau Chief.

#### 700.4.2 ATHLETIC OR WEIGHT EQUIPMENT

- (a) Athletic or weight equipment located within Sheriff's Office facilities shall not be used by anyone other than Sheriff's Office employees.
- (b) Athletic or weight equipment shall not be used during on-duty hours.

## Telephone/Personal Communication Devices

### 702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued by the Department 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 (PCD) but is intended to include all mobile telephones, personal digital assistants (PDA) 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, e-mailing, using video or camera features, playing games and accessing sites or services on the Internet.

#### 702.1.1 USE OF COUNTY TELEPHONE

Employees shall not make personal toll calls on Sheriff's Office telephones. Non toll personal calls will be held to a minimum, both in number and duration.

### 702.2 POLICY

The San Luis Obispo County Sheriff's Office allows employees to utilize department-issued PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, employees are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the employee and the employee's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Employees who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

### 702.3 PRIVACY POLICY

Employees shall have no expectation of privacy with regard to any communication made with or stored in or through PCDs issued by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities. The use of any department-provided or -funded PCD, computer, Internet service, telephone service or other wireless service while on-duty is without any expectation of privacy that the employee might otherwise have in any communication, including the content of any such communication. Communications or data reception on personal, password-protected, web-based e-mail accounts and any other services are subject to monitoring if department equipment is used.

In accordance with this policy, supervisors are authorized to conduct a limited administrative search of electronic files without prior notice, consent or a search warrant, on department-issued PCDs that have been used to conduct department-related business. Administrative searches can take place for work-related purposes that may be unrelated to investigations of employee misconduct and, as practicable, will be done in the presence of the affected employee.

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### *Telephone/Personal Communication Devices*

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#### **702.4 DEPARTMENT-ISSUED PCD**

Depending on an employee's assignment and the needs of the position, the Department may, at its discretion, issue a PCD. Department-issued PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

#### **702.5 PERSONALLY OWNED PCD**

Employees may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Carrying a personally owned PCD is a privilege, not a right.
- (b) The Department 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 employee's expense.
- (d) The device shall not be utilized to record or disclose any 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 with the Department, without the express authorization of the Sheriff or the authorized designee.

#### **702.6 USE OF PERSONAL COMMUNICATION DEVICES**

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department 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).
- (b) Deputies are prohibited from taking pictures, video or making audio recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Sheriff or the authorized designee, may result in discipline.
- (c) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any employee having knowledge of such conduct shall promptly notify a supervisor.

#### **702.7 SUPERVISORY RESPONSIBILITIES**

Supervisors should ensure that members under their command are provided appropriate training on the use of PCDs consistent with this policy. Supervisors should monitor, to the extent practicable, PCD use in the workplace and take prompt corrective action if an employee is observed or reported to be improperly using a PCD. An investigation into improper conduct should be promptly initiated when circumstances warrant.

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### *Telephone/Personal Communication Devices*

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#### **702.8 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.

Except in an emergency, employees who are operating non-emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (Vehicle Code § 23123). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

#### **702.9 OFFICIAL USE**

Employees 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, employees shall conduct sensitive or private communications on a land-based or other department communications network.

The following situations are examples of when the use of a PCD may be appropriate:

- (a) Barricaded suspects
- (b) Hostage situations
- (c) Mobile Command Post
- (d) Catastrophic disasters, such as plane crashes, earthquakes, floods, etc.
- (e) Major political or community events
- (f) Investigative stakeouts
- (g) Emergency contact with an allied agency or allied agency field unit
- (h) When immediate communication is needed and the use of the radio is not available or appropriate and other means are not readily available

## Vehicle Maintenance

### 704.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Sheriff's Office vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

### 704.2 DEFECTIVE VEHICLES

When a Sheriff's 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 shall be promptly forwarded to county garage for repair.

### 704.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all Sheriff's Office vehicles for emergency purposes and to perform routine duties.

#### 704.3.1 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:

- 10 Emergency road flares
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit, CPR mask
- 1 Blanket
- 1 Blood-borne pathogen kit, Incl. protective gloves
- 2 Traffic Safety Vests
- 1 Hazardous Materials Emergency Response Handbook
- 1 Evidence collection kit
- 1 Camera
- Fire Extinguisher

#### 704.3.2 UNMARKED VEHICLES

An employee driving unmarked Sheriff's Office vehicles shall ensure that the minimum following equipment is present in the vehicle:

- 1 First aid kit, CPR mask
- 1 Blanket
- 1 Blood-borne pathogen kit, Incl. protective gloves

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### *Vehicle Maintenance*

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- 1 Traffic Safety Vest

#### **704.4 VEHICLE REFUELING**

Absent emergency conditions or supervisor approval, deputies driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Vehicles shall only be refueled at the authorized location.

#### **704.5 WASHING OF VEHICLES**

All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Deputies on patrol shall obtain clearance from the dispatcher before responding to the car wash. Only one marked unit per patrol station should be at the car wash at the same time unless otherwise approved by a supervisor.

Employees using a vehicle shall 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.

#### **704.6 NON-SWORN EMPLOYEE USE**

Non-sworn employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Non-sworn employees shall also prominently display the "out of service" placards or lightbar covers at all times. Non-sworn employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

## Vehicle Use

### 706.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure [department/office] vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of [department/office] vehicles and shall not be construed to create or imply any contractual obligation by the County of San Luis Obispo to provide assigned take-home vehicles.

### 706.2 POLICY

The San Luis Obispo County Sheriff's Office provides vehicles for [department/office]-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the [Department/Office], requirements for tactical deployments, and other considerations.

#### 706.2.1 TAKE HOME VEHICLES

- (a) The Sheriff may authorize take home county vehicles on a full-time basis, as deemed necessary for after-hours response when the following conditions apply:
  - 1. Operators are peace officers and are assigned a county vehicle, or share a county vehicle with other(s) during their usual work day, or are non-peace officers who may be called out for emergency response.
  - 2. Special equipment and/or weapons are carried in the vehicle and may be needed for after-hours callouts.
  - 3. The assignment of the employee includes performing duties that are emergency-related and may require prompt response after hours.
  - 4. The employee resides more than 5 miles from their normal workplace, or from a Sheriff's Office worksite with secure parking available.
- (b) The Sheriff may also authorize an employee to take home a county vehicle without written justification on a temporary basis when there exists a Sheriff's Office business need and it is more efficient to allow the exception.
- (c) All operators authorized for partial or full-time take home county vehicles shall annually, or after any change in regular assignment, submit written justification for take home use.
- (d) Assignment of a take home county vehicle shall not be made for the convenience or benefit of the employee, but rather as a business need to the Sheriff's Office in order to expedite emergency or urgent after-hours law enforcement response and to accommodate the need to conduct investigations countywide.

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- (e) Employees who are assigned take home vehicles shall park county vehicles at their usual workplace or an approved county parking facility when the employee is unavailable for after hours response for any period greater than one week.
- (f) Employees will park county vehicles assigned to them in a safe and secure location when unattended and will insure that firearms or other valuables are securely stored in a locked trunk or removed from the vehicle to prevent theft and vandalism.

#### 706.2.2 REVIEW AND CERTIFICATION OF COUNTY VEHICLE USE RULES

All employees are required to review the County's Rules for Use of County Vehicles on County Business and this directive at the time of hire and annually thereafter during the employee performance evaluation interview, and are required to certify by signature understanding and agreement to comply with these rules.

#### 706.3 USE OF VEHICLES

County-owned vehicles shall only be used for official business and, when approved, for commuting to allow members to respond to department-related business outside their regular work hours.

Members shall not operate a County-owned vehicle at any time when impaired by drugs and/or alcohol.

Any member operating a vehicle equipped with a two-way communications radio, MDC and/or a GPS device shall ensure the devices are on and set to an audible volume whenever the vehicle is in operation.

##### 706.3.1 SHIFT ASSIGNED VEHICLES

Personnel assigned to routine scheduled field duties shall log onto the in-car computer inputting the required information when going on duty. If the vehicle is not equipped with a working in-car computer, they shall notify the Dispatch Center for entry of the vehicle number on the shift roster. If the employee exchanges vehicles during the shift, the new vehicle number shall be entered.

Employees shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shift. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

##### 706.3.2 UNSCHEDULED USE OF VEHICLES

Personnel utilizing a vehicle for any purpose other than their normally assigned duties shall first notify the Station Commander, Station Sergeant or Watch Commander of the reasons for use and a notation will be made on the shift roster indicating the operator's name and vehicle number. This section does not apply to personnel permanently assigned an individual vehicle (e.g., command staff, detectives).

##### 706.3.3 UNMARKED VEHICLES

Except for use by the assigned member, unmarked units shall not be used without first obtaining approval from the supervisor of the unit to which the vehicle is assigned.

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#### 706.3.4 AUTHORIZED PASSENGERS

Members operating County-owned vehicles shall not permit persons other than County members or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as a passenger in their vehicle.

#### 706.3.5 PARKING

Except when responding to an emergency or other urgent official business requires otherwise, members driving County-owned vehicles should obey all parking regulations at all times.

County-owned vehicles should be parked in their assigned stalls. Members shall not park privately owned vehicles in any stall assigned to a County-owned vehicle or in any other areas of the parking lot that are not designated as a parking space unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

#### 706.3.6 INSPECTIONS

The interior of any vehicle that has been used to transport any person other than a member should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting deputy shall search all areas of the vehicle that are accessible by the person before and after the person is transported.

#### 706.3.7 PRIVACY

All County-owned vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

### **706.4 ASSIGNED VEHICLE AGREEMENT**

Members who have been assigned a take-home vehicle may use the vehicle to commute to the workplace and for department-related business. The member must be approved for an assigned vehicle by his/her Bureau Chief and shall sign an agreement that includes the following criteria:

- (a) The member must live within a 30-minute commute of his/her regularly assigned work location (based on average traffic flow). A longer response time may be permitted subject to Bureau Chief approval. Members who reside outside the permissible response time may be required to secure or garage the vehicle at a designated location or the central office at the discretion of the Bureau Chief.
- (b) Except as may be provided by a memorandum of understanding time spent during normal commuting is not compensable.
- (c) County-owned vehicles shall not be used for personal errands or other personal business unless approved by a supervisor for exceptional circumstances. The member may be required to maintain insurance covering any commuting or personal use..
- (d) Vehicles shall be locked when not attended.
- (e) If the vehicle is not secured inside a locked garage, or equipped with a lockable gun vault, all firearms and kinetic impact weapons shall be removed from the interior of

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the vehicle and properly secured in the residence (see the Firearms and Qualification Policy regarding safe storage of firearms at home).

- (f) When the member will be away (e.g., on vacation) for periods exceeding one week the vehicle shall be stored at the appropriate department facility.
- (g) All department identification, portable radios and equipment should be secured.

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.

The assignment of vehicles is at the discretion of the Sheriff. Assigned vehicles may be changed at any time and/or permission to take home a vehicle may be withdrawn at any time.

#### **706.4.1 KEYS**

All uniformed field personnel approved to operate marked patrol vehicles shall check out their patrol unit keys from the station armory. The unit keys will be returned at the end of each shift to the armory key locker. Personnel assigned a permanent vehicle shall be issued keys for their respective vehicle. The loss of any assigned key shall be promptly reported in writing through the employee's chain of command.

#### **706.5 ENFORCEMENT ACTIONS**

When driving an assigned vehicle to and from work outside of the jurisdiction of the San Luis Obispo County Sheriff's Office, a deputy should avoid becoming directly involved in enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions Policy and the Law Enforcement Authority Policy).

Deputies may render public assistance (e.g., to a stranded motorist) when deemed prudent.

Deputies shall, at all times while driving a marked County-owned vehicle, be armed, appropriately attired and carry their department-issued identification. Deputies should also ensure that department radio communication capabilities are maintained to the extent feasible.

#### **706.6 MAINTENANCE**

(a) Each employee is responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicle.

1. Employees may use the wash racks at the sheriff's facility or maintenance yards (trusties may be used to clean vehicles, when available).

2. Cleaning/maintenance supplies will be provided by the Sheriff's Office.

(b) Employees shall make daily inspections of their assigned vehicle for service/maintenance requirements and damage.

(c) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to employees under their command to ensure the vehicles are being maintained in accordance with policy.

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(d) Routine maintenance and oil changes shall be done in accordance with the shop schedule. The vehicles will normally be serviced at the County maintenance shop.

1. When leaving a vehicle at the maintenance shop, the employee will complete a vehicle repair card explaining the service or repair, and leave on the drivers side window.
2. Vehicles requiring warranty service shall be taken to the county garage for service.

#### **706.6.1 ACCESSORIES AND/OR MODIFICATIONS**

No modifications, additions or removal of any equipment or accessories shall be made to the vehicle without written permission from the Bureau Chief.

#### **706.7 VEHICLE DAMAGE, ABUSE AND MISUSE**

When a County-owned or leased vehicle is involved in a traffic collision, the involved employee shall promptly notify a supervisor. If the vehicle is equipped with a Mobile Audio Video System (MAV) the employee will immediately activate the system to record the incident. A traffic collision report shall be filed with the agency having jurisdiction.

When a collision involves a department vehicle or when a member of this department is an involved driver in a collision that occurs in this jurisdiction, and the collision results in serious injury or death, the California Highway Patrol should be summoned to handle the investigation.

Collisions involving a private passenger vehicle operated by an employee, when the vehicle use is at the request or direction of a supervisor and is in the performance of the employee's duties, shall be a liability of the San Luis Obispo County Sheriff's Office, not the vehicle owner. Consideration should be given to an outside agency handling the collision investigation report (Insurance Code § 488.5).

The employee involved in the collision shall complete the County's vehicle collision form. If the employee is incapable, the supervisor shall complete the form.

Any damage to a vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in a county vehicle accident/damage report and forwarded to the station sergeant or commander.

An administrative investigation will be conducted to determine if there is any vehicle abuse or misuse. If it is determined that misuse or abuse was a result of negligent conduct or operation, appropriate disciplinary action may result.

#### **706.8 TOLL ROAD USAGE**

Law enforcement vehicles are not routinely exempted from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating [department/office] vehicles on a toll road shall adhere to the following:

- (a) Members operating [department/office] vehicles for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way

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transponder. Members may submit a request for reimbursement from the County for any toll fees incurred in the course of official business.

- (b) Members passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Bureau Chief within five working days explaining the circumstances.

## 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 [Department/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.
- Area denial electroshock devices, microwave weapons, water cannons, long-range acoustic devices (LRADs), acoustic hailing devices, and sound cannons.
- 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 San Luis Obispo County Sheriff's Office that members of this agency 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 agency 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 Sheriff's Office equipment that qualifies as military equipment in the current possession of the agency, or the equipment the San Luis Obispo County Sheriff's 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 San Luis Obispo 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 San Luis Obispo County Sheriff's 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 Sheriff's 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 Sheriff's Office will respond in a timely manner.

#### **707.4 MILITARY EQUIPMENT USE POLICY**

Pursuant to California Government Code §7070, the San Luis Obispo Sheriff's Office will submit a Military Equipment Use Policy for approval to the governing body annually. The following constitutes a list of qualifying equipment: <https://www.slosheriff.org/wp-content/uploads/2024/12/SLOSO-AB-481-Annual-Report.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 Sheriff's 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):

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- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.
- (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 used by any member of this agency shall be approved for use and in accordance with this policy. Military equipment used by other agencies that are providing mutual aid to this agency shall comply with their respective military equipment use policies in rendering mutual aid.

#### **707.7 USE IN EXIGENT CIRCUMSTANCES**

In exigent circumstances and with the approval of the Sheriff or his/her designee, the San Luis Obispo Sheriff's Office may acquire, borrow and/or use Military Equipment that is not included in the Military Equipment Use Policy.

If the San Luis Obispo Sheriff's Office acquires, borrows, and/or uses Military Equipment in exigent circumstances, in accordance with this section, it must take all of the following actions:

- (a) Provide written notice of that acquisition or use to the governing body within 30 days following the commencement of such Exigent Circumstance, unless such information is confidential or privileged under local, state or federal law.
- (b) If it is anticipated that the use will continue beyond the Exigent Circumstance, submit a proposed amended Military Equipment Use Policy to the governing body within 90 days following the borrowing, acquisition and/or use, and receive approval, as applicable, from the governing body.
- (c) Include the Military Equipment in the San Luis Obispo Sheriff's next annual Military Equipment Report.

#### **707.8 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

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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 San Luis Obispo Sheriff's 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 San Luis Obispo Sheriff's Office inventory.

#### **707.9 COMMUNITY ENGAGEMENT**

Within 30 days of submitting and publicly releasing the annual report, the San Luis Obispo Sheriff's Office shall hold at least one publicized and conveniently located community engagement meeting, at which the San Luis Obispo Sheriff's Office should be available to discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

## **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 Sheriff's Office 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

### 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 Sheriff's Office 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.

## Communication Operations

### 802.1 PURPOSE AND SCOPE

The basic function of the communications system is to satisfy the immediate information needs of the law enforcement agency in the course of its normal daily activities and during emergencies. The latter situation places the greatest demands upon the communications system and tests the capability of the system to fulfill its functions. Measures and standards of performance are necessary to assess the effectiveness with which any Sheriff's Office, large or small, uses available information technology in fulfillment of its missions.

#### 802.1.1 FCC COMPLIANCE

San Luis Obispo County Sheriff's Office radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and guidelines.

### 802.2 COMMUNICATION OPERATIONS

This Sheriff's Office provides 24-hour telephone service to the public for information or assistance that may be needed in emergencies. The ability of citizens to telephone quickly and easily for emergency service is critical. This Sheriff's Office provides access to the 911 system for a single emergency telephone number. The Sheriff's Office has two-way radio capability providing continuous communication between the Dispatch Center and deputies.

#### 802.2.1 COMMUNICATIONS LOG

It shall be the responsibility of the Dispatch Center to record all relevant information on calls for criminal and non-criminal service or self-initiated activity. Employees shall attempt to elicit as much information as possible to enhance the safety of the deputy and assist in anticipating conditions to be encountered at the scene.

### 802.3 RADIO COMMUNICATIONS

Operations are more efficient and officer safety is enhanced when dispatchers, supervisors, and fellow deputies know the status of deputies, their locations and the nature of cases.

#### 802.3.1 DEPUTY IDENTIFICATION

Identification systems are based on factors such as beat assignment and deputy identification numbers. Employees should use the entire call sign 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 unit. Employees initiating communication with other agencies shall use their entire call sign. This requirement does not apply to continuing conversation between the mobile unit and dispatcher once the mobile unit has been properly identified.

### 802.4 DISPATCHER TRAINING PROGRAM

The Sheriff's Office shall provide dispatcher training which is meaningful, complete and consistent for all dispatch personnel. While major responsibility for dispatcher training lies with supervisors and senior dispatchers, all employees will contribute to the success of the program.

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This program directs supervisors and senior dispatchers in the consistent training of dispatchers, to impart knowledge and basic skills, and to develop professional employees who are able to satisfactorily perform all tasks of a Sheriff's Office Dispatcher with confidence, patience, poise, skill and enthusiasm.

- (a) The Dispatcher Training Program is divided into six progressive phases. Each phase provides sufficient time for the trainee to learn skills and practice tasks assigned to that phase, predicated on previous training, experience and learning ability.
  1. Phase I - The trainee will be assigned to the dispatch supervisor or a senior dispatcher for orientation. Phase I training will consist of approximately 40 hours (one week).
  2. Phase II - The trainee will be assigned to a senior dispatcher. In this phase, the trainee will learn to utilize available equipment and operate computer systems used by the dispatcher. The trainee will be expected to become involved and handle duties at the discretion and direction of the senior dispatcher. Phase II training will consist of approximately 160 hours (four weeks), including a 20-hour audit where the senior dispatcher will conduct a thorough examination and evaluation of the trainee's retention of all material taught to date.
  3. Phase III - The trainee will be assigned to a senior dispatcher. In this phase, the trainee will be expected to handle all calls on the business lines, taking messages and transferring calls to the appropriate location. The trainee will also learn radio backup duties. The senior dispatcher will act as a resource and instructor. Phase III training will consist of approximately 160 hours (four weeks) including a 20-hour audit.
  4. Phase IV - The trainee will be assigned to a senior dispatcher. In this phase, the trainee will become familiar with the operation of emergency medical services. The trainee will be expected to answer emergency calls for service, determine appropriate response and relay information to the appropriate personnel. The senior dispatcher will act as a resource and instructor. Phase IV training will consist of approximately 400 hours (ten weeks).
  5. Phase V - The trainee will be assigned to a senior dispatcher. In this phase, the trainee will become familiar with the operation of law enforcement communications. The trainee will learn to receive and relay information to field units and to comply with requests made by field units. Phase V training will consist of approximately 320 hours (eight weeks).
  6. Phase VI - Audit period. The trainee will work a position independently in order to demonstrate the ability to perform at each position and perform each task to standard. A senior dispatcher will audit the trainee's performance. Phase VI training will be a minimum of 80 hours (two weeks). The audit period can be extended if the senior dispatcher or dispatch supervisor determines the need.

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- (b) The program allows acceleration or elimination of a phase if the training is redundant, or repetition of a phase when the training provided is not sufficiently absorbed or retained.
- (c) The Dispatcher Training Program is applicable to newly hired dispatchers, dispatchers requiring remediation, or for those returning to dispatch after extended absences. It may also be used to provide a refresher course in pertinent areas.
- (d) Dispatchers assigned to the Dispatcher Training Program will be evaluated daily by their assigned senior dispatcher on the Daily Observation Report (DOR).
- (e) Daily Observation Reports will be reviewed by the dispatch supervisor. When a deficiency in training or lack of progress is noted, corrective action taken will be documented and included in the trainee's training file.
- (f) During the Dispatcher Training Program, trainees will be regularly rotated between senior dispatchers and dispatch positions. This will ensure they receive a myriad of experience and exposure to different methods of accomplishing the duties of a Sheriff's Dispatcher.

#### 802.4.1 CRITERIA FOR ASSIGNMENT AS A TRAINING DISPATCHER

- (a) Persons assigned as a training dispatcher will be a senior dispatcher, or in cases where a senior dispatcher is not available, a dispatcher may be approved for a training dispatcher assignment by the Headquarters Commander.
- (b) Training dispatchers will set a positive example for other dispatchers, in uniform appearance and professional demeanor.
- (c) Training dispatchers will possess an appreciable level of maturity, possessing the basic skills and knowledge necessary to satisfactorily instruct and direct the performance of others, evidenced by daily performance and decision making.
- (d) Training dispatchers will demonstrate continuing enthusiasm for dispatching, law enforcement and the Sheriff's Office.

#### 802.4.2 DISPATCH TRAINING PROGRAM DUTIES AND RESPONSIBILITIES

- (a) Training dispatcher shall:
  - 1. On the first shift with the trainee, set the stage for program success by telling the trainee how material will be presented, practically applied and evaluated, and review the training outline.
  - 2. Teach all tasks in each training phase. Ensure the trainee is competent in each task listed in the training phase prior to proceeding to the next phase.
  - 3. Utilize innovative and practical training techniques to stimulate and hold the trainee's interest in the subject matter.

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4. Ensure the trainee is properly equipped and knows how to use equipment and forms common to a dispatcher's job.
  5. Regularly provide appropriate praise and constructive criticism for trainee performance.
  6. Identify deficiencies experienced by the trainee and attempt to resolve those deficiencies through instruction and guidance. Recognize proficiencies and acknowledge them.
  7. Maintain a high level of knowledge in laws, techniques and procedures applicable to dispatch functions.
  8. Complete a fair and objective daily evaluation of the trainee's performance on the Daily Observation Report form and review the evaluation with the trainee.
- (b) Dispatch supervisor shall:
1. Regularly monitor the training dispatcher's performance and provide, if needed, suggestions for improvement.
  2. Regularly meet with the trainee to discuss perceptions of, and progress within, the Dispatcher Training Program.
  3. Review daily trainee evaluations, take corrective action or make recommendations when/if a trainee demonstrates performance deficiencies or is failing to progress.
  4. Advise the patrol headquarters commander of trainee's progress. Watch commanders and patrol sergeants will be advised of concerns and problems to aid in correcting deficiencies.
  5. Review all Daily Observation Reports, audits and complete the Weekly Evaluations; forward to the patrol headquarters commander.
  6. Compile all the documentation for review by the headquarters commander when a trainee is not performing at the minimum standard of the Sheriff's Office.
- (c) Watch commanders and patrol sergeants shall:
1. Take corrective measures with training dispatcher and/or trainee when immediate action is necessary.
  2. Monitor and bring observed deficiencies of trainees, training dispatchers or the Dispatcher Training Program to the attention of the dispatch supervisor.
- (d) Patrol Headquarters Commander shall:
1. Take necessary actions to correct trainee deficiencies.

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2. Present necessary documentation for review by the Operations Bureau Chief Deputy when a trainee is not performing at a minimum standard of the Sheriff's Office.
- (e) Operations Chief Deputy shall:
1. Ensure compliance with all facets of this Directive.
  2. Advise Undersheriff of problems with training dispatchers, dispatch trainees or the Dispatch Training Program.
  3. Recommend termination for trainees who cannot perform at a satisfactory level.
  4. Release the trainee from training status when:
    - (a) The training file reflects the trainee has received all required training and satisfactorily demonstrated required knowledge;

## Property and Evidence

### 804.1 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.

### 804.2 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 Sheriff's 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.

### 804.3 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 form. Care shall be taken to maintain the chain of custody for all evidence. Employees seizing property will leave a detailed receipt of the property seized including a case number of the incident.

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 item(s).

#### 804.3.1 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) Complete the property form describing each item of property separately, listing all serial numbers, **owner's name**, **finder's name**, and other identifying information or markings.
- (b) Enter property into RMS property system and place printed bar code labels on property with the booking employee's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.

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- (c) The original property form shall be submitted with the case report.
- (d) When the property is too large to be placed in a locker, the item may be retained in the station property room. An e-mail will be sent to the property officers requesting pickup as soon as practical of the large property.

#### 804.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate property record. Paraphernalia as defined by Health & Safety Code § 11364 shall also be booked separately.

#### 804.3.3 EXPLOSIVES

Deputies who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Watch Commander. The bomb task force will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

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 and in an area designated for the storage of flammable materials. The property officer is responsible for transporting to the Fire Department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

#### 804.3.4 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 property 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 require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the property officer, or placed in the bicycle storage area until a property officer can log the property
- (d) All cash shall be counted in the presence of a supervisor or witnessing deputy and the envelope initialed by the booking deputy and the supervisor or witnessing deputy. Money will be booked separately and not commingled with other booked property.
- (e) All marijuana that is seized which there is a possibility it falls under the California's Compassionate Use Act will be booked and packaged separately from other evidence and it will be labeled as "Possible Medical Marijuana".

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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 for safekeeping in the normal manner.

#### 804.3.5 RELINQUISHED FIREARMS

Individuals who relinquish firearms pursuant to the provisions of Penal Code § 29850 shall be issued a 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.
  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 [Department/Office] has complied with the requirements of Penal Code § 33850 et seq.

The property officer shall ensure the Records Manager is notified of the relinquished firearm for purposes of updating the Automated Firearms System and the disposition of the firearm for purposes of notifying the California Department of Justice (DOJ) (See the Records Section Policy).

#### **804.4 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

#### 804.4.1 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.

A property bar code labels shall be securely attached to the outside of all items or group of items packaged together.

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#### **804.4.2 PACKAGING NARCOTICS**

The deputy seizing narcotics and dangerous drugs shall retain such property in their possession until it is properly weighed, packaged, tagged, and placed in the designated narcotics locker. Narcotics and dangerous drugs can pose a hazard to deputies, therefore presumptive testing will not be performed on the substances prior packaging and placing in a designated narcotics locker.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size available in the report room. The booking deputy shall initial the sealed envelope and the initials covered with cellophane/evidence tape. Narcotics and dangerous drugs shall not be packaged with other property.

A completed bar code label shall be attached to the outside of the container.

#### **804.4.3 PACKAGING SYRINGES**

Handling and booking a hypodermic syringe (sharp) with needle into property can be hazardous and potentially exposes employees to injuries and disease. To decrease the hazards posed to employees by these items, sharps shall be photographed and disposed of in the "sharps" container located in the station evidence room. If the sharp contains a possible narcotic, the substance shall be discharged into a vial, booked into property following established procedures and the sharp disposed of in the "sharps" container.

In cases where the sharp itself needs to be booked into evidence due to the nature of the investigation (i.e. homicide, suspicious death) deputies shall obtain authorization from a supervisor, advise the property office via e-mail and place the sharp in a small "sharps" container (syringe tube) before booking into evidence following the established procedures.

#### **804.5 RECORDING OF PROPERTY**

The property officer receiving custody of evidence or property shall scan the property which notes the date and time the property was received and where the property will be stored.

Any changes in the location of property held by the San Luis Obispo County Sheriff's Office shall be noted in the property RMS system.

#### **804.6 PROPERTY CONTROL**

Each time the property officer receives property or releases property to another person, he/she shall enter this information in the RMS system. Deputies desiring property for court shall contact the property officer at least one day prior to the court day.

##### **804.6.1 RESPONSIBILITY OF OTHER PERSONNEL**

Every time property is released or received, an appropriate entry into RMS shall be completed to maintain the chain of possession.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the Sheriff's Office crime lab or DOJ. This request may be filled out any time after booking of the property or evidence.

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#### 804.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time in RMS and the request for laboratory analysis.

The property officer releasing the evidence must complete the required information on the property and the evidence. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the property officer or deputy will record the date, time and the employee to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned and scanned into Laser fiche system.

#### 804.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to deputies for investigative purposes, or for court, shall be noted in RMS stating the date, time and to whom released.

Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded in RMS, indicating date, time, and the person who returned the property.

#### 804.6.4 AUTHORITY TO RELEASE PROPERTY

The reporting Deputy and/or investigating Detective shall authorize the disposition or release of all evidence and property coming into the care and custody of the Sheriff's Office. Property Officers may also authorize the disposition of evidence/property after they insure that the property/evidence is no longer needed for the case or does not have any evidentially value. During the disposition, if an investigating deputy is assigned to the case, the property officer shall notify the investigating deputy via department email regarding the disposition.

In cases where the Property Officer is not involved in the disposition, they will send a request for release authorization by e-mail to responsible Deputy or Detective. The Deputy or Detective will research the request and determine if the property is able to be released or disposed of and respond with findings in a timely manner not to exceed 10 working days.

No responses to property release requests will be forwarded to the employees supervisor.

#### 804.6.5 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 release 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 on the property form.

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With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 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 related reports.

A property 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 on the original property form. After release of all property entered on the property control card, the card shall be forwarded to the Records Section for filing with the case. If some items of property have not been released, the property card will remain with the Property Office. Upon release, the proper entry shall be documented in the Property Log.

Under no circumstances shall any firearm, magazine, or ammunition 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 Office Supervisor 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 [Department/Office] is not required to retain any firearm, magazine, or ammunition longer than 180 days after notice has been provided to the owner that such items are available for return. At the expiration of such period, the firearm, magazine, or ammunition may be processed for disposal in accordance with applicable law (Penal Code § 33875).

#### 804.6.6 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.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Sheriff's Office may wish to file an interpleader to resolve the disputed claim (Code of Civil Procedure § 386(b)).

#### 804.6.7 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 property 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

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investigation, or the individual is otherwise prohibited from possessing a firearm (Family Code § 6389(g); Penal Code § 33855).

#### 804.6.8 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 the weapon has been initiated pursuant to Welfare and Institutions Code § 8102(c), the 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 presents valid identification and written notification from the California Department of Justice (DOJ) which 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 weapon is not retained as evidence, the [Department/Office] shall make the weapon available for return. No firearm will be returned unless and until the person presents valid identification and written notification from the California DOJ which conforms to the provisions of Penal Code § 33865.
- (c) Unless the person contacts the [Department/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.

#### 804.6.9 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 San Luis Obispo 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.

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#### **804.7 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 property 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.

##### **804.7.1 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)

##### **804.7.2 UNCLAIMED MONEY**

If found or seized money is no longer required as evidence and remains unclaimed after three years, the Auditor's 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 fifteen dollars (\$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 the county. Money representing restitution collected on behalf of victims shall either be deposited into the Restitution Fund or used for purposes of victim services.

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#### 804.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property Officer shall ensure that no biological evidence held by the Department 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 Detective Division supervisor

Biological evidence shall be retained for a minimum period established by law (Penal Code § 1417.9), the Property Office Supervisor or the expiration of any sentence imposed 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 Department within 90 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 Detective Division supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Sheriff and the head of the applicable prosecutor's office.

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 Detective Division supervisor should be consulted and the sexual assault victim should be notified.

#### **804.8 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 Sheriff's Office shall be conducted by the Investigative Services Bureau Chief Deputy or his/her designee.
- (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(s) not associated to the property room or function to ensure that records are correct and all evidence property is accounted for.

## Records Section Procedures

### **806.1 PURPOSE AND SCOPE**

The Records Manager shall maintain the Sheriff's Office Records Section Procedures Manual on a current basis to reflect the procedures being followed within the Records Section. Policies and procedures that apply to all employees of the Sheriff's Office are contained in this chapter.

#### **806.1.1 NUMERICAL FILING SYSTEM**

Case reports are filed numerically.

Reports are numbered commencing with the last two digits of the current year followed by the two digit month than sequential number beginning with 00001 starting at midnight on the first day of January of each year. As an example, case number 1101-00001 would be the first new case beginning January 1, 2011.

### **806.2 FILE ACCESS AND SECURITY**

All reports including, but not limited to, initial, supplemental, follow-up, evidence, and all reports critical to a case shall be maintained in a secure area accessible only to authorized personnel. Access to report files after hours or when records personnel are otherwise not available may be obtained through the Watch Commander.

San Luis Obispo County Sheriff's Office employees shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether hard copy or electronic file format, except in accordance with Sheriff's Office policy and with a legitimate law enforcement or business purpose or as otherwise permissible by law.

### **806.3 DETERMINATION OF FACTUAL INNOCENCE**

In any case where a person has been arrested by deputies of the San Luis Obispo County Sheriff's Office and no accusatory pleading has been filed, the person arrested may petition the Sheriff's Office to destroy the related arrest records. Petitions should be forwarded to the Support Services Supervisor. The Support Services Supervisor 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 Support Services Supervisor should forward the petition to the Detective Unit Supervisor and the County Counsel for review. After such review and consultation with the County Counsel, the Detective Unit Supervisor and the Support Services Supervisor shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Support Services Supervisor shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California Department of Justice and other law enforcement agencies (Penal Code § 851.8).

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The Support Services Supervisor should respond to a petition with the Sheriff's Office decision within 45 days of receipt. Responses should include only the decision of the Sheriff's Office, not an explanation of the analysis leading to the decision.

## Reports - Restricted Access

### 807.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for restricting access to confidential criminal investigations to prevent the release of sensitive information that may hinder the progress of the investigation or the prosecution of the case by the District Attorney's Office.

### 807.2 POLICY

It is the policy of the San Luis Obispo County Sheriff's Office to restrict access to confidential criminal investigations, to the following:

- (a) Detective personnel assigned to conduct the investigation, collect or process evidence or to input investigative reports into RMS.
- (b) Supervisors and managers having direct oversight of the investigation.
- (c) Records personnel, with approval of the Detective Commander or Chief Deputy of ISB, to comply with discovery orders from the District Attorney's Office.
- (d) Professional Standards Unit Commander to ensure the integrity of the investigation.
- (e) Sheriff and Undersheriff to provide executive review and direction as needed.

### 807.3 RESTRICTED CASE PROCEDURES

For criminal investigations the Chief Deputy of the Investigative Services Bureau and the Commander of the Detective Division will oversee Records Management System restricted cases. Personnel not listed in Section 807.2 who require access to restricted case files in RMS will E-mail a request for access to the Detective Division Commander and the Chief Deputy of ISB stating the reason for access and the expected duration for access to the case, if known.

If access to the restricted case is approved the Detective Commander or ISB Chief Deputy will forward the request to Sheriff's IT and they will grant access the employee access to the requested case.

The Detective Division Commander will maintain a log of restricted criminal cases and of personnel granted access to each case in the Records Management System.

#### 807.3.1 RESTRICTED ACCESS FOR FIELD OPERATIONS PERSONNEL

If a restricted criminal investigation is determined to require access at the patrol level, those deputies directly involved with the investigation and the Chief Deputy of Field Operations will be granted restricted access until such time as all reports from the patrol level have been entered into RMS. This is to allow the Field Operations Chief Deputy to provide oversight of patrol operations and ensure that all reports generated by his/her personnel are completed in a timely manner.

Once all reports from Field Operations Personnel are entered into the Records Management System and the case becomes an investigative function, access will be limited to those personnel listed in Section 807.2 of this policy.

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#### 807.3.2 NON-CRIMINAL INVESTIGATIVE REPORTS

Investigative reports generated by the Professional Standards Unit or other reports deemed confidential by Sheriff's Administration will not fall under this policy and access shall be controlled by the Sheriff or his designee.

## Restoration of Firearm Serial Numbers

### 808.1 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.

### 808.2 PROCEDURE

Any firearm coming into the possession of the San Luis Obispo 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:

#### 808.2.1 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.

#### 808.2.2 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.

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#### 808.2.3 DEPUTY RESPONSIBILITY

The property officer receiving a firearm 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.

#### 808.2.4 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. This may appear on the request form or property form depending on the type of evidence.

#### 808.2.5 FIREARM TRACE

After the serial number has been restored (or partially restored) by the forensic laboratory, the property officer will complete a Bureau of Alcohol, Tobacco, and Firearms (ATF) National Tracing Center (NTC) Obliterated Serial Number Trace Request Form (ATF 3312.1-OBL) and forward the form to the NTC in Falling Waters, West Virginia or enter the data into the ATF eTrace system.

### **808.3 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.

## Records Maintenance and Release

### 810.1 PURPOSE AND SCOPE

The purpose of this section is to establish a comprehensive reference and procedure for the maintenance and release of Sheriff's Office reports and records in accordance with applicable law.

### 810.2 POLICY

The San Luis Obispo 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.).

#### 810.2.1 PROCESSING OF REQUESTS

Any member of the public, including the media and elected officials, may access unrestricted records of this department by submitting a written and signed request for each record sought and paying any associated fees (Government Code § 7922.525).

The processing of requests is subject to the following limitations:

- (a) The employee processing the request shall determine if the requested record is available and, if so, whether the record is exempt from disclosure. 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 Sheriff or the authorized designee. If an extension is authorized, the Department shall provide written notice of the extension to the requesting party (Government Code § 7922.535).
- (b) In accordance with the Public Records Act, the Department is not required to create records that do not otherwise exist in order to accommodate a request under the Act.

Requests by elected officials for records that are not open to public inspection should be referred to the Records Manager for a determination as to whether the records will be released. Requests from elected officials to inspect records not open to the public must be made in conjunction with their official duties (Government Code § 7921.305)

### 810.3 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 [Department/Office], including the retention, archiving, release, and destruction of [department/office] public records.
- (b) Maintaining and updating the [department/office] records retention schedule including:
  - 1. Identifying the minimum length of time the [Department/Office] must keep records.
  - 2. Identifying the [department/office] bureau responsible for the original record.

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- (c) Establishing rules regarding the inspection and copying of [department/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 [department/office]'s website may be used to post public records in accordance with Government Code § 7922.545.
- (h) Ensuring that all [department/office] current standards, policies, practices, operating procedures, and education and training materials are posted on the [department/office] website in accordance with Penal Code § 13650.
- (i) Ensuring that public records posted on the [Department/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 posted in a prominent location on the [Department/Office]'s website (Government Code § 7922.710; Government Code § 7922.720).

#### 810.3.1 GENERAL CASE AND CRIME REPORTS

Reports containing any of the items listed below will not be released:

- (a) **Victim information** - Victims of crimes who have requested that their identifying information be kept confidential, victims who are minors and victims of certain offenses (e.g., sex crimes, Penal Code § 293) shall not be made public. No employee shall disclose to any arrested person or to any person who may be a defendant in a criminal action the address or telephone number of any person who is a victim or witness in the alleged offense, unless it is required by law (Penal Code § 841.5).
- (b) **Confidential information** - 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 shall not be made public.
  - 1. Analysis and conclusions of investigating deputies may also be exempt from disclosure.
  - 2. If it has been noted in any report that any individual wishes to protect his/her right to privacy under the California Constitution, such information may not be subject to public disclosure.

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- (c) **Specific crimes** - Certain types of reports involving, but not limited to, **child abuse/molestation** (Penal Code § 11167.5), **elder abuse** (Welfare and Institutions Code § 15633) and **juveniles** (Welfare and Institutions Code § 827) shall not be made public.
- (d) **General information** - Absent 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 § 7920.000 et. seq..
- (e) **Deceased juvenile crime victims** - The Code of Civil Procedure § 130 limits the dissemination of autopsy and private medical information concerning a murdered child by allowing families to request that the autopsy report of the victim be sealed from public inspection. Such requests shall be honored, 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).

#### 810.3.2 ARREST REPORTS

Arrestee information shall be subject to release in the same manner as information contained in other reports as set forth above.

In addition to the restrictions stated above, all requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, County Counsel or the courts pursuant to Penal Code § 1054.5.

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.

#### 810.3.3 PERSONNEL RECORDS

Personnel records, medical records and similar records which would involve personal privacy shall not be made public (Government Code § 7927.700; Penal Code § 832.7; Penal Code § 832.8).

Peace officer personnel records are deemed confidential (Penal Code § 832.7, et seq.) and shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order (Evidence Code § 1043, et seq.) or as required by PC 832.7.

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.

#### 810.3.4 CONCEALED WEAPONS PERMITS

Information contained in CCW permit applications or other files which would tend to reveal where the applicant is vulnerable or which contains medical or psychological information shall not be made public (Government Code § 7923.800).

#### 810.3.5 DOMESTIC VIOLENCE REPORTS

Victims of domestic violence, sexual assault, stalking, human trafficking, elder abuse, or their representative shall be provided, without charge, one copy of all domestic violence incident

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report face sheets, one copy of all domestic violence incident reports, or both, pursuant to the requirements and time frames of Family Code § 6228.

#### **810.4 OTHER RECORDS**

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 or to the security of the Sheriff's Office electronic technology systems (Government Code § 7929.210).

The Sheriff's Office maintains the right to refuse to disclose or release any other record when it would appear that the public's interest in accessing such record is outweighed by the need for nondisclosure (Government Code § 7922).

Any record which was created exclusively in anticipation of potential litigation involving the Sheriff's Office shall not be subject to public disclosure (Government Code § 7927.700).

##### **810.4.1 PERSONAL IDENTIFYING INFORMATION**

Employees shall not access, use or disclose personal identifying information, including an individual's photograph, social security number, driver identification number, name, address, telephone number or the individual's medical disability information which is contained in any driver license record, motor vehicle record, or any department record except as authorized by law to carry out a legitimate law enforcement purpose (18 USC § 2721 and 18 USC § 2722)

##### **810.4.2 REQUESTS FOR RECORDS**

Any member of the public, including the media and elected officials, may access unrestricted records of this, 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 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 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 shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.

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- (a) 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).
- (b) If the record requested is available on the 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. Records shall not be provided only in electronic format unless specifically requested (Government Code § 7922.570; Government Code § 7922.580).
- (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.
  - (a) 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 -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).

#### **810.5 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 [department/office] record, including traffic collision reports, are restricted except as authorized by the [Department/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.).

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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).
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, or both, 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).

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- (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.
- (l) Any record created exclusively in anticipation of potential litigation involving this [department/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 [department/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).

#### **810.6 RELEASED RECORDS TO BE STAMPED**

Each face page of any complete record released pursuant to any request (other than public records request) or Subpoena Duces Tecum shall be stamped in red ink with a Sheriff's Office stamp identifying the individual or agency to whom the record was released.

If the record or document is released per a public records request the document will not be stamped as the document is deemed a public record.

#### **810.7 SECURITY BREACHES**

The Records Manager shall ensure notice is given anytime there is a reasonable belief an unauthorized person has acquired unencrypted personal identifying information stored in any Department 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 Department determines that notification

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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.

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:

- Social security number
- Driver license number or California identification card number
- 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
- Health insurance information
- A user name or email address, in combination with a password or security question and answer that permits access to an online account

#### 810.7.1 FORM OF NOTICE

- (a) The notice shall be written in plain language and include, to the extent possible, the following:
  1. The date of the notice.
  2. Name and contact information for the San Luis Obispo County Sheriff's Office.
  3. A list of the types of personal information that were or are reasonably believed to have been acquired.
  4. The estimated date or date range within which the security breach occurred.
  5. Whether the notification was delayed as a result of a law enforcement investigation.
  6. A general description of the security breach.
  7. The toll-free telephone numbers and addresses of the major credit reporting agencies, if the breach exposed a social security number or a driver's license or California identification card number.
- (b) The notice may also include information about what the San Luis Obispo 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.
- (c) When a breach involves an online account, and only a user name 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:

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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 Department in addition to any other online accounts for which the person uses the same user name or email address and password or security question and answer.

#### 810.7.2 MANNER OF NOTICE

- (a) Notice may be provided by one of the following methods:
  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 Department does not have sufficient contact information. Substitute notice shall consist of all of the following:
    - (a) Email notice, when the Department has an email address for the subject person.
    - (b) Conspicuous posting of the notice on the Department's webpage.
  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 Department to notify more than 500 California residents, the Department shall electronically submit a sample copy of the notification, excluding any personally identifiable information, to the Attorney General.

#### **810.8 DISCOVERY ORDERS**

When a Discovery Order is received by the Sheriff's Office, it will be immediately forwarded to the Record's Unit. Records personnel will determine if the Discovery Order has been routed through the District Attorney's Office.

- (a) If the Order has been routed through the District Attorney's Office, the Order will be complied with.
- (b) If the Order has not been routed through the District Attorney's Office, it will be sent to them for review. The Records Unit will take no further action until the Order has been returned by the District Attorney's Office.

If the Order is lawful and the requested items are in Records Unit files, they will be collected and sent to the District Attorney's Office. with the discovery order.

When requested items are retained elsewhere in the Sheriff's Office.

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- A copy of the Discovery Order will be sent to the appropriate individual or unit. That individual or unit will return the requested item, along with the discovery order, to the Records Unit without delay.
- After collection of all available items listed in the Order, Records Unit personnel will send those items to the District Attorney's Office with the discovery order.
- If the requested items are not within the Sheriff's Office, the District Attorney's Department will be notified via the compliance memorandum.

The Sheriff's Office automated database (RMS/LS,etc) will be updated to reflect the items provided pursuant to the discovery order, the date forward, and the initials and body # of the employee who forward the requested information.

#### **810.9 BACKGROUND FILES**

The Professional Standards Unit will provide Background Investigators from other agencies with information from personnel records, unless direction to the contrary is provided by the Sheriff or a Chief Deputy.

Background Investigators from other agencies must produce a signed and dated "release and waiver" form.

- (a) Form must be legible.
- (b) Form must state specific file to be reviewed.
- (c) Date on waiver must be within one year of the date it is presented.
- (d) Form shall be placed in each file reviewed and in each file from which information was extracted.

Custodian of record shall remain physically present during entire review process. No documents shall be duplicated without permission of the Sheriff or a Chief Deputy.

#### **810.10 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 Professional Standards 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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#### 810.10.1 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 [Department/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 [Department/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).

#### 810.10.2 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.

#### 810.10.3 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 [Department/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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#### 810.10.4 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 [Department/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 [Department/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 [Department/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).

#### **810.11 SUBPOENA DUCES TECUM**

Any Subpoena Duces Tecum (SDT) should be promptly provided to the Records Manager 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.

All SDT requests require a response whether or not requested information is provided.

- (a) Responses may include complete copies of reports, redacted report copies, or an explanation as to why documents are not being provided.

All questions regarding compliance with any Subpoena Duces Tecum should be promptly referred to legal counsel for the Sheriff's Office so that a timely response can be prepared.

## Protected Information

### 812.1 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 San Luis Obispo County Sheriff's Office. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Release and Security Policy.

#### 812.1.1 DEFINITIONS

Definitions related to this policy include:

**Protected information** - Any information or data that is collected, stored or accessed by members of the San Luis Obispo County Sheriff's Office 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.

### 812.2 POLICY

Members of the San Luis Obispo 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.

### 812.3 RESPONSIBILITIES

The Sheriff shall select a member of the Department to 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.

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- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

#### **812.4 ACCESS TO PROTECTED INFORMATION**

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, San Luis Obispo County Sheriff's Office policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member 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.

##### **812.4.1 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).

#### **812.5 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 who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Manager for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department 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 Records Section to ensure proper documentation of the release (see the Records Release and Security Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of deputies, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

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#### 812.5.1 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 Department after complying with all legal requirements regarding authority and procedures in Penal Code § 11120 through Penal Code § 11127 (Penal Code § 13321).

#### 812.5.2 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 [department/office] members, or the public is at risk, only summary information may be transmitted.

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 [department/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.

#### **812.6 SECURITY OF PROTECTED INFORMATION**

The Sheriff will select a member of the [Department/Office] to 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.

#### 812.6.1 MEMBER RESPONSIBILITIES

Members 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

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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).

#### **812.7 TRAINING**

All members 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.

## Computers and Digital Evidence

### 814.1 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.

### 814.2 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) Store all computer items in the Property 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.

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### *Computers and Digital Evidence*

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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 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.

#### **814.2.1 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.

#### **814.2.2 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 a computer forensic examiner:

- (a) Copy of report(s) involving the computer, including the Evidence/Property sheet.
- (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) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).
- (d) 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.

#### **814.3 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) If the media has a write-protection tab or switch, it should be activated.
- (b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request the Forensic Examiner to copy the contents to an appropriate form of storage media.
- (c) 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.

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- (d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.
- (e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

#### **814.4 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 solid metal container such as a paint can or in a faraday bag, to prevent the device from sending or receiving information from its host network.
- (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.

#### **814.5 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.

##### **814.5.1 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.

##### **814.5.2 SUBMISSION OF DIGITAL MEDIA**

The following are required procedures for the submission of digital media used by cameras or other recorders:

- (a) As soon as possible following the collection of photographic evidence, the investigating Deputy shall download the digital media to an external storage medium. A USB flash drive is the preferred storage medium and shall be used whenever possible. The external storage medium shall then be booked into evidence under the associated case number. Prior to the deletion of the original digital media, the Deputy shall confirm that all files were properly transferred to the external storage medium.

##### **814.5.3 DOWNLOADING OF DIGITAL FILES**

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

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- (a) Files should not be opened or reviewed prior to downloading and storage.
- (b) Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

#### 814.5.4 PRESERVATION OF DIGITAL EVIDENCE

- (a) Only evidence technicians are authorized to copy original digital media that is held as evidence. 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.

## Jeanne Clery Campus Security Act

### 822.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure this [department/office] fulfills its obligation in complying with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) as well as applicable California Education Code requirements.

### 822.2 POLICY

The San Luis Obispo County Sheriff's Office encourages accurate and prompt reporting of all crimes and takes all such reports seriously (20 USC § 1092(f)(1)(C)(iii)). Reports will be accepted in any manner, including in person or in writing, at any San Luis Obispo County Sheriff's Office facility. Reports will be accepted anonymously, by phone or via email or on the institution's website.

It is the policy of the San Luis Obispo County Sheriff's Office to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the San Luis Obispo County Sheriff's Office and the administration of the institution.

Supervisors assigned areas of responsibility in the following policy sections are expected to be familiar with the subsections of 20 USC § 1092(f) and 34 CFR 668.46 that are relevant to their responsibilities.

### 822.3 POLICY, PROCEDURE AND PROGRAM DEVELOPMENT

The Sheriff will:

- (a) Ensure that the San Luis Obispo County Sheriff's Office establishes procedures for immediate emergency response and evacuation, including the use of electronic and cellular communication and testing of these procedures (20 USC § 1092(f)(1)(J)(i); 20 USC § 1092(f)(1)(J)(iii)).
- (b) Enter into agreements as appropriate with local law enforcement agencies to:
  1. Identify roles in the investigation of alleged criminal offenses on campus (20 USC § 1092(f)(1)(C)(ii)),
  2. Assist in the monitoring and reporting of criminal activity at off-campus student organizations that are recognized by the institution and engaged in by students attending the institution, including student organizations with off-campus housing facilities (20 USC § 1092(f)(1)(G)),
  3. Ensure coordination of emergency response and evacuation procedures, including procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation (20 USC § 1092(f)(1)(J)).
  4. Notify the San Luis Obispo County Sheriff's Office of criminal offenses reported to local law enforcement agencies to assist the institution in meeting its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)).

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5. Notify the San Luis Obispo County Sheriff's Office of criminal offenses reported to local law enforcement agencies to assist in making information available to the campus community in a timely manner and to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).
- (c) Appoint a designee to develop programs that are designed to inform students and employees about campus security procedures and practices, and to encourage students and employees to be responsible for their own security and the security of others (20 USC § 1092(f)(1)(D)).
- (d) Appoint a designee to develop programs to inform students and employees about the prevention of crime (20 USC § 1092(f)(1)(E)).
- (e) Appoint a designee to develop educational programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault and stalking, and what to do if an offense occurs, including but not limited to, who should be contacted, the importance of preserving evidence and to whom the alleged offense should be reported (20 USC § 1092(f)(8)(B)). The designee shall also develop written materials to be distributed to reporting persons that explains the rights and options provided for under 20 USC § 1092 (20 USC § 1092(f)(8)(C)).
- (f) Appoint a designee to make the appropriate notifications to institution staff regarding missing person investigations, in order to ensure that the institution complies with the requirements of 34 CFR 668.46(h).

#### **822.4 RECORDS COLLECTION AND RETENTION**

The Records Manager is responsible for maintaining San Luis Obispo County Sheriff's Office statistics and making reasonable good-faith efforts to obtain statistics from other law enforcement agencies as necessary to allow the institution to comply with its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)). The statistics shall be compiled as follows:

- (a) Statistics concerning the occurrence of the following criminal offenses reported to this [department/office] or to local police agencies that occurred on campus, in or on non-campus buildings or property, and on public property including streets, sidewalks and parking facilities within the campus or immediately adjacent to and accessible from the campus (20 USC § 1092(f)(1)(F)(i); 34 CFR 668.46(c)):
  1. Murder
  2. Sex offenses, forcible or non-forcible
  3. Robbery
  4. Aggravated assault
  5. Burglary
  6. Motor vehicle theft

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7. Manslaughter
  8. Arson
  9. Arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations and weapons possession
  10. Dating violence, domestic violence and stalking
- (b) Statistics concerning the crimes described in the section above, theft, simple assault, intimidation, destruction, damage or vandalism of property, and other crimes involving bodily injury to any person where the victim was intentionally selected because of his/her actual or perceived race, sex, religion, gender, gender identity, sexual orientation, ethnicity or disability. These statistics should be collected and reported according to the category of prejudice (20 USC § 1092(f)(1)(F)(ii); 34 CFR 668.46(c)).
1. The statistics shall be compiled using the definitions in the FBI's UCR system and modifications made pursuant to the Hate Crime Statistics Act (20 USC § 1092(f)(7); 34 CFR 668.46(c)(9)). For the offenses of domestic violence, dating violence and stalking, such statistics shall be compiled in accordance with the definitions used in the Violence Against Women Act (20 USC § 1092(f)(7); 34 USC § 12291; 34 CFR 668.46(a)). The statistics will be categorized separately as offenses that occur in the following places (20 USC § 1092(f)(12); 34 CFR 668.46(c)(5)):
    - (a) On campus.
    - (b) In or on a non-campus building or property.
    - (c) On public property.
    - (d) In dormitories or other on-campus, residential or student facilities.
  - (c) Statistics will be included by the calendar year in which the crime was reported to the San Luis Obispo County Sheriff's Office (34 CFR 668.46(c)(3)).
  - (d) Stalking offenses will include a statistic for each year in which the stalking conduct is reported and will be recorded as occurring either at the first location where the stalking occurred or the location where the victim became aware of the conduct (34 CFR 668.46(c)(6)).
  - (e) Statistics will include the three most recent calendar years (20 USC § 1092(f)(1)(F); 34 CFR 668.46(c)).
  - (f) The statistics shall not identify victims of crimes or persons accused of crimes (20 USC § 1092(f)(7)).

#### 822.4.1 CRIME LOG

The Records Manager is responsible for ensuring a daily crime log is created and maintained as follows (20 USC § 1092(f)(4); 34 CFR 668.46(f)):

- (a) The daily crime log will record all crimes reported to the San Luis Obispo County Sheriff's Office, including the nature, date, time and general location of each crime, and the disposition, if known.

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- (b) All log entries shall be made within two business days of the initial report being made to the [Department/Office].
- (c) If new information about an entry becomes available, then the new information shall be recorded in the log not later than two business days after the information becomes available to the sheriff's [department/office] or security department.
- (d) The daily crime log for the most recent 60-day period shall be open to the public for inspection at all times during normal business hours. Any portion of the log that is older than 60 days must be made available within two business days of a request for public inspection. Information in the log is not required to be disclosed when:
  - 1. Disclosure of the information is prohibited by law.
  - 2. Disclosure would jeopardize the confidentiality of the victim.
  - 3. There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, may cause a suspect to flee or evade detection, or could result in the destruction of evidence. In any of these cases, the information may be withheld until that damage is no longer likely to occur from the release of such information.

#### **822.5 INFORMATION DISSEMINATION**

It is the responsibility of the Support Services Bureau Chief to ensure that the required Clery Act disclosures are properly forwarded to campus administration and community members in accordance with institution procedures. This includes:

- (a) Procedures for providing emergency notification of crimes or other incidents and evacuations that might represent an imminent threat to the safety of students or employees (20 USC § 1092(f)(3) and 34 CFR 668.46(e) and (g)).
- (b) Procedures for notifying the campus community about crimes considered to be a threat to other students and employees in order to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).
- (c) Information necessary for the institution to prepare its annual security report (20 USC § 1092(f)(1); 34 CFR 668.46(b)). This report will include, but is not limited to, the following:
  - 1. Crime statistics
  - 2. Crime and emergency reporting procedures
  - 3. Policies concerning security of and access to campus facilities
  - 4. Crime and sexual assault prevention programs
  - 5. Enforcement policies related to alcohol and illegal drugs

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6. Locations where the campus community can obtain information about registered sex offenders
7. Emergency response and evacuation procedures
8. Missing student notification procedures

## **Chapter 9 - Custody**

## Custodial Searches

### 900.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the San Luis Obispo County Sheriff's Office facility. Such items can pose a serious risk to the safety and security of [department/office] members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

#### 900.1.1 DEFINITIONS

Definitions related to this policy include:

**Custody search** - An in-custody search of an individual and of the individual's property, shoes, and clothing, including pockets, cuffs, and folds on the clothing, to remove all weapons, dangerous items, and contraband.

**Physical body cavity search** - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach, rectal cavity, or vagina of an individual.

**Strip search** - A search that requires an individual to remove or rearrange some or all of the individual's clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus, or outer genitalia. This includes monitoring an individual who is changing clothes, where the individual's underclothing, buttocks, genitalia, or female breasts are visible.

### 900.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

### 900.3 FIELD AND TRANSPORTATION SEARCHES

A deputy should conduct a custody search of an individual immediately after the individual's arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any [department/office] vehicle.

Whenever practicable, a custody search should be conducted by a deputy of the same sex as the person being searched. If a deputy of the same sex is not reasonably available, a witnessing deputy should be present during the search.

### 900.4 SEARCHES AT SHERIFF'S FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the San Luis Obispo County Sheriff's Office facilities. Except in exigent circumstances, the search should be

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conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

#### **900.4.1 PROPERTY**

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this [department/office], such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another [department/office] member. The inventory should include the case number, date, time, member's San Luis Obispo County Sheriff's Office identification number and information regarding how and when the property may be released.

#### **900.4.2 VERIFICATION OF MONEY**

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The [department/office] member sealing it should place the member's initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

#### **900.5 STRIP SEARCHES**

No individual in temporary custody at any San Luis Obispo County Sheriff's Office facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

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- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
  - 1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on [department/office] members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

#### 900.5.1 STRIP SEARCH PROCEDURES

Strip searches at San Luis Obispo County Sheriff's Office facilities shall be conducted as follows (28 CFR 115.115):

In addition refer to Custody Bureau Policy Section 306 for detailed procedure and guidelines on strip searches.

- (a) Written authorization from the Watch Commander or Custody Sergeant shall be obtained prior to the strip search.
- (b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.
- (f) The primary member conducting the search shall prepare a written report to include:
  - 1. The facts that led to the decision to perform a strip search.
  - 2. The reasons less intrusive methods of searching were not used or were insufficient.
  - 3. The written authorization for the search, obtained from the Watch Commander.

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4. The name of the individual who was searched.
  5. The name and sex of the members who conducted the search.
  6. The name, sex and role of any person present during the search.
  7. The time and date of the search.
  8. The place at which the search was conducted.
  9. A list of the items, if any, that were recovered.
  10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.
- (g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.
- (h) If the individual has been arrested for a misdemeanor or infraction offense, the written authorization from the Watch Commander or Custody Sergeant shall include specific and articulable facts and circumstances upon which the reasonable suspicion determination for the search was made (Penal Code § 4030(f)).
- (i) A copy of the written authorization shall be retained and made available upon request to the individual or the individual's authorized representative. A record of the time, date, place of the search, the name and sex of the person conducting the search, and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative (Penal Code § 4030(i)).

#### 900.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Watch Commander authorization and only in exceptional circumstances, such as when:

- (a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.
- (b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

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These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Watch Commander authorization does not need to be in writing.

#### **900.6 PHYSICAL BODY CAVITY SEARCH**

Physical body cavity searches shall be subject to the following (Penal Code § 4030):

- (a) No individual shall be subjected to a physical body cavity search without written approval of the Watch Commander and only upon a search warrant (Penal Code § 4030(h)). A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).
- (b) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse or Emergency Medical Technician Level II licensed to practice in California may conduct a physical body cavity search.
- (c) *Except for the physician or licensed medical personnel conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.*
- (d) *Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.*
- (e) *All such searches shall be documented, including:*
  - 1. *The facts that led to the decision to perform a physical body cavity search of the individual.*
  - 2. *The reasons less intrusive methods of searching were not used or were insufficient.*
  - 3. *The Watch Commander's or Custody Sergeants approval.*
  - 4. *A copy of the search warrant.*
  - 5. *The time, date and location of the search.*
  - 6. *The medical personnel present.*
  - 7. *The names, sex and roles of any department members present.*
  - 8. *Any contraband or weapons discovered by the search.*
- (f) *Copies of the written authorization and search warrant shall be retained and shall be provided to the individual who was searched or other authorized representative upon request. A record of the time, date, place of the search, the name and sex of the person conducting the search and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.*

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#### **900.7 TRAINING**

The Training Manager shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.
- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

## Contact with Inmates and Former Inmates

### 901.1 PURPOSE AND SCOPE

In all cases, employees will maintain a professional demeanor with inmates and former inmates and will not commit any act or omit any act that would bring discredit on themselves or the Sheriff's Office.

#### 901.1.1 EMPLOYEE PROHIBITED CONDUCT WITH INMATES OR FORMER INMATES

Employees shall not conduct any of the following with inmates or former inmates:

- (a) Fraternalize with, accept free services from, do favors for, correspond with, converse on the telephone with, or give personal advice to;
- (b) Play any game of chance or wager with;
- (c) Associate socially or fraternize with the spouse of;
- (d) Buy or accept any article directly from or from any associate of, unless the item is on display and available to the general public;
- (e) Manage, hold for safekeeping, sell or attempt to sell any real or personal property of, unless required to do so by law or ordinance;
- (f) Permit weapons, or objects adaptable for use as weapons, to remain unattended in any location accessible to;
- (g) Strike a prisoner or suspect, except to prevent an escape, in self-defense, or in defense of another;
- (h) Negligently commit or omit any act which results in an escape.
- (i) Employees shall not touch suspects or prisoners of the opposite sex, except when required in the performance of their duties.

## Prison Rape Elimination

### 902.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect, and respond to sexual abuse, harassment, and retaliation against individuals in custody in the San Luis Obispo County Sheriff's Office Temporary Holding Facilities (28 CFR 115.111; 15 CCR 1029).

#### 902.1.1 DEFINITIONS

Definitions related to this policy include:

**Intersex** - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

**Sexual abuse** - Any of the following acts, if the detainee does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse (28 CFR 115.6; 15 CCR 1006):

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva, or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation

Sexual abuse also includes abuse by a staff member, contractor, or volunteer as follows, with or without consent of the individual in custody:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva, or anus
- Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire

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- Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described above
- Any display by a staff member, contractor, or volunteer of the staff member's uncovered genitalia, buttocks, or breast in the presence of an individual in custody
- Voyeurism by a staff member, contractor, or volunteer

**Sexual harassment** - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures, or actions of a derogatory or offensive sexual nature by an individual in custody that are directed toward another; repeated verbal comments or gestures of a sexual nature to an individual in custody by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6; 15 CCR 1006).

**Transgender** - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

#### **902.2 POLICY**

The San Luis Obispo County Sheriff's Office has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The [Department/Office] will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The San Luis Obispo County Sheriff's Office will take immediate action to protect those in its custody who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162; 15 CCR 1029).

#### **902.3 PREA COORDINATOR**

The Sheriff shall appoint an upper-level manager with sufficient time and authority to develop, implement, and oversee [department/office] efforts to comply with PREA standards in the San Luis Obispo County Sheriff's Office Temporary Holding Facilities (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:

- (a) Developing and maintaining procedures to comply with the PREA Rule.
- (b) Ensuring that any contract for the confinement of individuals in custody includes the requirement to adopt and comply with applicable PREA standards and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).
- (c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect those in custody from sexual abuse (28 CFR 115.113; 15 CCR 1029). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.
- (d) Developing methods for staff to privately report sexual abuse and sexual harassment of individuals in custody (28 CFR 115.151).

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- (e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators, and [department/office] leadership to an incident of sexual abuse (28 CFR 115.165).
- (f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):
  - 1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents" or a similarly comprehensive and authoritative protocol.
  - 2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.
  - 3. A process to document all referrals to other law enforcement agencies.
  - 4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.
  - 5. In accordance with security needs, provisions to give, to the extent available, individuals in custody access to victim advocacy services if the individual is transported for a forensic examination to an outside hospital that offers such services.
- (g) Ensuring that individuals with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect, and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing, or vision disabilities) (28 CFR 115.116).
  - 1. The agency shall not rely on other individuals in custody for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the individual's safety, the performance of first-response duties under this policy, or the investigation of an individual's allegations of sexual abuse, harassment, or retaliation.
- (h) Publishing on the [department/office]'s website:
  - 1. Information on how to report sexual abuse and sexual harassment on behalf of an individual in custody (28 CFR 115.154).
  - 2. A protocol describing the responsibilities of the [Department/Office] and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).

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- (i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187; 34 USC § 30303; 15 CCR 1041).
  - 1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.
  - 2. The data shall be aggregated at least annually.
- (j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Temporary Holding Facilities used to house individuals in custody overnight (28 CFR 115.193).
- (k) Ensuring contractors or others who work in the Temporary Holding Facility are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).
- (l) Ensuring that information for uninvolved incarcerated persons, family, community members, and other interested third parties to report sexual abuse or sexual harassment is publicly posted at the facility (15 CCR 1029).

#### **902.4 REPORTING SEXUAL ABUSE, HARASSMENT, AND RETALIATION**

Individuals in custody may make reports to any staff member verbally, in writing, privately, or anonymously of any of the following (28 CFR 115.151; 15 CCR 1029):

- Sexual abuse
- Sexual harassment
- Retaliation by other individuals in custody or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

Individuals in custody shall be notified of the [department/office] zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the [Department/Office] and that is able to receive and immediately forward a report of sexual abuse and sexual harassment to agency officials. This allows the individual to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

##### **902.4.1 MEMBER RESPONSIBILITIES**

[Department/Office] members shall accept reports from individuals in custody and third parties and shall promptly document all reports (28 CFR 115.151; 15 CCR 1029).

All members shall report immediately to the Watch Commander any knowledge, suspicion, or information regarding:

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- (a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.
- (b) Retaliation against individuals in custody or the member who reports any such incident.
- (c) Any neglect or violation of responsibilities on the part of any [department/office] member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

#### **902.4.2 WATCH COMMANDER RESPONSIBILITIES**

The Watch Commander shall report to the [department/office]'s designated investigators all allegations of sexual abuse, harassment, retaliation, neglect, or violations leading to sexual abuse, harassment, or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Watch Commander shall also report the allegation as required under mandatory reporting laws and [department/office] policy.

Upon receiving an allegation that an individual in custody was sexually abused while confined at another facility, the Watch Commander shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Watch Commander shall document such notification (28 CFR 115.163).

If an alleged victim is transferred from the Temporary Holding Facility to a jail, prison, or medical facility, the [Department/Office] shall, as permitted by law, inform the receiving facility of the incident and the individual's potential need for medical or social services, unless the individual requests otherwise (28 CFR 115.165).

#### **902.5 INVESTIGATIONS**

The [Department/Office] shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received [department/office]-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

##### **902.5.1 FIRST RESPONDERS**

The first deputy to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

- (a) Separate the parties.
- (b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.
- (c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy

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physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

- (d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

If the first responder is not a deputy the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

#### 902.5.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (28 CFR 115.171):

- (a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.
- (b) Interview alleged victims, suspects, and witnesses.
- (c) Review any prior complaints and reports of sexual abuse involving the suspect.
- (d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- (e) Assess the credibility of the alleged victim, suspect, or witness on an individual basis and not by the person's status as a detainee or a member of the San Luis Obispo County Sheriff's Office.
- (f) Document in written reports a description of physical, testimonial, documentary, and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.
- (g) Refer allegations of conduct that may be criminal to the District Attorney for possible prosecution, including any time there is probable cause to believe an individual in custody sexually abused another individual in custody in the Temporary Holding Facility (28 CFR 115.178).
- (h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

#### 902.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this [department/office] shall not be used as a basis for terminating an investigation (28 CFR 115.171).

#### 902.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS

No individual in custody who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

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Victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

#### **902.5.5 CONCLUSIONS AND FINDINGS**

All completed investigations shall be forwarded to the Sheriff, or if the allegations may reasonably involve the Sheriff, to the County Administrator. The Sheriff or the County Administrator shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for [department/office] members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history, and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with individuals in custody and reported to any relevant licensing bodies (28 CFR 115.177). The Sheriff shall take appropriate remedial measures and consider whether to prohibit further contact with individuals in custody by a contractor or volunteer.

#### **902.6 RETALIATION PROHIBITED**

All individuals in custody and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Watch Commander or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for individuals in custody or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Watch Commander or the authorized designee shall identify a staff member to monitor the conduct and treatment of individuals in custody or members who have reported sexual abuse and of those who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of individuals in custody, such monitoring shall also include periodic status checks.

#### **902.7 REVIEWS AND AUDITS**

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#### 902.7.1 INCIDENT REVIEWS

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

- (a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.
- (b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.
- (c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
- (d) Assess the adequacy of staffing levels in that area during different shifts.
- (e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Sheriff and the PREA Coordinator. The Sheriff or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

#### 902.7.2 DATA REVIEWS

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

- (a) Identification of any potential problem areas.
- (b) Identification of any corrective actions taken.
- (c) Recommendations for any additional corrective actions.
- (d) A comparison of the current year's data and corrective actions with those from prior years.
- (e) An assessment of the [Department/Office]'s progress in addressing sexual abuse.

The report shall be approved by the Sheriff and made readily available to the public through the [department/office] website or, if it does not have one, through other means. Material may be

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redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from San Luis Obispo County Sheriff's Office facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the [department/office] website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

#### **902.8 RECORDS**

The [Department/Office] shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the [Department/Office], plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

#### **902.9 TRAINING**

All [department/office] members and contractors who may have contact with individuals in custody shall receive [department/office]-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Manager shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The [Department/Office]'s zero-tolerance policy and the right of individuals in custody to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which individuals in custody are most vulnerable.
- The right of individuals in custody and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all individuals in custody.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.
- Proper use of *Miranda* and *Garrity* warnings.
- Sexual abuse evidence collection in confinement settings.

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- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Training Manager shall maintain documentation that employees, volunteers, contractors, and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current [department/office] members who may have contact with individuals in custody shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such members to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

## **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 San Luis Obispo County Sheriff's Office and that are promulgated and maintained by the Department of Human Resources.

### 1000.2 APPLICANT QUALIFICATIONS

In accordance with applicable federal, state, and local law, the 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, marital status, and any other classification or status protected by law. The Sheriff's Office does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The San Luis Obispo County Sheriff's Office will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect integrity and high ethical standards. Candidates for job openings will be selected based on merit, ability, competence and experience.

All peace officer candidates must meet the minimum standards described in California Government Code § 1031 and California Code of Regulations (CCR) Title 11 § 1950, in addition to the employment standards established by the Sheriff's Office.

#### 1000.2.1 VETERAN'S PREFERENCE

Qualifying veterans of the armed forces of the United States shall receive a veteran's preference as applicable. Preference points shall be added after the applicant has received a passing score on an entrance exam and is qualified for placement on the employment list (Government Code § 18978).

### 1000.3 STANDARDS

The Sheriff's Office should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

Employment standards shall be established for each job classification and shall include minimally, the special training, abilities, knowledge and skills required to perform the duties of the job in a satisfactory manner. The San Luis Obispo County Department of Human Resources maintains standards for all positions.

The dilemma facing the Sheriff's Office is one of developing a job-valid and non-discriminatory set of policies which will allow it to lawfully exclude persons who do not meet the San Luis Obispo County or State of California hiring standards. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which are used as a professional standard in background investigations (Title 11 CCR § 1953(b); California POST Background

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Investigation Manual Table 2.1), which is set forth for hiring Peace Officers and Public Safety Dispatchers.

The following standards have been adopted for public safety applicants:

#### 1000.3.1 OPERATION OF A MOTOR VEHICLE

- (a) The ability to possess a valid California driver's license
- (b) The ability to drive safely
- (c) The ability to control a motor vehicle at high speeds
- (d) The ability to operate a motor vehicle in all types of weather conditions
- (e) The following shall be disqualifying:
  - 1. Receipt of three or more moving violations (or any single violation of a potential life threatening violation, such as reckless driving, speed contest, suspect of a pursuit, etc.) within three years prior to application. Moving violations for which there is a factual finding of innocence shall not be included.
  - 2. Involvement as a driver in two or more chargeable (at fault) collisions within three years prior to date of application.
  - 3. A conviction for driving under the influence of alcohol and/or drugs within three years prior to application or any two convictions for driving under the influence of alcohol and/or drugs.

#### 1000.3.2 INTEGRITY

- (a) Refusing to yield to the temptation of bribes, gratuities, payoffs, etc.
- (b) Refusing to tolerate unethical or illegal conduct on the part of other law enforcement personnel
- (c) Showing strong moral character and integrity in dealing with the public
- (d) Being honest in dealing with the public
- (e) The following may be disqualifying:
  - 1. Any material misstatement of fact or significant admission or omission during the application or background process shall be disqualifying, including inconsistent statements made during the initial background interview (Personal History Statement or Supplemental Questionnaire) and/or polygraph examination or discrepancies between this background investigation and other investigations conducted by other law enforcement agencies.
  - 2. Any forgery, alteration, or intentional omission of material facts on an official employment application document or sustained episodes of academic cheating.

#### 1000.3.3 CREDIBILITY AS A WITNESS IN A COURT OF LAW

- (a) The ability to give testimony in a court of law without being subject to impeachment due to his/her honesty or veracity (or their opposites) or due to prior felony conviction.

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- (b) The following may be disqualifying:
1. Conviction of any criminal offense classified as a misdemeanor under California law within three years prior to application
  2. Conviction for two or more misdemeanor offenses under California law as an adult
  3. Conviction of any offense classified as a misdemeanor under California law while employed as a peace officer (including military police officers)
  4. Admission(s) of having committed any act amounting to a felony (including felony-misdemeanor offenses) under California law, as an adult, within five years prior to application or while employed as a peace officer (including military police officers)
  5. Admission(s) of administrative conviction of any act while employed as a peace officer (including military police officers) involving lying, falsification of any official report or document, or theft
  6. Admission(s) of any act of domestic violence as defined by law, committed as an adult
  7. Admission(s) of any criminal act, whether misdemeanor or felony, committed against children including but not limited to: molesting or annoying children, child abduction, child abuse, lewd and lascivious acts with a child, or indecent exposure. Acts of consensual unlawful intercourse accomplished between two minors shall not be included, unless more than four years difference in age existed at the time of the acts
  8. Any history of actions resulting in civil lawsuits against the applicant or his/her employer may be disqualifying

#### 1000.3.4 DEPENDABILITY

- (a) Having a record of submitting reports on time and not malingering on calls, etc.
- (b) A record of being motivated to perform well
- (c) A record of dependability and follow through on assignments
- (d) A history of taking the extra effort required for complete accuracy in all details of work
- (e) A willingness to work the hours needed to complete a job
- (f) The following shall be disqualifying:
  1. Missing any scheduled appointment during the process without permission
  2. Having been disciplined by any employer (including military) as an adult for abuse of leave, gross insubordination, dereliction of duty, or persistent failure to follow established policies and regulations
  3. Having been involuntarily dismissed (for any reason other than lay-off) from two or more employers as an adult

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4. Having held more than seven paid positions with different employers within the past four years, or more than 15 paid positions with different employers in the past ten years (excluding military). Students who attend school away from their permanent legal residence may be excused from this requirement
5. Having undergone personal bankruptcy more than once, having current financial obligations for which legal judgments have not been satisfied, currently having wages garnished, or any other history of financial instability
6. Resigning from any paid position without notice shall be disqualifying, except where the presence of a hostile work environment is alleged.
7. Having any outstanding warrant of arrest at time of application.

#### 1000.3.5 LEARNING ABILITY

- (a) The ability to comprehend and retain information
- (b) The ability to recall information pertaining to laws, statutes, codes, etc.
- (c) The ability to learn and to apply what is learned
- (d) The ability to learn and apply the material, tactics and procedures that are required of a law enforcement officer
- (e) The following may be disqualifying:
  1. Being under current academic dismissal from any college or university where such dismissal is still in effect and was initiated within the past two years prior to the date of application
  2. Having been academically dismissed from any POST certified basic law enforcement academy wherein no demonstrated effort has been made to improve in the deficient areas, except: subsequent successful completion of another POST basic law enforcement academy shall rescind this requirement

#### 1000.3.6 PERSONAL SENSITIVITY

- (a) The ability to resolve problems in a way that shows sensitivity for the feelings of others.
- (b) Empathy
- (c) Discretion, not enforcing the law blindly
- (d) Effectiveness in dealing with people without arousing antagonism
- (e) The ability to understand the motives of people and how they will react and interact
- (f) The following shall be disqualifying:
  1. Having been disciplined by any employer (including the military and/or any law enforcement training facility) for acts constituting racial, ethnic or sexual harassment or discrimination

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2. Uttering any epithet derogatory of another person's race, religion, gender, national origin or sexual orientation
3. Having been disciplined by any employer as an adult for fighting in the workplace

#### 1000.3.7 JUDGMENT UNDER PRESSURE

- (a) The ability to apply common sense during pressure situations
- (b) The ability to make sound decisions on the spot
- (c) The ability to use good judgment in dealing with potentially explosive situations
- (d) The ability to make effective, logical decisions under pressure
- (e) The following shall be disqualifying:
  1. Admission(s) of administrative conviction or criminal convictions for any act amounting to assault under color of authority or any other violation of federal or state Civil Rights laws
  2. Any admission(s) of administrative conviction or criminal conviction for failure to properly report witnessed criminal conduct committed by another law enforcement officer

#### 1000.3.8 ILLEGAL USE OR POSSESSION OF DRUGS

- (a) The following examples of illegal drug use or possession will be considered automatic disqualifiers for public safety applicants,
  1. Any adult use or possession of a drug classified as a hallucinogenic within seven years prior to application for employment
  - 2.
  3. Any other illegal adult use or possession of an illicit drug (including cocaine) within three years prior to application for employment
  4. Any illegal adult use or possession of a drug while employed in any law enforcement capacity, military police, after application for employment to a law enforcement position or as a student enrolled in college-accredited courses related to the criminal justice field
  5. Any adult manufacture or cultivation of a drug or illegal substance
  6. Failure to divulge to the Sheriff's Office any information about personal illegal use or possession of drugs
  7. Any drug test of the applicant, during the course of the hiring process, where illegal drugs are detected
- (b) The following examples of illegal drug use or possession will be considered in relationship to the overall background of that individual and may result in disqualification:

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1. Any illegal use or possession of a drug as a juvenile
2. Any illegal adult use or possession of a drug that does not meet the criteria of the automatic disqualifiers specified above (e.g., cocaine use longer than three years ago.)
3. Any illegal or unauthorized use of prescription medications

## Hiring and Termination Processes

### 1001.1 PURPOSE AND SCOPE

Procedures for hiring and termination of Sheriff's Office employees will follow the rules and regulations set forth by the Civil Service Commission, San Luis Obispo County Ordinance Sections 2.53.010 through 2.53.030, and this Policy.

#### 1001.1.1 PROCESSING NEW EMPLOYEES

The processing of all new employees will follow the same format, with additional requirements for safety employees. After an employee has been hired by the Sheriff, the following steps will be followed:

- (a) The Sheriff's Administrative Assistants will ensure new employees complete all forms required by the Sheriff's Office and the County of San Luis Obispo as follows:
  1. Certification of Acceptance.
  2. Oath or Affirmation.
  3. Medical/dental/vision insurance.
  4. Personal information (e.g., Employee's Withholding Allowance Certificates [State and Federal], Application for Identification Card, Medical Information Sheet, Personnel Information Sheet, Designation of Death Beneficiary, Membership Data and Designation of Beneficiary [Pension Trust], Employment Eligibility Verification).
  5. Statement Acknowledging Requirement to Report Suspected Child Abuse.
  6. Personnel Action Form (PAF).
  7. Employee Statement Form, Use of Criminal Justice Information.
  8. Statement Acknowledging Reimbursement Requirements for Safety Equipment pursuant to County Ordinance Section 2.53.030, for peace officers and correctional officers.
- (b) Training office will provide a copy of the medical evaluation notice on the employee indicating "medically qualified" to the Sheriff's Administrative Assistant .
- (c) Administrative Services will take photos of the new employee and forward to the Sheriff's Administrative Assistant; one photo will be attached to a completed Sheriff's Office identification card appropriate to their position. The identification card, signed by the Sheriff, will then be laminated and given to the employee. A second photo will be placed in the employee's personnel file.
- (d) The Sheriff's Administrative Assistant will prepare a personnel file which will contain employee photo, personal data, and other information appropriate and allowable by law. This file is confidential and access is limited to those with a need to review.

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- (e) The new employee's supervisor will schedule the employee for fingerprinting by the Permits Unit of the Administrative Services Division, and ensure that the employee is orientated to workplace and duties.
- (f) New employees will be given access to Sheriff's Office policy via Sheriff's Office computers.

#### 1001.1.2 SAFETY OFFICERS (DEPUTY SHERIFFS AND CORRECTIONAL DEPUTIES)

In addition to completing the documentation to satisfy the hiring requirements of the County, safety officers will be issued the following items by the Property Officer:

- (a) Uniform badge consistent with rank.
- (b) Cloth badge.
- (c) Cap piece.
- (d) Baseball cap.
- (e) Helmet (Deputy Sheriff only).
- (f) Face shield (Deputy Sheriff only).
- (g) PR-24 with ring.
- (h) Vest, soft body armor (Deputy Sheriff only).
- (i) Shoulder patches.
- (j) Name tags.
- (k) Patrol unit keys (Deputy Sheriff only).
- (l) Station keys.

The Property Officer will have the employee sign for each item on an inventory checklist which will be maintained by the Property Officer and a copy placed in employees personnel file. The inventory checklist will be updated whenever there is an addition or deletion.

The inventory checklist, upon termination, will be sent to the Support Services Chief Deputy for review, then to the Sheriff's Secretary/Personnel Clerk to be included in the individual's inactive personnel file.

#### 1001.1.3 UNIFORMS FOR NEW HIRES

All new employees in a uniformed assignment will be informed of policy regarding uniforms and safety equipment, by the Training Unit, prior to their start date. They are required to report on the first day in the appropriate uniform for their assignment. In addition, a class "A" Inspection uniform is required for:

- (a) Sheriff's Cadets prior to graduation from a basic academy.
- (b) Lateral Deputies within two (2) weeks of hire.

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- (c) Correctional Deputies within two (2) weeks of graduation from a basic corrections academy.
- (d) Lateral Correctional Deputies within two (2) weeks of hire.

#### 1001.1.4 SAFETY EQUIPMENT - (DEPUTY SHERIFFS AND CORRECTIONAL DEPUTIES)

- (a) Reimbursement for safety equipment expenditures will be in compliance with County Code Section 2.53.010(b), "The payment of reimbursement shall be a one-time payment and shall be made only upon authorization by the Sheriff, after certification by the employee's immediate supervisor to the Sheriff that such supervisor has inspected and inventoried the employee's safety equipment."
- (b) The safety equipment shall consist of the items outlined in the County Code., except Correctional Deputies cannot purchase Pepper Spray until they have received appropriate training.
- (c) After the employee has purchased the specified equipment, it shall be inspected and inventoried by the employees supervisor. The Commander, Correctional Lieutenant, Sergeant or Correctional Sergeant is considered the immediate supervisor with regard to compliance with County Code Section 2.53.010(b). The new employee will provide the supervisor copies of receipts for the purchase of safety equipment. In the event a new employee already possesses safety equipment or has purchased used equipment, a fair market appraisal of its worth will be made by the supervisor conducting the inspection. That value will be entered on the inventory sheet in lieu of receipts. The supervisor will notify the Sheriff's Secretary that the officer has obtained required equipment; payment of the allowance may then be approved by the Sheriff. The supervisor will forward the completed inventory sheet and copies of the receipts to the Property Officer, who will file and maintain those documents.
- (d) A Deputy Sheriff will have all required safety equipment by their first duty day. The inspection and inventory will be completed during the week of orientation.
- (e) A Correctional Deputy will have all required safety equipment prior to starting PC 832 instruction. The inspection and inventory checklist will be completed prior to the instruction. In the event a new Correctional Deputy does not need PC 832 training, he/she will have all required safety equipment within three (3) weeks of hire date.

#### 1001.1.5 MAINTENANCE OF THE FILES

- (a) It shall be the responsibility of each employee to ensure that their respective personnel file is accurate, updated, and contains the appropriate information by notifying the Sheriff's Secretary/Personnel Clerk immediately of any change in status.
- (b) It shall be the responsibility of the Property Officer to maintain and ensure that the inventory and safety equipment files are accurate, updated, and contain the appropriate information.

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#### 1001.1.6 TERMINATION OF AN EMPLOYEE

Whenever an employee terminates service, the following must be completed prior to the employee's actual last day:

- (a) The letter of resignation shall be immediately forwarded to the Sheriff through the appropriate chain of command.
- (b) The employee's supervisor will obtain an Exit Checklist, Separation Report, Clearance Sheet, and an Employee Exit Questionnaire from the Sheriff's Secretary/Personnel Clerk. The supervisor will provide appropriate forms to the employee for completion.
- (c) The employee will carry the Clearance Sheet to each of the divisions listed. The division manager will sign the Clearance Sheet, indicating that necessary action by the employee has been accomplished.
  1. The Property Officer will forward the inventory sheet, which reflects that all County property has been returned, to the Support Services Chief Deputy for final sign off.
  2. If a Concealed Weapons Permit has been issued and is current, the Permits Clerk will forward same to the Support Services Chief Deputy to determine if it will remain in effect.
- (d) The employee will return to their supervisor, a completed Clearance Sheet through item V, and all other forms provided. The supervisor will review those forms for completion, then obtain the employee's identification card, attach it to the forms and direct the employee to hand carry the forms to the Sheriff's Administrative Assistant.
- (e) The Sheriff's Administrative Assistant will complete Section VI of the Clearance Sheet.
- (f) If any safety officer leaves prior to completing three (3) years of service, the provisions of County Code Section 2.53.030(a), (b), and (c) will be enforced. The Support Services Chief Deputy will advise the employee of required reimbursement pursuant to that ordinance.
- (g) When a Termination for Cause or Rejection of Probation occurs, the Bureau Commander presenting the termination or rejection will obtain the employee's signature on the notice and the employee's badge and/or identification card. The employee will be asked to complete necessary exit forms.
- (h) In those cases of separation from service where the ex-employee cannot or will not complete the necessary exit forms:
  1. A supervisor will fill out the exit and separation forms, and collect all Sheriff's Office issued equipment. The supervisor will forward completed forms to the Sheriff's Administrative Assistant and the property to the Property Officer. If there is further action required, the Sheriff's Administrative Assistant will notify the Support Services Chief Deputy who will accomplish the necessary follow up

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2. If an employee who leaves is uncooperative or cannot be found, then criminal and/or civil litigation, as appropriate, will be instituted for the return of Sheriff's Office property, to include monies that are owed to the County.
  - (i) No personnel file will be closed on an individual until all necessary actions are satisfied and all documentation is complete.

## Promotional and Transfer Policy

### 1004.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for promotion or transfers to non promotional assignments within the ranks of the San Luis Obispo County Sheriff's Office. The promotional portion of this policy applies after a certified list of candidates is received from Human Resources under County Civil Service Rules.

#### 1004.1.1 GENERAL REQUIREMENTS

The following conditions will be used in evaluating employees for promotion and transfer:

- (a) Present a professional, neat appearance.
- (b) Maintain a physical condition which aids in their performance.
- (c) Demonstrate the following traits:
  1. Emotional stability and maturity
  2. Stress tolerance
  3. Sound judgment and decision-making
  4. Personal integrity and ethical conduct
  5. Leadership
  6. Initiative
  7. Adaptability and flexibility
  8. Ability to conform to organizational goals and objectives in a positive manner.

### 1004.2 SWORN NON-SUPERVISORY SELECTION PROCESS

The following positions are considered transfers/collateral assignments and are not considered promotions:

- (a) Deputy Sheriff's
  1. Special Enforcement Detail member
  2. Bailiff
  3. Special Problems Unit
  4. School Resource Deputy
  5. D.A.R.E. Deputy
  6. Civil Deputy
  7. Limited term assignment to Detectives and/or Special Operations Unit
  8. K-9 Unit

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9. Tactical Negotiations Team
  10. Bomb Task Force
  11. Outside Agency Task Forces
- (b) Correctional Deputy
1. Prisoner Transportation
  2. Honor Farm
  3. Home Detention
  4. Alternative Work Program
  5. Alternative Sentencing Program
  6. Classification
  7. Honor Farm/Special Projects Coordinator
  8. Other Special Temporary Duties as assigned

#### 1004.2.1 DESIRABLE QUALIFICATIONS

The following qualifications apply to consideration for transfer:

- (a) Two years experience with the Sheriff's Office
- (b) Off probation
- (c) Has shown an expressed interest in the position applied for
- (d) Education, training and demonstrated abilities in related areas; such as, enforcement activities, investigative techniques, report writing, public relations, etc.
- (e) Complete any training required by POST or STC

#### 1004.3 SELECTION PROCESS

The following criteria apply to transfers.

- (a) Administrative evaluation as determined by the Sheriff. This shall include a review of supervisor recommendations. Each supervisor who has supervised or otherwise been involved with the candidate may be asked to submit these recommendations.
- (b) The supervisor recommendations will be submitted to the Bureau Chief for whom the candidate will work. At the discretion of the Sheriff, the Bureau Chief will assemble an interview panel for all candidates. The panel will make a recommendation to the Sheriff.
- (c) Based on supervisor recommendations and those of the Bureau Chief after the interview, the Bureau Chief will submit his/her recommendation(s) to the Sheriff.
- (d) Appointment by the Sheriff

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The policy and procedures for all positions may be waived for temporary assignments, emergency situations or for training.

#### **1004.4 PROMOTIONAL SPECIFICATIONS**

Specifications for promotional opportunities are on file with the San Luis Obispo County Department of Human Resources.

#### **1004.5 COURT SERVICES AND AIRPORT SECURITY DETAIL ROTATION**

All Deputy Sheriff's shall be assigned a minimum of one year as a bailiff or Airport Security Deputy, unless assigned to a specialty position. To ensure a consistent and fair method of rotation of Deputies to the bailiff or airport position.

- (a) Assignments to and from the bailiff or airport positions are at the discretion of the Sheriff.
  - 1. An assignment is normally for one year. The assignment may be extended by forwarding a request for an extension of assignment, through the chain of command, to the Custody Bureau Chief Deputy and/or Field Operations Chief.
  - 2. Deputies may volunteer for assignment as a bailiff or airport, by submitting a memorandum of interest to the Custody Bureau Chief Deputy for bailiff position and Operations Chief Deputy for the Airport Detail.
  - 3. The Sheriff may extend a court services or airport assignment to meet organizational needs.
- (b) The Field Operations Chief Deputy shall maintain a list of Deputies for assignment to the bailiff or airport position. Eligible Deputies generally include those with two or more years of service with the Sheriff's Department who are not assigned to:
  - 1. Special Operations Unit
  - 2. School Resource Officer
  - 3. Civil Division
  - 4. Auto Theft Unit
- (c) Deputies shall be assigned to court services or airport detail according to seniority of those not having been previously assigned as a bailiff or airport deputy the most senior first.
- (d) Upon completion of the one year rotation deputies should be reassigned to the station they came from unless the deputy requests a different assignment or Sheriff's Office needs require a different assignment.
- (e) The Field Operations Chief Deputy will complete a court services rotation projection list prior to the end of the calendar year for the next year. This list is only a projection and many factors can change prior to transfers.

## Work Schedules

### 1005.1 PURPOSE AND SCOPE

Standardize the utilization of alternative work schedules and achieve scheduling consistency between bureaus, divisions and units within the Sheriff's Office. Provides equitable and consistent guidelines for employees assigned to alternative work schedules.

#### 1005.1.1 DEFINITIONS

- (a) Alternative Work Schedule is any regularly scheduled work week requiring an employee to regularly work more than eight hours in a 24-hour period.
- (b) Designated Work Period is the predetermined weekly or biweekly period of time in which scheduled work is performed by an employee. The work period designation shall be either seven (7) or fourteen (14) days.
- (c) Hours Worked is all time scheduled, controlled or required by the Sheriff's Office. Hours worked shall include accrued leave time usage expended by an employee in exchange for hours normally scheduled and worked.

### 1005.2 WORK SCHEDULE TYPES

- (a) A forty (40) hours per week work schedule employee works either a five 8-hour shift or a four 10-hour shift format. The designated work week shall be seven (7) days and overtime paid following 40-hours of work in the work period.
- (b) An eighty (80) hours biweekly work schedule employee works a 9-hour alternative work schedule format. It shall consist of eight (8) working days of nine (9) hours each (Monday through Thursday) and one working day of eight (8) hours (Friday) for a total of eighty (80) hours during two (2) consecutive workweeks. The eight (8) hour work day must be on the same day of the week, Friday, as the employee's regularly scheduled day off. Under the 9/80 schedule, one calendar week shall consist of 44 hours (four 9-hour days and one 8-hour day) and the alternating calendar week will consist of 36 hours (four 9-hour days and one day off).
- (c) An eighty (80) hours biweekly work schedule employee works a three 12-hour shift format. During the biweekly schedule period, an employee will need an additional 8-hours worked to meet 80-hours worked within the work period. The designated work week shall be fourteen (14) days and overtime paid following 80-hours of work in the work period.
- (d) The eighty (80) hours biweekly work schedule does not prevent a supervisor and an employee from mutually agreeing to adjust hours within a designated work period, provided that 1) overtime is paid for any hours worked in excess of 80-hours in the designated work period; and 2) the agreement is in writing and noted on an Overtime/ Time Off Request Form.

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- (e) The eighty (80) hours biweekly work schedule shall be reviewed annual in July of each year.

#### **1005.3 SHIFT SELECTION PROCESS**

Shift change will occur on the Sunday of the first two-week pay period, excluding a holiday weekend, in January, May and September of each year. When a holiday falls on the first Monday of the first two week pay period, shift change will occur the Sunday of the start of the following pay period, regardless of additional holidays.

Employees shall make shift selections based on the following criteria:

- (a) Sheriff's Office needs
- (b) Seniority
- (c) Special employee needs

Employees may remain on a shift for eight months after which an employee must select another shift. Extenuating circumstances may be taken into consideration on a case-by-case basis.

#### **1005.4 HOLIDAY ADJUSTMENT**

The Sheriff's Office may adjust employees off for a holiday provided:

- (a) The employee is adjusted off on the actual day of the observed holiday; or
- (b) If the holiday occurs on a regular day off, the holiday will be on the work day closest to the holiday within the same work week; or
- (c) The employee agrees to an adjustment on another day

#### **1005.5 SCHEDULED TRAINING**

- (a) The Sheriff's Office may, as required, adjust an employees schedule during a designated work period containing training.
- (b) Scheduling adjustments need to take into account scheduling to insure the employee has a minimum of 80 work hours.
- (c) An employee assigned to training may used accrued vacation, compensatory time off or annual leave hours to adjust between the scheduled training hours and hours normally worked, with the approval of a supervisor.

#### **1005.6 ASSIGNMENT, REASSIGNMENT OR WITHDRAW**

- (a) The Sheriff has the unilateral right to assign or reassign an employee to or from an eighty (80) hours biweekly work schedule.
- (b) The assignment, reassignment or withdrawal of any person to or from an eighty (80) hours biweekly work schedule may be made by the Sheriff without a hearing.

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- (c) Such assignment or withdrawal resulting in a change of work shift shall not, in and of itself, be construed as a punitive personnel action under Government Code Section 3300 et seq.

## Anti-Retaliation

### 1008.1 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.

### 1008.2 POLICY

The San Luis Obispo 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.

### 1008.3 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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#### 1008.3.1 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 [Department/Office] who has the authority to investigate the violation (Government Code § 7286(b)).

#### 1008.4 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 County Personnel Director.

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.

#### 1008.5 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.

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- (h) Not interfering with or denying the right of a member to make any complaint.
- (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.

#### **1008.6 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.

#### **1008.7 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 of a person who has 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 Professional Standards Unit for investigation pursuant to the Personnel Complaints Policy.

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#### 1008.7.1 DISPLAY OF WHISTLE-BLOWER LAWS

The Department 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).

#### **1008.8 RECORDS RETENTION AND RELEASE**

The Records Manager shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

#### **1008.9 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 Employee Convictions

### 1010.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

The Support Services Supervisor shall submit in a timely manner a notice to the Commission on Peace Officer Standards and Training (POST) of any appointment, termination, reinstatement, name change or status change regarding any peace officer, reserve peace officer, public safety dispatcher and records supervisor employed by this department (11 CCR 1003).

The Support Services Supervisor shall submit in a timely manner a notice to POST of a felony conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR 1003).

### 1010.2 DOMESTIC VIOLENCE CONVICTIONS, OUTSTANDING WARRANTS AND RESTRAINING ORDERS

California and federal law prohibit individuals convicted of, or having an outstanding warrant for, certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. 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 are responsible for ensuring that they have not been disqualified from possessing a firearm 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.

### 1010.3 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 an employee'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.

Moreover, 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 [department/office] may be inherently in conflict with law enforcement duties and the public trust.

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### *Reporting of Employee Convictions*

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#### **1010.4 REPORTING PROCEDURE**

All members of this department and all retired deputies with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Sheriff in the case of retired deputies) in writing of any past or current criminal arrest or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired deputies with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Sheriff in the case of retired deputies) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but 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 his/her own time and expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

#### **1010.5 PROCEDURE FOR RELIEF**

Pursuant to Penal Code § 29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code § 29855 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Employees shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm or ammunition as a part of the individual's employment. Relief from any domestic violence or other restriction shall also be pursued through the employee's own resources and on the employee's own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee's duties, the employee may be placed on administrative leave, reassigned, or disciplined. The [Department/Office] may, but is not required to return an employee to any assignment, reinstate any employee, or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

## Drug- and Alcohol-Free Workplace

### 1012.1 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).

### 1012.2 POLICY

It is the policy of this [department/office] to provide a drug- and alcohol-free workplace for all members.

### 1012.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on [department/office] time can endanger the health and safety of [department/office] members and the public.

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 the member 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. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

#### 1012.3.1 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 Department while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician.

Possession of medical marijuana or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

### 1012.4 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 [department/office] premises or on [department/office] time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

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.

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Members shall notify a supervisor immediately if they observe 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).

#### **1012.5 EMPLOYEE ASSISTANCE PROGRAM**

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, 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.

#### **1012.6 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 objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the [Department/Office].

#### **1012.7 REQUESTING SCREENING TESTS**

The Department may order an employee to submit to a screening test if the Department:

(a) Reasonably believes, based upon 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.

(b) Informs the employee of the specific facts supporting its belief and prepares a written record of those facts, and:

1. Informs the employee in writing whether the test will be for alcohol or drugs or both.
2. Informs the employee that the result of the test is not admissible in any criminal proceeding against him/her.
3. The sample shall be taken by the Professional Standards Unit Commander or his/her designee.
4. A split sample shall be obtained.

##### **1012.7.1 DISCIPLINE**

An employee may be subject to disciplinary action if the employee:

- (a) Fails or refuses to submit to a screening test as requested.

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- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that the employee took the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.

#### **1012.8 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 [Department/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).

#### **1012.9 CONFIDENTIALITY**

The Department 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.

#### **1012.10 RANDOM DRUG TESTING**

The responsibilities inherent in the law enforcement profession require public safety personnel to be held to a higher standard than others in society. To accomplish this goal and to maintain the public trust, the San Luis Obispo County Sheriff's Office has developed a random drug testing program for the Sheriff, the Undersheriff and employees assigned to the Special Operations Unit and the Property Office.

##### **1012.10.1 TESTING PROCEDURES**

All San Luis Obispo County Sheriff's Office identified employees above will be subject to random drug testing up to two times a year.

1. The selection of test subjects will be conducted by an automated process, without human intervention.
2. The collection and maintenance of samples will be conducted by trained professionals to prevent errors.
3. The collection of the samples will occur quarterly to no more than ten percent of the total eligible employees.
4. Members of the Special Operations Unit that are not San Luis Obispo County Sheriff's Office employees must submit to this random testing policy unless their agency has an existing random drug testing policy covering their employee(s).
5. Analysis of samples will be completed by the Sheriff's Crime Lab.
6. Testing will be conducted on a urine sample provided by the employee to the testing laboratory under procedures established by the laboratory to insure privacy of the employee, while protecting against tampering/alteration of the test results.

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7. Test subjects will be allowed to have a positive confirmation test sample retested by a reputable private medical laboratory at the County's expense.
8. Employees will be considered to be engaged at work for the time spent in taking any tests and will be compensated for such time at their regular rate. The Professional Standards Unit Commander or his/her designee shall approve all overtime worked due to participation in the Random Drug Testing Program.
9. San Luis Obispo County Sheriff's Office will pay for the cost of the testing, including the confirmation of any positive test result by gas chromatography. The testing lab will retain samples in accordance with State law, so that an employee may request a retest of the sample at his/her own expense if the employee disagrees with the test result.
10. All records concerning test results will be kept in medical files which are maintained separately from the personnel file of the employee.
11. All persons associated with the administration of the Random Drug Testing Policy Program will be apprised of the importance of maintaining the confidentiality of the urinalysis information. Any employee who breaches this trust will be subject to the disciplinary process.

#### 1012.10.2 TEST POPULATION AND SELECTION PROCESS

1. Test subjects for this random urinalysis program will include the Sheriff, the Undersheriff and the employees assigned to the Special Operations Unit and the Property Office.
2. The selection of employees for testing will occur on a random basis by utilizing computer-generated random numbers programs.
3. The sampling plan is designed to assure random selection of test subjects for drug testing, as well as confidentiality of the testing procedure. Every employee included in the Random Drug Testing Program will be assigned a random identification number for inclusion in the automated random selection program. The personnel whose names match those identification numbers will be tested for drugs.
4. The Professional Standards Unit Commander or his/her designee will be responsible for the urine collection process. An employee of the same sex as the subject will accompany the subject to a Sheriff's Office restroom facility. Once inside the restroom facility, the employee will be provided with two urine sample containers. The employee will void their bladder into one container and pour half of the contents into the other container. The employee will then write his/her confidential number on each container. The employee will then place one container inside of a manila evidence envelope and seal it. The employee will then place the evidence envelope and the remaining vial inside of a large plastic evidence envelope. The Professional Standards Unit Commander or his/her designee will then initial and seal the envelope and forward the envelope to the Crime Lab.
5. The sample collection shall be monitored by the Professional Standards Unit Commander or his/her designee in an atmosphere of privacy and dignity.
6. Note: Refusal to obey the order may result in disciplinary action for insubordination, up to and including termination. Additionally, the Sheriff's Office will reserve the right

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to require that a urine test be administered when the employee exhibits objective symptoms of being under the influence of alcohol and/or a narcotic or drug or when there is a reasonable and articulated suspicion that the employee has ingested or absorbed in any manner an alcoholic beverage, narcotic or drug as outlined in 1012.5 of the Policy Manual.

7. Test subjects will be required to provide at least 50 cubic centimeters of urine for testing purposes. Subjects who are initially unable to provide a sufficient quantity of urine will be required to remain under the supervision of the Professional Standards Unit Commander or his/her designee until a sufficient quantity can be deposited.
8. All test subjects will be admonished that disciplinary action will be taken if a test subject attempts to dilute or, in any way, tamper with a urine sample. A temperature strip is attached to each collection vial to ensure that the sample is urine.

#### 1012.10.3 TESTING OF URINE

To preserve the chain of custody, urine samples will only be released to Lab personnel who will actually carry out the analysis.

1. At a minimum, the following seven classes of drugs will be screened and confirmed by this process:
  - (a) PCP
  - (b) Cocaine Metabolites
  - (c) Opiate metabolites
  - (d) Barbiturates
  - (e) Amphetamines
  - (f) Marijuana Metabolites
  - (g) Benzodiazepines (Valium, Restoril, Ativan, Xanax, etc.)
1. The Sheriff's Office uses an Immunoassay process to initially screen all urine samples for drugs. If a sample tests positive, Gas Chromatography (GCMS) is used to confirm the presence of the suspected drug(s).
2. Urine samples will be analyzed by the Lab within ten days after their receipt. Test results will be forwarded to the Human resources Department. Samples that test negative (no drug in urine) will be destroyed by the chemist conducting the test. Notification of the negative test results will be made via an email from the Human Resources Department within 14 days of the sample collection.
3. Samples that test positive (drug in urine) on the receipt of the confirmation test will be resealed by the chemist and booked at Property. They will be maintained for a period of one year in a refrigerated state. The Human Resources Department shall immediately notify the Professional Standards Unit Commander of a positive test of a known illegal substance such as Marijuana, Cocaine or Methamphetamine. The employee that tested positive will be temporarily removed from field or custody duties and may be subject to disciplinary action, up to and including discharge. Tests of

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possible prescribed medication (excluding marijuana) will be forwarded to a County designated Medical Review Officer as outlined in 1012.7.1

4. The Sheriff's Office uses the following screen test cut-off levels to determine whether a confirmation test will be given. Any test, either screen or confirmation, that fails to meet the below listed cut-off levels shall be considered a negative test.

#### **ScreenConfirmation**

PCP 25 ng/ml 25 ng/ml

Cocaine Metabolites 150 ng/ml (benzoylecgonine) 100 ng/ml

Opiate Metabolites 2,000 ng/ml 2,000 ng/ml

(6- acetylmorphine) 10 ng/ml

Barbiturates 300 ng/ml 150 ng/ml

Amphetamines 500 ng/ml 250 ng/ml

Marijuana Metabolites 50 ng/ml 15 ng/ml

(delta-9-tetrahydrocannabinol-9-carboxylic acid)

Benzodiazepines 300 ng/ml 150 ng/ml

ng/ml = nanograms per milliliter

#### 1012.10.4 RETEST PROCESS

Employees that test positive for one or more drugs will be given the opportunity to have a portion of the sample retested by a reputable chemical laboratory at the County's expense. If the outside laboratory reaches a different conclusion, a different reputable outside laboratory will be requested to test the sample a third time at County expense. The findings of the third laboratory will be conclusive.

#### 1012.10.5 POSITIVE TESTS RESULTS

If an employee receives a positive test result for his/her submitted urine sample of a prescribed medication (excluding marijuana), Human Resources will forward the results to a county designated Medical Review Officer. Human Resources will provide the employee with the contact information for the County designated Medical Review Officer. The employee shall provide materials required by the Medical Review Officer within 10 days of the notification. The Medical Review Officer shall make a determination and notify the Human Resources Department. If the Medical Review Officer determines that the positive result was justified, no further action will be taken. If the Medical Review officer determines that the medication use was not justified, the Human Resources Department will notify the Professional Standards Unit Commander for purposes of initiating the disciplinary process.

## Peer Support Program

### 1013.1 PURPOSE AND SCOPE

The purpose of this policy is to provide a Peer Support Program for employees during times of personal and professional crisis. The assistance is confidential and will be a support network for employees wishing to participate in the program.

The intent of the Sheriff's Office is to provide a program which offers a nonprofessional (peer) support system in addition to the current Employee Assistance Program (EAP). The Peer Support program is comprised of employees who have been nominated by peers and/or have volunteered to make themselves available to members of the Sheriff's Office.

### 1013.2 POLICY

It is the policy of this office that Peer Support members will provide an accessible support network for employees and be willing to be of service to employees who express a need for assistance. Peer Support members will promote trust, appropriate anonymity and confidentiality for employees participating in peer support efforts. Peer Counselors will provide services, upon request to employees off-duty due to injury or illness and support those who have had family tragedies.

### 1013.3 SELECTION REQUIREMENTS

Peer Support Coordinators may utilize a nomination process seeking input from Sheriff's Office staff for employees to be nominated for selection as a Peer Support member.

Peer Support member candidates will submit a memorandum of interest and are subject to the following selection criteria:

- (a) Have no work restrictions involving psychological stress.
- (b) Is not the subject of a serious investigation.
- (c) Participate in an oral interview by a panel of current Peer Support members.
- (d) Receive a positive recommendation by the panel based upon a majority vote.
- (e) Receive an endorsement from a Peer Counselor Coordinator.
- (f) Agree to maintain confidentiality within the guidelines of this policy.
- (g) Attend necessary on-going training.

### 1013.4 RESPONSIBILITIES

Any employee who requests and is assigned as a Peer Support member will be subject to the following responsibilities:

- (a) Shall work to develop a sincere rapport and maintain confidentiality as defined in the program.
- (b) Shall maintain a reasonable attempt to remain available to the individual and offer additional support, if necessary.

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- (c) Shall promote trust, anonymity and confidentiality for employees who seek the assistance of the Peer Support Program. Communications between a peer support member and an employee shall be considered confidential by the Sheriff's Office with the following exceptions:
  - 1. When there is reason to believe that the employee intends to injure another person.
  - 2. When there is cause to believe the employee is or has been a participant in any crime to include, but not limited to the provisions of Penal Code section 11165.9 and Welfare and Institutions Code Section 1563 (b)(1).
  - 3. When there is a clear and present danger to self, citizens or co-workers.
  - 4. Peer Support Member Confidentiality will be protected within the scope of California Government Code Section 8669.4.
  - 5. Peer Support members will maintain confidentiality in peer support matters discussed in debriefings, related meetings and trainings.
- (d) Peer Support members may need to speak to a co-worker off-duty. Any time spent off-duty is on a voluntary basis and both overtime or adjustment time will not be accrued. If a peer support member responds to a critical incident while they are off-duty it is on a voluntary basis.
- (e) Peer Support members agree to be contacted and if available may need to respond at any hour.

#### **1013.5 TRAINING**

Peer Support members will be provided training consistent with the need to fulfill their responsibilities. Peer Support members will receive training that covers the following subjects:

- (a) P.O.S.T. certified Peer Support training.
- (b) Crisis Intervention Training (CIT)
- (c) Basic Critical Incident Stress Management (CISM)
- (d) Active listening skills
- (e) Alcohol and substance abuse

#### **1013.6 USE OF OFFICE EQUIPMENT AND FACILITIES**

Peer Support members may seek the use of available office resources, including the office facilities while assisting employees. Office facilities will be used with the knowledge and approval of the immediate supervisor responsible for the involved equipment or facility.

#### **1013.7 INTERNAL OR CRIMINAL INVESTIGATIONS**

A Peer Support member assisting an individual who becomes the subject of a disciplinary or internal investigation, may not hamper or impede the actual investigation, nor may they attempt to shelter the individual from the investigation.

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If a Peer Support member has a prior involvement or knowledge of an incident which would likely result in them being a witness to an internal or criminal investigation, the Peer Support member shall not enter into a peer support relationship with the involved employee, but should refer the employee to an uninvolved peer support member.

The Peer Support member's role in disciplinary situations should be one of support and assisting the employee through any stress faced after the disciplinary process.

#### **1013.8 PEER SUPPORT PROGRAM STRUCTURE**

Peer Support Program Manager- Management and oversight of the Peer Support Program will be collaterally assigned to a Sheriff's Commander. The Peer Support Program Manager will insure that the program is managed in accordance with the goals and objectives of the Sheriff's Office.

Peer Support Program Supervisor/Coordinator- Supervision and Coordination of the Peer Support Program will be the responsibility of program Supervisor/Coordinators. There shall be at least one Peer Support Program Supervisor/Coordinator. These positions are collaterally assigned to personnel the rank of Sergeant, and are chosen by the Peer Support Program Manager. Peer Support Supervisor/Coordinators will:

- a. Supervise selection, training and coordination of Peer Support Members
- b. Provide or coordinate training in areas of law enforcement peer support
- c. Provide coordination and guidance for agency sanctioned events such as Defusings and CISM debriefings.

## Sick Leave

### 1014.1 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.), the California Family Rights Act, leave for victims of crime or abuse, or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 230.1; Labor Code § 1510).

### 1014.2 EMPLOYEE RESPONSIBILITIES

Sick leave may be used for absences caused by illness, injury, temporary disability (including pregnancy/maternity), or for medical, dental or vision exams or medical treatment of the employee or the employee's immediate family when it is not possible to schedule such appointments during non-working hours.

Sick leave is not considered vacation, and abuse of sick leave may result in discipline and/or denial of sick-leave benefits. Employees on sick leave shall not engage in other employment or self-employment, or participate in any sport, hobby, recreational or other activity which may impede recovery from the injury or illness.

Upon return to work, employees shall complete and submit a leave request describing the type of leave used and the specific amount of time taken.

#### 1014.2.1 NOTIFICATION

Employees are encouraged to notify the Watch Commander or appropriate supervisor as soon as they are aware that they will not be able to report to work. At a minimum, employees shall make such notification no less than two hours before the start of their scheduled shift. If an employee is unable to contact the supervisor in the case of an emergency, every effort should be made to have a representative contact the supervisor.

When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever possible, provide the Sheriff's Office with no less than 30-days notice of the intent to take leave.

### 1014.3 EXTENDED ILLNESS

Employees on extended absences shall, if possible, contact their unit supervisor at five-day intervals to provide an update on their absence and expected date of return. Employees absent from duty due to personal illness in excess of three consecutive days may be required to furnish a statement from their health care provider supporting the use of sick leave and/or the ability to return to work.

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Nothing in this section precludes a supervisor, with cause, from requiring a physician's statement if three or fewer sick days are taken. Supervisor may also conduct a home visit to determine the employees status.

#### **1014.4 SUPERVISOR RESPONSIBILITY**

Supervisors should monitor sick leave usage and regularly review the attendance of employees under their command to ensure that the use of sick leave is consistent with this policy. Supervisors should address sick-leave use in the employee's performance evaluation when it has negatively affected the employee's performance or ability to complete assigned duties, and when unusual amounts of sick leave by the employee has had a negative impact on Sheriff's Office operations. When appropriate, supervisors should counsel employees regarding the excessive use of sick leave and should consider referring the employee to the Employee Assistance Program.

## Communicable Diseases

### 1016.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for Sheriff's Office personnel to assist in minimizing the risk of contracting and/or spreading communicable diseases and to minimize the incidence of illness and injury. The policy will offer direction in achieving the following goals:

- (a) To manage the risks associated with blood borne pathogens (BBP), aerosol transmissible diseases, and other potentially infectious substances.
- (b) To assist Sheriff's Office personnel in making decisions concerning the selection, use, maintenance, limitations, storage, and disposal of personal protective equipment (PPE).
- (c) To protect the privacy rights of all Sheriff's Office personnel who may be exposed to or contract a communicable disease during the course of their duties.
- (d) To provide appropriate treatment and counseling should an employee be exposed to a communicable disease.

### 1016.2 PROCEDURES FOR EXPOSURE TO BLOOD, BODILY FLUIDS OR AEROSOLTRANSMISSIBLE DISEASES

All Sheriff's Office personnel who are exposed to another person's blood, bodily fluids or an aerosol transmissible disease (e.g., during an altercation or while attending to any injured person) shall follow these procedures and guidelines.

Exposure to blood or other potentially infectious materials includes, but is not limited to, the contact of such substances with the eye, mouth, other mucous membranes, non-intact skin, needle sticks, human bites, cuts or abrasions or any exposure that otherwise qualifies under Health and Safety Code § 121060.1 or 8 CCR § 5193.

Exposure to an aerosol transmissible disease is any event in which all of the following have occurred (8 CCR 5199):

- (a) An employee has been exposed to an individual who is a case or a suspected case of a reportable aerosol transmissible disease, or to a work area or to equipment that is reasonably expected to contain aerosol transmissible pathogens associated with a reportable aerosol transmissible disease.
- (b) The exposure occurred without the benefit of applicable exposure controls required by this policy.
- (c) It reasonably appears from the circumstances of the exposure that transmission of disease is sufficiently likely to require medical evaluation.

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#### 1016.2.1 EXPOSURE CONTROL OFFICER

The Sheriff will assign a person as the Sheriff's Office Exposure Control Officer. The ECO shall be responsible for the following:

- (a) The overall management of the bloodborne pathogen Exposure Control Plan (ECP).
- (b) Establishing written procedures and a training program related to aerosol transmissible diseases, as required by 8 CCR § 5199.
- (c) Working with management to develop and administer any additional related policies and practices necessary to support the effective implementation of this plan.
- (d) Remaining current on all legal requirements concerning bloodborne pathogens and other communicable diseases, as required by 8 CCR § 5193.
- (e) Acting as a liaison during OSHA inspections, conducting program audits to maintain an up-to-date ECP and ensuring exposure report forms are available and adequate for employees to properly report incidents of exposure.
- (f) Maintaining an up-to-date list of sheriff's personnel requiring training. Developing and implementing a training program, maintaining class rosters and quizzes, and periodically reviewing and updating the training program.
- (g) Reviewing and updating the ECP annually (on or before January 1 of each year).

Sheriff's Office supervisors are responsible for exposure control in their respective areas. They shall work directly with the ECO and any affected employees to ensure that the proper exposure control procedures are followed.

#### 1016.2.2 UNIVERSAL PRECAUTIONS

All human blood and body fluids such as saliva, urine, semen, and vaginal secretions are to be treated as if they are known to be infectious. Where it is not possible to distinguish between body fluid types, all body fluids are to be assumed potentially infectious.

#### 1016.2.3 PERSONAL PROTECTIVE EQUIPMENT

Personal protective equipment is the last line of defense against communicable disease. Therefore, the following equipment is provided for all personnel to assist in the protection against such exposures:

- Not less than two pair disposable latex gloves. (Keeping a box in the car recommended.)
- Safety glasses or goggles
- Rescue mask with a one-way valve
- Alcohol (or similar substance) to flush skin at emergency site. (Keeping several alcohol hand wipes in the car is recommend)

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The protective equipment is to be kept in each sheriff's vehicle; inspected at the start of each shift and replaced immediately upon returning to the station if used or damaged during the shift, or as otherwise needed.

#### 1016.2.4 IMMUNIZATIONS

All Sheriff's Office personnel who, in the line of duty, may be exposed to or have contact with a communicable disease shall be offered appropriate treatment immunization.

#### 1016.2.5 WORK PRACTICES

All personnel shall use the appropriate barrier precautions to prevent skin and mucous membrane exposure whenever contact with blood or body fluid is anticipated.

Disposable gloves shall be worn on all medical emergency responses. Disposable gloves shall be worn before making physical contact with any patient and/or when handling items (e.g., evidence, transportation vehicle) soiled with blood or other body fluids. Should one's disposable gloves become contaminated with blood or other body fluids, the gloves shall be disposed of as contaminated waste. Care should be taken to avoid touching other items (e.g., pens, books, and personal items in general) while wearing the disposable gloves in a potentially contaminated environment.

All procedures involving blood or other potentially infectious materials shall be done in a way to minimize splashing, spraying, or otherwise generating droplets of those materials.

Eating, drinking, smoking, applying lip balm, and handling contact lenses shall be prohibited in areas where a potential for an exposure exists.

### **1016.3 DISPOSAL AND DECONTAMINATION**

The following procedures will apply to the disposal and decontamination after responding to an event that involved contact with a person's blood or body fluids:

#### 1016.3.1 USE OF WASTE CONTAINERS

Deputies shall dispose of biohazard with the on-scene fire response vehicle, or at the attending clinic/hospital with their approval, or in an appropriately marked biohazard waste container at the station immediately upon arrival.

The biohazard waste container located at the station shall be collapsible, leakproof, red in color or appropriately labeled with a biohazard warning and routinely emptied.

#### 1016.3.2 DECONTAMINATION OF SKIN AND MUCOUS MEMBRANES

Personnel shall wash their hands immediately (on-scene if possible), or as soon as possible following the removal of potentially contaminated gloves. Antibacterial soap and warm water or an approved disinfectant shall be used to wash one's hands, paying particular attention to the fingernails.

If an employee's intact skin contacts someone else's blood or bodily fluids or other potentially infectious materials, the employee shall immediately wash the exposed part of his/her body

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with soap and warm water and/or an approved disinfectant, as soon as possible. If the skin becomes grossly contaminated, body washing shall be followed by an approved hospital strength disinfectant. If large areas of the employee's skin are contaminated, the employee shall shower as soon as possible, using warm water and soap and/or an approved disinfectant. Medical treatment should be obtained.

Contaminated non-intact skin (e.g., injured skin, open wound) shall be cleaned using an approved disinfectant and then dressed or bandaged as required. Medical treatment is required.

All hand, skin, and mucous membrane washing that takes place in the station shall be done in the designated cleaning or decontamination area. Cleaning shall not be done in the kitchen, bathrooms, or other locations not designated as the cleaning or decontamination area.

#### 1016.3.3 SHARPS AND ITEMS THAT CUT OR PUNCTURE

All personnel shall avoid using or holding sharps (needles) unless needed to do so while assisting a paramedic, or collecting them for evidence. Unless required for evidentiary reasons related to evidence preservation, employees are not to recap sharps. If recapping is necessary, a one-handed method shall be employed to avoid a finger prick. Disposal, when practicable, shall be into a puncture proof biohazard container.

All sharps and items that cut or puncture (e.g., broken glass, razors, and knives) shall be treated cautiously to avoid cutting, stabbing, or puncturing one's self or any other person. In addition, if a sharp object contains known or suspected blood or other bodily fluids, that item is to be treated as a contaminated item. If the item is not evidence, touching it with the hands shall be avoided. Rather, use a device such as tongs, or a broom and a dustpan to cleanup debris. If the material must be hand held, protective gloves must be worn.

#### 1016.3.4 DISPOSABLE PROTECTIVE EQUIPMENT

Contaminated disposable supplies (gloves, dressings, CPR mask) shall be transported with the patient or suspect in the ambulance or sheriff's vehicle. The waste material shall then be disposed of in a biohazard waste container at the hospital or sheriff's station. Disposable gloves are to be worn while placing the waste into the waste biohazard container, placing the gloves in with the waste when through.

#### 1016.3.5 DECONTAMINATION OF PERSONAL PROTECTIVE EQUIPMENT

After using any reusable personal protective equipment, it shall be washed or disinfected and stored appropriately. If the personal protective equipment is non-reusable (e.g., disposable gloves), it shall be discarded in a biohazard waste container as described in Policy Manual § 1016.3.4.

Any personal protective equipment that becomes punctured, torn, or loses its integrity, shall be removed as soon as feasible. The employee shall wash up and replace the personal protective equipment if the job has not been terminated. If this situation resulted in a contaminated non-intact skin event, Policy Manual § 1016.3.2 shall be implemented.

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Contaminated reusable personal protective equipment that must be transported prior to cleaning it shall be placed into a biohazard waste bag and transported in the ambulance, paramedic truck or sheriff's vehicle. Gloves shall be worn while handling the biohazard waste bag and during placement into the biohazard waste container, and then included in with the waste.

#### 1016.3.6 DECONTAMINATION OF NON-DISPOSABLE EQUIPMENT

Contaminated non-disposable equipment (e.g., flashlight, gun, baton, clothing, portable radio) shall be decontaminated as soon as possible. If it is to be transported, it shall be done by first placing it into a biohazard waste bag.

Grossly contaminated non-disposable equipment items shall be transported to a hospital, fire station, or sheriff's station for proper cleaning and disinfecting. Porous surfaces such as nylon bags and straps shall be brushed and scrubbed with a detergent and hot water, laundered and allowed to dry. Non-porous surfaces (e.g., plastic or metal) shall be brushed and scrubbed with detergent and hot water, sprayed with a bleach solution, rinsed, and allowed to dry. Delicate equipment (e.g., radios) should be brushed and scrubbed very carefully using a minimal amount of a type of germicide that is approved by Environmental Protection Agency (EPA) .

While cleaning equipment, pay close attention to handles, controls, portable radios, and corners (tight spots). Equipment cleaning shall not be done in the kitchen, bathrooms, or other areas not designated as the cleaning/decontamination area.

Contaminated equipment should be cleaned using an approved EPA germicide or a 1:100 solution of chlorine bleach (one-quarter-cup of bleach per one gallon of water) while wearing disposable gloves and goggles. Large particles of contaminants such as, vomit, feces, blood clots, etc. should first be removed (using a disposable towel or other means to prevent direct contact) and properly disposed of.

#### 1016.3.7 DECONTAMINATION OF CLOTHING

Contaminated clothing such as uniforms and undergarments shall be removed as soon as feasible and rinsed in cold water to prevent the setting of bloodstains. If the clothing may be washed in soap and hot water, do so as soon as possible. If the clothing must be dry cleaned, place it into a biohazard waste bag and give it to the Exposure Control Officer. The ECO will secure a dry cleaner that is capable of cleaning contaminated clothing, and inform them of the potential contamination. This dry cleaning will be done at the Sheriff's Office expense.

Contaminated leather boots shall be brushed and scrubbed with detergent and hot water. If the contaminant soaked through the boot, the boot shall be discarded.

Refer to section 700.3 regarding replacement of equipment or uniforms.

#### 1016.3.8 DECONTAMINATION OF VEHICLES

Contaminated vehicles and components such as the seats, radios, and doors shall be washed with soap and warm water and disinfected with an approved germicide as soon as feasible.

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#### 1016.3.9 DECONTAMINATION OF STATION AND CLEANING AREA

The ECO shall designate a location at the station that will serve as the area for cleaning/decontamination. This area is to be used to keep equipment clean and sanitary and for the employees to wash any potential contamination from their bodies. This area is to be thoroughly cleaned after each use and to be maintained in a clean and sanitary order at all times between each use. The application of cosmetics, smoking cigarettes, consuming food and drink are prohibited in this designated area at all times.

#### **1016.4 POST-EXPOSURE REPORTING AND FOLLOW-UP REQUIREMENTS**

In actual or suspected exposure incidents, proper documentation and follow-up action must occur to limit potential liabilities and to ensure the best protection and care for the employee(s).

##### 1016.4.1 EMPLOYEE RESPONSIBILITY TO REPORT EXPOSURE

To provide appropriate and timely treatment should exposure occur, all employees shall verbally report the exposure to their immediate supervisor and complete a written exposure report as soon as possible following the exposure or suspected exposure. That report shall be submitted to the employee's immediate supervisor. Additionally, employees should document in the exposure report whether they would like the person who was the source of the exposure to be tested for communicable diseases.

##### 1016.4.2 SUPERVISOR REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure that occurs as soon as possible following the incident, while gathering the following information:

- (a) Name and employee identification number of the employee(s) exposed.
- (b) Date and time of incident.
- (c) Location of incident.
- (d) What potentially infectious materials were involved.
- (e) Source of material or person.
- (f) Current location of material or person.
- (g) Work being done during exposure.
- (h) How the incident occurred or was caused.
- (i) PPE in use at the time of the incident.
- (j) Actions taken post-event (e.g., clean-up, notifications).

The supervisor shall advise the employee of the laws and regulations concerning disclosure of the identity and infectious status of a source, and Policy § 1016.5, which addresses source testing.

If the ECO is unavailable to seek testing of the person who was the source of the exposure, it is the responsibility of the exposed employee's supervisor to ensure testing is sought (Policy § 1016.5).

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#### 1016.4.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Any employee who was exposed or who suspects he/she was exposed to HIV or to hepatitis B or C should be seen by a physician or qualified health care provider as soon as possible. The doctor or qualified health care provider should be provided with the supervisor's report and the employee's medical records relevant to the visit and examination. The blood of the exposed employee shall be tested.

The health care professional will provide the ECO and/or the County's Risk Manager with a written opinion/evaluation of the exposed employee's medical condition. This opinion should only contain the following information:

- If a post-exposure treatment is indicated for the employee.
- If the employee received a post-exposure treatment.
- Confirmation that the employee received the evaluation results.
- Confirmation that the employee was informed of any medical condition resulting from the exposure incident and whether further treatment or evaluation will be required.
- Whether communicable disease testing from the source is warranted, and if so, which diseases should the testing include.

All other findings or diagnosis shall remain confidential and are not to be included in the written report.

#### 1016.4.4 COUNSELING

The Sheriff's Office shall provide the exposed employee (and his/her family if necessary) the opportunity for counseling and consultation.

#### 1016.4.5 CONFIDENTIALITY OF REPORTS

Most of the information involved in this process must remain confidential. The ECO shall ensure that all records and reports are kept in the strictest confidence.

The ECO shall be responsible for maintaining records containing the employee's treatment status and the results of examinations, medical testing and follow-up procedures.

The Risk Manager shall be responsible for maintaining the name and social security number of the employee and copies of any information provided to the consulting health care professional.

This information is confidential and shall not be disclosed to anyone without the employee'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.

#### **1016.5 SOURCE TESTING**

Testing for communicable diseases of a person who was the source of an exposure should be sought when it is desired by the exposed employee or when it is otherwise appropriate. There are five methods to obtain such testing. It is the responsibility of the ECO to ensure that the proper testing and reporting occur. These methods are:

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- (a) Obtaining voluntary consent from any person who may be the source of an exposure to cover testing for any communicable disease.
- (b) Filing a report with the county health officer when an employee is exposed to the bodily fluids of an arrestee. The county health officer may pursue testing for HIV or hepatitis B or C (Penal Code § 7510 et seq.).
- (c) Seeking consent for testing or applying for a court order for HIV, hepatitis B and hepatitis C testing (Health and Safety Code § 121060 et seq.).
- (d) Seeking a court order when the person who may be the source of an exposure will not consent to testing and the exposure does not fall under the statutory schemes for testing. This covers testing for any communicable disease as deemed appropriate by a health care professional and documented in the request for the court order.
- (e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing an adult or juvenile when an employee of the San Luis Obispo County Sheriff's Office qualifies as a crime victim (Penal Code § 1524.1).

#### 1016.5.1 EXPOSURE FROM A NON-ARRESTEE

Upon notification of an employee's exposure to a person who was not arrested, the ECO should attempt to determine if the person who was the source of the exposure will voluntarily consent to testing. If consent is indicated, the following steps should be taken:

- (a) A licensed health care provider should notify the person to be tested of the exposure and make a good faith effort to obtain voluntary informed consent from the person or his/her authorized legal representative to perform a test for HIV, hepatitis B, hepatitis C and other communicable diseases the health care provider deems appropriate.
- (b) The voluntary informed consent obtained by the health care provider must be in writing and include consent for three specimens of blood for testing. The ECO should document the consent as a supplement to the Exposure Control Report.
- (c) The results of the tests should be made available to the source and the exposed employee.

If consent is not obtained, the ECO should promptly consult with County Counsel and consider requesting that a court order be sought for appropriate testing.

#### 1016.5.2 EXPOSURE FROM AN ARRESTEE

Upon notification of an exposure to an employee by a person who was arrested, the ECO should take the following steps:

- (a) Comply 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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- (b) Take 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).
- (c) In all cases, comply with the reporting and testing scheme of Penal Code § 7510 et seq. This includes completing a State Department of Health Services Form CDPH 8479 and submitting it to the County Health Officer with a copy of the Exposure Control Report by the end of the employee's shift. If submission by the end of the shift is not practicable, it must occur as soon as possible but no later than two days after the incident. The exposed employee's name should not appear on this form.
- (d) Remain in contact with the County Health Officer to determine whether testing of the arrestee will occur and whether the testing satisfies the medical needs of the employee.
- (e) The results of the tests should be made available to the donor and the exposed employee.

Since there is potential for overlap between the two statutory schemes, the ECO is responsible for coordinating the testing with the County Health Officer to prevent unnecessary or duplicate testing.

In the rare event that the exposed employee is not covered by either statutory scheme, the ECO should seek consent or a court order in the same manner as for a non-arrestee.

## Smoking and Tobacco Use

### 1018.1 PURPOSE AND SCOPE

This policy establishes limitations on the use of tobacco products by employees and others while on-duty or while in San Luis Obispo County Sheriff's Office facilities or vehicles.

### 1018.2 POLICY

Smoking and other use of tobacco products is not permitted inside Sheriff's Office facilities or any Sheriff's Office vehicle.

### 1018.3 EMPLOYEE USE

Tobacco use by employees is prohibited anytime employees are in public view representing the Department.

Smoking and the use of other tobacco products is not permitted inside any County facility, office or vehicle (California Labor Code § 6404.5).

It shall be the responsibility of each employee to ensure that no person under his/her supervision smokes or uses any tobacco product inside County facilities and vehicles.

### 1018.4 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.).

## Personnel Complaints

### 1020.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide guidelines for the reporting, investigation and disposition of complaints regarding the conduct of employees and volunteers of the Sheriff's Office.

#### 1020.1.1 PERSONNEL COMPLAINTS DEFINED

Personnel complaints consist of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of Sheriff's Office policy, federal, state or local law.

Inquiries about employee conduct which, even if true, would not qualify as a personnel complaint may be handled informally by a Sheriff's Office supervisor and shall not be considered complaints.

This policy shall not apply to any interrogation, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of an employee in the normal course of duty, by a supervisor or any other employee, nor shall this policy apply to an investigation concerned solely and directly with alleged criminal activities (Cal. Govt. Code 3303(i)).

Personnel Complaints shall be classified in one of the following categories:

**Formal** - A matter in which the complaining party requests further investigation or which a Sheriff's Office supervisor determines that further action is warranted. Such complaints may be investigated by a Sheriff's Office supervisor of rank greater than the accused employee or referred to the Professional Standards 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. The investigation should be completed as much as possible and then submitted to the Professional Standards Unit for proper disposition.

### 1020.2 POLICY

The San Luis Obispo 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.

It is also the policy of this Office to ensure that the community can report misconduct without concern for reprisal or retaliation.

#### 1020.2.1 AVAILABILITY OF COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public lobby. Forms may also be available at other government facilities.

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#### 1020.2.2 SOURCE OF COMPLAINTS

- (a) A Sheriff's Office employee becoming aware of alleged misconduct shall immediately notify a supervisor.
- (b) A supervisor receiving a complaint from any source alleging misconduct of an employee which, if true, could result in disciplinary action.
- (c) Anonymous complaints and third party complaints should be accepted and investigated to the extent that sufficient information is provided.

#### 1020.2.3 ACCEPTANCE OF COMPLAINTS

A complaint may be filed in person, in writing, or by telephoning the Sheriff's Office. Although not required, every effort should be made to have the complainant appear in person. The following should be considered before taking a complaint:

- (a) Complaints shall not be prepared unless the alleged misconduct or job performance is of a nature which, if true, would normally result in disciplinary action
- (b) When an uninvolved supervisor or the Watch Commander determines that the reporting person is satisfied that their complaint required nothing more than an explanation regarding the proper/improper implementation of Sheriff's Office policy or procedure, a complaint need not be taken
- (c) When the complainant is intoxicated to the point where his/her credibility appears to be unreliable, identifying information should be obtained and the person should be provided with a Personnel Complaint form
- (d) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with their parents or guardians present and after the parents or guardians have been informed of the circumstances prompting the complaint

#### 1020.2.4 COMPLAINT DOCUMENTATION

Formal complaints of alleged misconduct shall be documented by a supervisor on a Complaint Form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible. The supervisor shall make every attempt to obtain a recorded statement from the complainant or any witnesses present: however, a refusal by a party to be recorded shall not alone be grounds to refuse to accept a complaint. The complainant should be provided with a copy of his/her own statements at the time the complaint is filed per penal Code 832.7. When using a Complaint Form, provide the complainant the second copy of the form. This contains a brief summary of their complaint.

If a complainant is unable to be interviewed by a supervisor, provide the complainant with a Community Complaint Form. Ask them to complete the form as soon as practicable and advise them that a department supervisor will contact them for interview as soon as the Sheriff's Office receives the complaint form. The preferable method to initiate a complaint investigation is for a

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supervisor to complete the Complaint Form; however, the Community Complaint form shall be used on those rare occasions when the complainant cannot wait to be interviewed by a supervisor.

#### **1020.3 SUPERVISOR RESPONSIBILITY**

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation. Moreover, supervisors shall also maintain the ability to engage in the interrogation of an employee in the normal course of duty, counseling, instruction, or informal verbal admonishment, or other routine or unplanned contact (Cal. Govt. Code 3303(i)).

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the employee's immediate supervisor. The Sheriff or authorized designee may, however, direct that another supervisor investigate it. The supervisor shall be responsible for the following:

- (a) A supervisor receiving a formal complaint involving allegations of a potentially serious nature shall ensure that the Division Commander, Professional Standards Unit Commander, Bureau Chief and Sheriff are notified as soon as practicable.
- (b) A supervisor receiving or initiating any formal complaint shall ensure that a Personnel Complaint form has been completed as fully as possible. The original complaint form will then be directed to the Sheriff, via the chain of command, who will take appropriate action or forward the complaint to the Professional Standards Unit for further action and/or assignment of a investigation.
  - 1. During the preliminary investigation of any complaint, the supervisor should make every reasonable effort to obtain names, addresses and telephone numbers of additional witnesses.
  - 2. Once immediate medical attention has been provided, photographs of alleged injuries as well as accessible areas of non-injury should be taken.
  - 3. 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 employee's Bureau Chief, Professional Standard Unit Commander, Undersheriff or the Sheriff who will initiate appropriate action.
- (c) A supervisor dealing with an accused employee shall ensure that the procedural rights of the employee are followed pursuant to Government Code § 3303, et seq.
- (d) When the nature of a personnel complaint relates to sexual, racial, ethnic, or other forms of prohibited harassment or discrimination, the supervisor receiving the complaint shall promptly contact the Professional Standards Unit Commander, Undersheriff, or the Sheriff for direction regarding their role in investigation and/or addressing the complaint.

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#### **1020.4 ASSIGNMENT TO ADMINISTRATIVE LEAVE**

When a complaint of misconduct is of a serious nature or when circumstances practically dictate that it would impose an unreasonable risk to the Sheriff's Office, the employee, other employees or the public, the Sheriff or his designee may assign the accused employee to inactive duty pending completion of the investigation or the filing of administrative charges.

##### **1020.4.1 ADMINISTRATIVE LEAVE**

An employee placed on administrative leave may be subject to the following guidelines:

- (a) Under such circumstances, an employee placed on administrative leave shall continue to receive regular pay and benefits pending the imposition of any discipline
- (b) An employee placed on administrative leave may be required by a supervisor to relinquish any badge, Sheriff's Office identification, assigned weapon(s) and any other Sheriff's Office equipment
- (c) An employee placed on administrative leave may be ordered to refrain from taking any action as a Sheriff's Office employee or in an official capacity. The employee shall be required to continue to comply with all policies and lawful orders of a supervisor
- (d) An employee placed on administrative leave may be temporarily reassigned to a different shift (generally normal business hours) during the pendency of the investigation and the employee may be required to remain available for contact at all times during such shift and report as ordered
- (e) The employee may be required to contact a supervisor on a regular bases and remain available if assigned to their home during business hours.
- (f) At such time as any employee placed on administrative leave is returned to full and regular duty, the employee shall be returned to their regularly assigned shift with all badges, identification card and other equipment returned

##### **1020.4.2 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).

#### **1020.5 ALLEGATIONS OF CRIMINAL CONDUCT**

Where an employee of the Sheriff's Office is accused of potential criminal conduct, a separate supervisor or assigned detective shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Professional Standards Unit Commander, Undersheriff and Sheriff shall be notified as soon as practical when an employee is formally accused of criminal conduct. In the event of serious

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criminal allegations, the Sheriff may request a criminal investigation by an outside law enforcement agency.

An employee accused of criminal conduct shall be provided with all rights and privileges afforded to a civilian and the employee may not be administratively ordered to provide any information to a criminal detective.

No information or evidence administratively coerced from an employee may be provided to a criminal detective.

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, however, no disciplinary action, other than paid administrative leave shall be taken against the accused employee based solely on an arrest or crime report (Labor Code § 432.7(b)). An independent administrative investigation shall be conducted based upon the allegations in the report in accordance with Sheriff's Office policy.

#### **1020.6 ADMINISTRATIVE INVESTIGATION OF COMPLAINT**

Whether conducted by a supervisor or an assigned member of the Professional Standards Unit, the following procedures shall be followed with regard to the accused employee(s):

- (a) Interviews of accused employees shall be conducted during reasonable hours and, if the employee is off-duty, the employee shall be compensated (Government Code § 3303(a)).
- (b) No more than two interviewers may ask questions of an accused employee (Government Code § 3303(b)).
- (c) Prior to any interview, an employee shall be informed of the nature of the investigation (Government Code § 3303(c)).
- (d) All interviews shall be for a reasonable period and the employee's personal needs shall be accommodated (Government Code § 3303(d)).
- (e) No employee shall be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively or be subject to discipline for insubordination. Nothing administratively ordered may be provided to a criminal investigator (Government Code § 3303(e)).
- (f) Absent circumstances preventing it, the interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview shall be provided to the employee prior to any subsequent interview (Government Code § 3303(g)).
- (g) If the allegations involve potential criminal conduct, the employee shall be advised of his/her Constitutional rights pursuant to *Lybarger*. This admonishment shall be given administratively whether or not the employee was advised of these rights during any separate criminal investigation. (Government Code § 3303(h)).

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- (h) All employees subjected to interviews that could result in punitive action shall have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual employee's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)).
- (i) All employees shall provide complete and truthful responses to questions posed during interviews.
- (j) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).
- (k) 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).

#### 1020.6.1 ADMINISTRATIVE SEARCHES

An employee of the Sheriff's Office with objective symptoms may be administratively ordered to submit to a blood, breath, or urine test for alcohol and drugs under any of the following circumstances:

- When the employee, whether on or off-duty, is involved in a shooting or duty related death, while acting in their capacity of a peace officer.
- When the employee is involved in an injury or fatal accident while on duty
- When the employee is involved in an injury or fatal accident while operating any County owned vehicle whether on or off-duty.
- When the employee is found to be exhibiting objective symptoms of intoxication or drug influence while on duty.
- When the Sheriff's Office receives information that the employee is possibly using illegal drugs or non-prescribed medications.

The use of compelled testing results shall be restricted to the administrative investigation.

Any employee may be compelled to disclose personal financial information pursuant to proper legal process; if such information tends to indicate a conflict of interest with official duties, or, if the employee is assigned to or being considered for a special assignment with a potential for bribes (Government Code § 3308).

Employees shall have no expectation of privacy when using telephones, computers, radios or other communications provided by the Department.

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Assigned lockers and storage spaces may only be administratively searched in the employee's presence, with the employee's consent, with a valid search warrant or where the employee has been given reasonable notice that the search will take place (Government Code § 3309).

All other departmentally assigned areas (e.g., desks, office space, 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.

#### 1020.6.2 ADMINISTRATIVE INVESTIGATION FORMAT

Investigations of personnel complaints shall be detailed, complete and essentially follow this format:

- **Complaint:** This section provides the source of complaint, the names, body numbers and assignment of accused employee (s), and the nature of allegation.
- **Executive Summary:** Provides the reader with an overview of the complaint, beginning with a short chronological introduction that leads the reader to the first and subsequent allegations. The allegations are listed with the witness' and accused employee's responses to each allegation.
- **Witness List:** The Witness List section begins its own page after the Executive Summary and list the witness, date, time and page numbers of their interviews.
- **Investigation:** The Investigation consists of interviews of all the persons involved in the complaint. This section will start with the complainant's interview and end with the accused employee's interview. Thus the investigation will flow from the complainant's perspective to the accused.
- **Investigator Notes:** The Investigator Notes Section is used to provide the reader with pertinent information related to investigation but not part of the Executive Summary or Investigation.
- **Addenda:** The Addenda section lists all referenced documents. Addenda items should be numbered and listed in order they are referenced in the report. Documents not referenced in the report should be kept in the personnel complaint package.

#### 1020.7 DISPOSITION OF PERSONNEL COMPLAINTS

Each allegation shall be classified with one of the following dispositions:

**Unfounded** - When the investigation discloses that the alleged act(s) did not occur or did not involve department personnel. Complaints which are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.5(c)).

**Exonerated** - When the investigation discloses that the alleged act occurred, but that the act was justified, lawful and/or proper.

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**Not Sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

**Sustained** - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance which was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

#### **1020.8 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. The assigned investigator or supervisor will make every effort to complete the investigation in 60 days of assignment. If not possible, extensions may be granted in 30 day increments by the assigning authority. 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. If the nature of the allegations dictate that confidentiality is necessary to maintain the integrity of the investigation, the involved employee(s) need not be notified of the pending investigation unless and until the employee is interviewed or formally charged within one year of discovery.

Upon completion, the report should be forwarded to the Professional Standards Unit Commander for review. The Sheriff or his designee will review the investigation report and include his written endorsement stating one of the following conclusions for each accused Sheriff's Office employee:

- (a) **Unfounded:** The investigation has produced sufficient evidence to prove that the act or acts complained about did not occur. This finding shall also apply when individuals named in the complaint were not involved in acts that did occur.
- (b) **Sustained:** The investigation disclosed sufficient evidence to clearly prove the allegations made in the complaint.
- (c) **Not sustained:** Investigation failed to disclose sufficient evidence to clearly prove or disprove the allegations made in the complaint.
- (d) **Exonerated:** The acts which provided the basis for the complaint occurred; however, investigation revealed that the acts were justified, lawful and proper.

If the complaint is "unfounded," "sustained," "not sustained," or "exonerated" the Sheriff will cause the affected individuals (i.e. the complainant and the accused employee) to be notified of his finding and the complete investigation report to be filed. If the complaint is "sustained," the Sheriff will administer disciplinary action as deemed appropriate. All discipline will be administered in accordance with law. An abstract report of the sustained investigative conclusion shall be included in the accused employee's personnel file, and the completed investigation report shall be filed.

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If an investigation discloses misconduct or improper job performance which was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

Within 30 days of the final review by the Sheriff, written notice of the findings shall be sent to the complaining party. This notice shall indicate the findings, however, will not disclose the amount of discipline, if any imposed. The complaining party should also be provided with a copy of his/her own original complaint (Penal Code § 832.7).

Any complaining party who is not satisfied with the findings of the Sheriff's Office concerning their complaint may contact the Sheriff to discuss the matter further.

#### **1020.8.1 CONFIDENTIALITY OF PERSONNEL FILES**

All investigations of personnel complaints, whether originating from a citizen or internally, shall be considered confidential peace officer personnel files. The contents of such files shall not be revealed to other than the involved employee or authorized personnel except pursuant to lawful process.

In the event that an accused employee (or the representative of such employee) knowingly makes false representations regarding any internal investigation and such false representations are communicated to any media source, the Department may disclose sufficient information from the employee's personnel file to refute such false representations (Penal Code § 832.5).

All sustained citizen's complaints shall be maintained for a period of at least five years (Penal Code § 832.5). All internally initiated complaints shall be maintained at least two years (Government Code § 34090 et seq.).

Sustained complaints and complaints which are unfounded, exonerated or not sustained shall be maintained by the Professional Standards Unit apart from the employee's personnel file.

#### **1020.9 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 [Department/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 misconduct
  2. Findings of civilian review boards
  3. Final dispositions of any investigations

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4. Civil judgments or court findings based on conduct, or settlement of a civil claim against a deputy or the San Luis Obispo County Sheriff's Office based on allegations of conduct by a deputy

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) for up to two years after reporting of the disposition of an investigation (Penal Code § 13510.9).

## Seat Belts

### 1022.1 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 [department/office] vehicles (Vehicle Code § 27315.5).

### 1022.2 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 [department/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.

#### 1022.2.1 TRANSPORTING CHILDREN

Children under the age of 8 should be transported in compliance with California's restraint system requirements (Vehicle Code § 27360).

A child may be transported by sworn personnel without the use of a child passenger restraint system in an authorized emergency vehicle if a child passenger restraint system is unavailable and the child is secured by a seat belt (Vehicle Code § 27363(b) and Vehicle Code § 165).

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.

### 1022.3 TRANSPORTING PERSONS IN CUSTODY

Persons who are in custody should be in a seated position and secured in the rear seat of any [department/office] vehicle with a restraint system or, when a restraint system is not available, by seat belts 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.

### 1022.4 INOPERABLE SEAT BELTS

[Department/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.

[Department/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.

## Body Armor

### 1024.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

### 1024.2 POLICY

It is the policy of the San Luis Obispo 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.

### 1024.3 ISSUANCE OF BODY ARMOR

The Support Services supervisor shall ensure that body armor is issued to all deputies when the deputy begins service at the San Luis Obispo County Sheriff's Office and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Support Services 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.

#### 1024.3.1 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 should wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.
- (c) 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.
- (d) Body armor should be worn when a deputy is working in uniform or taking part in Department range training.
- (e) 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.

#### 1024.3.2 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.

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#### 1024.3.3 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.

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.

#### **1024.4 RANGEMASTER RESPONSIBILITIES**

The Rangemaster should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to Department 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

### 1026.1 PURPOSE AND SCOPE

This section governs the maintenance, retention and access to peace officer personnel files in accordance with established law. It is the policy of the Sheriff's Office to maintain the confidentiality of peace officer personnel records pursuant to Penal Code § 832.7.

### 1026.2 PERSONNEL FILES DEFINED

Pursuant to Penal Code § 832.8, peace officer personnel records shall include any file maintained under an individual deputy's name relating to:

- (a) Personal data, including marital status, family members, educational and employment history, or similar information.
- (b) Medical history including medical leave of absence forms, fitness for duty examinations, workers compensation records, medical releases and all other records which reveal an employee's past, current or anticipated future medical conditions.
- (c) Election of employee benefits.
- (d) Employee advancement, appraisal, or discipline.
- (e) Complaints, or investigations of complaints, concerning an event or transaction in which the deputy participated, or which the deputy perceived, and pertaining to the manner in which the deputy performed official duties.
- (f) Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

### 1026.3 [DEPARTMENT/OFFICE] FILE

The [department/office] file shall be maintained as a record of a person's employment/appointment with this [department/office]. The [department/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. These should be permanently retained.
- (d) Original performance evaluations. These should be permanently retained.
- (e) Discipline records, including copies of sustained personnel complaints (see the Personnel Complaints Policy).
  - 1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained pursuant to the established records retention schedule and at least four years (Government Code § 12946).

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2. Disciplinary action resulting from a sustained civilian's complaint involving misconduct shall be maintained pursuant to the established records retention schedule and at least 15 years (Penal Code § 832.5).
  3. A civilian's 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 [department/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).
- (g) Commendations and awards.
- (h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

#### **1026.4 CONFIDENTIALITY OF ALL PERSONNEL FILES**

Pursuant to Penal Code § 832.7, all of the above-defined personnel records shall be deemed confidential and shall not be subject to disclosure except pursuant to the discovery procedures set forth in Evidence Code § 1043, et seq. or in accordance with applicable federal discovery laws. Nothing in this section is intended to preclude review of personnel files by the County Administrator, County Counsel or other attorneys or representatives of the County in connection with official business.

#### **1026.5 REQUESTS FOR DISCLOSURE**

Only written requests for the disclosure of any information contained in any peace officer personnel record will be considered. Since the format of such requests may be strictly governed by law with specific responses required, all such requests shall be promptly brought to the attention of the Support Services Chief Deputy, 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 employee(s) as soon as practicable that such a request has been made (Evidence Code § 1043(a)).

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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 will require assistance of approved and available legal counsel.

All requests for disclosure, which result in access to an employee's personnel file(s), shall be logged in the corresponding file.

#### **1026.5.1 RELEASE OF CONFIDENTIAL INFORMATION**

Except as provided by this policy or pursuant to lawful process, no information contained in any confidential peace officer personnel file shall be disclosed to any unauthorized person(s) without the expressed prior consent of the involved deputy or written authorization of the Sheriff or his or her designee.

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 the Sheriff's Office may be guilty of a misdemeanor (Penal Code § 146e).

Pursuant to Penal Code § 832.7(e), the disposition of any citizen's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall be limited to the disposition and shall not include what discipline, if any was imposed.

The Sheriff's Office may also release any factual information concerning a disciplinary investigation if the deputy who is the subject of the investigation (or the deputy's representative) publicly makes a statement which is published in the media and which the deputy (or representative) knew 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(d)).

#### **1026.6 PROFESSIONAL STANDARDS FILE**

Professional Standards Unit files shall be maintained under the exclusive control of the Professional Standards Unit in conjunction with the office of the Sheriff. Access to these files may only be approved by the Sheriff or the Professional Standards Unit supervisor.

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 civilian's 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 [Department/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 four 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).

#### **1026.7 TYPES OF PERSONNEL FILES**

Peace officer personnel files can be located in any of the following places:

##### **1026.7.1 DEPARTMENT FILE**

The Sheriff's Office file should contain, but is not limited to, the following:

- (a) Performance evaluation reports regularly completed by appropriate supervisor and signed by the affected employee shall be permanently maintained.
- (b) Records of all training (original or photocopies of available certificates, transcripts, diplomas and other documentation) and education shall be maintained.
  1. It shall be the responsibility of the involved employee to provide the Training Manager or immediate supervisor with evidence of completed training/education in a timely manner.
  2. The Training Manager or supervisor shall ensure that copies of such training records are placed in the employee's Sheriff's Office file.
- (c) Disciplinary action:
  1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained in the individual employee's Sheriff's Office file at least two years (Government Code § 34090).
  2. Disciplinary action resulting from a sustained citizen's complaint shall be maintained in the individual employee's Sheriff's Office file at least fifteen years (Penal Code § 832.5).
  3. Investigations of complaints which result in a finding of not-sustained, unfounded or exonerated shall not be placed in the employee's Sheriff's Office file, but will be separately maintained for the appropriate retention period in the internal affairs file.
- (d) Adverse comments such as supervisor log entries may be retained in the Sheriff's Office file or division file after the employee has had the opportunity to read and initial the comment and for a period up to two years (Government Code § 3305).
  1. Once an employee has had an opportunity to read and initial any adverse comment prior to entry into a file, the employee shall be given the opportunity to respond in writing to such adverse comment within 30 days (Government Code § 3306).
  2. Any such employee response shall be attached to and retained with the original adverse comment.

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3. If an employee 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. Such a refusal, however, shall not be deemed insubordination nor shall it prohibit the entry of the adverse comment into the employee's file.
- (e) Commendations shall be retained in the employee's Sheriff's Office file, with a copy provided to the involved employee.
- (f) Personnel Action Reports reflecting assignments, promotions and other changes in the employee's employment status shall be permanently retained.
- (g) A photograph of the employee shall be permanently retained.

#### 1026.7.2 DIVISION FILE

The Division File should contain, but is not limited to, the following:

- (a) Supervisor log entries, notices to correct and other materials intended to serve as a foundation for the completion of timely Performance Evaluations
  1. 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 3306.
  2. Duplicate copies of items that will also be included in the employee's Sheriff's Office file may be placed in this interim file in anticipation of completing any upcoming performance evaluation.
  3. Once the permanent performance evaluation form has been made final, the underlying foundational material(s) and/or duplicate copies may be purged in accordance with this policy.
- (b) All rules of confidentiality and disclosure shall apply equally to the division file.

#### 1026.7.3 PROFESSIONAL STANDARDS FILE

Professional Standards files shall be maintained under the exclusive control of the Professional Standards Unit in conjunction with the office of the Sheriff. Access to these files may only be approved by the Sheriff or the supervisor of the Professional Standards Unit. These files shall contain:

- (a) The complete investigation of all formal complaints of employee misconduct, regardless of disposition
  1. Each investigation file shall be sequentially numbered within a calendar year (e.g., yy-001, yy-002).
  2. Each investigation file arising out of a formal citizen's complaint or a complaint involving a discriminatory harassment or hostile work environment shall be maintained no less than five years (Penal Code § 832.5(b)). Investigation files arising out of other internally generated complaints shall be maintained no less than two years (Government Code § 34090).

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- (b) Investigations that result in other than a sustained finding shall be maintained for the minimum statutory period but may not be used by the Sheriff's Office to adversely affect an employee's career (Penal Code § 832.5 (c)).

#### **1026.7.4 TRAINING FILES**

An individual training file shall be maintained by the Training Unit for each employee. Training files will contain records of all training and education mandated by law or the Department, including firearms qualifications and mandated annual proficiency requalification.

- (a) It shall be the responsibility of the involved employee to provide the Training Manager or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training Manager or supervisor shall ensure that copies of such training records are placed in the employee's training file.

#### **1026.7.5 MEDICAL FILE**

A medical file shall be maintained separately from all other files and shall contain all documents relating to the employee's medical condition and history, including but not limited to the following:

- (a) Materials relating to medical leaves of absence.
- (b) Documents relating to workers compensation claims or 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 which reveal an employee's medical condition.
- (e) Any other documents or material which reveals the employee's medical history or medical condition, including past, present, or future anticipated mental, psychological, or physical limitations.

#### **1026.8 PURGING OF FILES**

Formal citizen complaints and all related files not pending litigation or other ongoing legal proceedings may be purged no sooner than five years from the underlying complaint date (Penal Code § 832.5).

All other disciplinary files and investigations of non-citizen initiated complaints not pending litigation or other ongoing legal proceedings may be purged no sooner than two years from the underlying complaint date (Government Code § 34090; Government Code § 26202).

- (a) Each supervisor responsible for completing the employee's performance evaluation shall also determine whether any prior sustained disciplinary file should be retained beyond the statutory period for reasons other than pending litigation or other ongoing legal proceedings.

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- (b) If a supervisor determines that records of prior discipline should be retained beyond the applicable statutory period, approval for such retention shall be obtained through the chain of command from the Sheriff.
- (c) During the preparation of each employee's performance evaluation, all complaints and discipline should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. If, in the opinion of the Sheriff, a complaint or disciplinary action beyond the statutory retention period is no longer relevant, all records of such matter may be destroyed pursuant to resolution.

#### **1026.8.1 RELEASE OF LAW ENFORCEMENT GANG INFORMATION**

Information relating to the termination of a deputy from this [department/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).

#### **1026.8.2 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.

#### **1026.9 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.

The Custodian of Records should work as appropriate with the Sheriff or the Professional Standards Unit supervisor 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

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[department/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 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 [Department/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.
  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 [Department/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)).

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When an investigation involves multiple deputies, the [Department/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)).

#### 1026.9.1 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)).

#### 1026.9.2 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):

- (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

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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 [department/office] policy, but no longer than 180 days after the date of the [department/office]'s discovery of the misconduct or use of force or allegation of misconduct or use of force

#### 1026.9.3 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 [Department/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.

In cases where an action to compel disclosure is brought pursuant to Government Code § 7923.000, the [Department/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)).

## Request for Change of Assignment

### 1028.1 PURPOSE AND SCOPE

It is the intent of the Sheriff's Office that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

### 1028.2 REQUEST FOR CHANGE OF ASSIGNMENT

Personnel wishing a change of assignment are to complete a Request for Change of Assignment memorandum. The form should then be forwarded through the chain of command to their Bureau Chief.

#### 1028.2.1 PURPOSE OF FORM

The form is designed to aid employees in listing their qualifications for specific assignments. All relevant experience, education and training should be included when completing this form.

All assignments an employee is interested in should be listed on the form.

The Request for Change of Assignment form will remain in effect until the end of the calendar year in which it was submitted. Effective January 1<sup>st</sup> of each year, employees still interested in new positions will need to complete and submit a new Change of Assignment Request form.

### 1028.3 SUPERVISOR'S COMMENTARY

The deputy's immediate supervisor shall make appropriate comments in the space provided in a separate memorandum before forwarding it to the Bureau Chief of the employee involved. In the case of patrol deputies, the Station Commander must comment on the request with his/her recommendation before forwarding the request to the Bureau Chief. If the Station Commander does not receive the Change of Assignment Request Form, the Bureau Chief will initial the form and return it to the employee without consideration.

## Awards Program

### 1031.1 PURPOSE AND SCOPE

The policy of the Sheriff's Office is to promote professionalism and recognize exemplary performance through an awards program. Policy provides a system for rewarding exemplary performance from employees and volunteers, and to recognize assistance to the Sheriff's Office by members of the community.

### 1031.2 AWARD DESCRIPTION

- (a) Medal of Valor: Awarded to sworn members who intelligently and in the line of duty, perform an act of gallantry and valor above and beyond the call of duty, at imminent peril, and with knowledge of the risk. (This award includes a Medal of Valor Medal, pin and certificate.)
- (b) Distinguished Service Medal: Awarded to sworn members who intelligently and in the line of duty, perform an act of gallantry and valor above and beyond the call of duty, at imminent peril, and with knowledge of the risk, but to a lesser degree than required for the Medal of Valor. (This award includes a Distinguished Service Medal, pin and certificate.)
- (c) Meritorious Service Medal: Awarded to sworn members who in the line of duty, perform an act or series of acts which demonstrate a high degree of professional excellence through the success of a difficult project, program, investigation, or situation. (This award includes a Distinguished Service Medal, pin and certificate.)
- (d) Distinguished Service Award: Awarded to civilian members for service or activity of the highest possible standard, which greatly exceeds the normal expectations of public employment. Such service or activity shall be exceptional, extraordinary, or heroic in nature. (This award includes a certificate.)
- (e) Life Saving Award: Awarded to sworn and civilian members who take swift action to save the life, or attempt to save the life, of any person. (This award includes a Life Saving Medal, pin and certificate.)
- (f) Employee of the Year: Recognition for the employee, sworn or civilian, who consistently exhibits superior work ethic, dedication and performance in the interest of public service. (This award includes a plaque and certificate.)
- (g) Volunteer of the Year: Recognition for the volunteer who consistently exhibits superior work ethic, dedication and performance in the interest of public service. (This award consists of a plaque.)
- (h) Citizen Recognition: Certificate of Recognition presented to Citizens who provide information, assistance or services to the Sheriff's Office. Recommendations for Citizen Recognition should be submitted, by memorandum, through the chain of command to the Sheriff. (This award consists of a plaque.)

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#### **1031.3 AWARDS COMMITTEE**

- (a) The Sheriff's Office shall establish and maintain an Awards Committee to review the activities and actions of persons employed by the Sheriff's Office and to award those actions appropriately.
- (b) The Awards Committee shall consist of the following:
  - 1. The commanders of the Field Operations, Investigative Services and Custody Bureaus and the Department Administrator.
  - 2. The Undersheriff will select one of the committee members to act as Chairperson.
  - 3. In the absence of the chairperson, the committee members in attendance will select a chairperson for that specific meeting.
- (c) The Committee may authorize any award described in section "AWARDS DESCRIPTION" of this policy based on any recommendations they receive from department supervisors or managers.
- (d) The Committee will review each recommendation they receive to determine if the employee's actions merit the award.
  - 1. The majority vote of the committee will determine, after a review of the facts, if the recommended award is appropriate.
  - 2. The Committee may decide that the actions of the employee merit the recommended award or they may decide that the actions merit another form of recognition.
  - 3. The Committee may determine that no award is appropriate following their review of the recommendation.

#### **1031.3.1 MEETING PROCEDURES**

- (a) Recommendations for awards shall be forwarded to the Sheriff via the chain of command.
  - 1. Upon receipt of an award recommendation the Undersheriff shall forward the award recommendation to the committee chairperson who will convene a meeting of the committee.
- (b) The Committee shall review the award recommendation and determine whether the award is merited, or if the nominee should be receive another form of recognition or no award at all.
- (c) Each recommendation shall be reviewed and voted separately, except when multiple recommendations are made for employees who were involved in a single event, incident or project. Votes are to be conducted by a show of hands and recorded by the chairperson.
- (d) Any Committee member who was involved in an application process for an award may participate in the discussion of that application, however may not vote on the award.

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### *Awards Program*

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- (e) The Chairperson will keep notes of the meeting and forward the decision of the committee to the Undersheriff for review and discussion with the Sheriff.
- (f) If the Sheriff concurs with the decision of the committee the award will be approved.

#### **1031.4 RECOMMENDATION PROCESS**

- (a) Recommendations for awards may be written by any supervisor or managers of the Sheriff's Office and forwarded to the Undersheriff via the chain of command
- (b) The Undersheriff shall forward the recommendation to the committee chairperson for review by the committee members.
- (c) Recommendations may be forwarded at anytime during the next year, however, they should be submitted immediately following the conclusion of the event, action or project that prompts the recommendation.

#### **1031.5 AWARDS PRESENTATION**

- (a) Upon the approval of an award the affected employee will be notified by the committee chairperson that the Sheriff has approved an award for their actions or service. A copy of the notification will be forwarded to the employee's division manager and supervisor.
- (b) The presentation of the award will occur at the time and place determined by the Sheriff.

## Fitness for Duty

### 1032.1 PURPOSE AND SCOPE

All employees are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all employees of the Sheriff's Office remain fit for duty and able to perform their job functions (Government Code § 1031).

### 1032.2 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each member of the Sheriff's Office to maintain good physical condition sufficient to safely and properly perform essential duties of their position.
- (b) Each member of the Sheriff's Office shall perform his/her respective duties without physical, emotional, and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive, and capable of performing his/her assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

### 1032.3 SUPERVISOR RESPONSIBILITIES

- (a) A supervisor observing an employee, or receiving a report of an employee who is perceived to be, unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.
- (b) Whenever feasible, 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 employee to perform his/her duties.
- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
- (d) In conjunction with an Executive Staff member or employee's available Bureau Chief, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.
- (e) The Sheriff shall be promptly notified in the event that any employee is relieved from duty.

# San Luis Obispo County Sheriff's Office

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### *Fitness for Duty*

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#### **1032.4 NON-WORK RELATED CONDITIONS**

Any employee suffering from a non-work related condition which warrants a temporary relief from duty may be required to use sick leave or other paid time off (PTO) in order to obtain medical treatment or other reasonable rest period.

#### **1032.5 WORK RELATED CONDITIONS**

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of a Station Commander, Bureau Chief or unit supervisor and concurrence of the Sheriff or Undersheriff, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the wellbeing of the employee and until such time as the following may be completed:

- (a) A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate.
- (b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

#### **1032.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS**

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Sheriff may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Department of Human Resources to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining physician or therapist will provide the Sheriff's Office with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties (Civil Code § 56.10(c)(8)(A)). If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding (Civil Code § 56.10(c)(8)(B)).
- (c) In order to facilitate the examination of any employee, the Sheriff's Office will provide all appropriate documents and available information to assist in the evaluation and/or treatment.
- (d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.
- (e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed.

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### *Fitness for Duty*

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Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.

- (f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

#### **1032.7 LIMITATION ON HOURS WORKED**

Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period or
- 30 hours in any 2 day (48 hour) period or
- 84 hours in any 7 day (168 hour) period

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

#### **1032.8 APPEALS**

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty examination shall be entitled to an administrative appeal as outlined in the Conduct Policy.

## Meal Periods and Breaks

### 1034.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all County employees that has been established by the County Administrator.

#### 1034.1.1 MEAL PERIODS

Sworn employees and dispatchers shall remain on duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

Uniformed patrol shall request clearance from the Dispatch Center prior to taking a meal period. Uniformed deputies shall take their breaks within the County limits unless on assignment outside of the County.

The time spent for the meal period shall be reasonable and not exceed the time authorized.

#### 1034.1.2 15 MINUTE BREAKS

Each employee is entitled to a 15 minute break, near the mid point, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the sheriff's facility shall remain at the sheriff's facility for their breaks. This would not prohibit them from taking a break outside the facility if on official business.

Deputies will take their breaks in their assigned areas, subject to call and shall monitor their radios. When deputies take their breaks away from their vehicles or assigned work station they shall do so only with the knowledge and clearance of the Dispatch Center or supervisor.

## Lactation Break Policy

### 1035.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child (Labor Code § 1034).

### 1035.2 POLICY

It is the policy of this [department/office] to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing infant child (29 USC § 207; Labor Code § 1030).

### 1035.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207; 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 employee'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).

Employees desiring to take a lactation break shall notify the Dispatch Center or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt [department/office] operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

### 1035.4 PRIVATE LOCATION

The Sheriff's Office will make reasonable efforts to accommodate employees 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 employee'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 § 207 and Labor Code § 1031).

Employees 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 employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

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### *Lactation Break Policy*

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#### **1035.5 STORAGE OF EXPRESSED MILK**

Any employee storing expressed milk in any authorized refrigerated area within the Sheriff's Office shall clearly label it as such and shall remove it when the employee ends her shift.

##### **1035.5.1 STATE REQUIREMENTS**

Employees 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.

Employees 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).

## Time Sheet Procedures

### 1036.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required actions by employees and supervisors in completion and submittal of time sheets for employee work time.

Time sheets (SAP computer system) are submitted to County Auditor by Sheriff's Administration on a bi-weekly basis for the payment of wages.

#### 1036.1.1 RESPONSIBILITY FOR COMPLETION OF TIME SHEETS

Employees are responsible for the accurate and timely submission of time sheets for the payment of wages.

#### 1036.1.2 TIME REQUIREMENTS

All employees are paid on a bi-weekly basis usually on Friday with certain exceptions such as holidays. Employees shall complete time sheets on a daily basis. Supervisors will complete the approval process no later than 10:00 a.m. on Monday mornings, unless specified otherwise.

### 1036.2 SUPERVISORY RESPONSIBILITY

Supervisors are responsible for the approval of employee time sheets. Supervisors are to check the time sheet for accuracy. All overtime coded shall have a Receiving Cost Center, Receiving Order and/or Receiving Functional Area.

## Overtime Compensation Requests

### 1038.1 PURPOSE AND SCOPE

It is the policy of the Sheriff's 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 receive authorization from a supervisor prior to working any overtime. Employee needs to complete and submit a Request for Overtime Payment as soon as practical after overtime is worked.

#### 1038.1.1 OVERTIME APPROVAL

Because of the nature of police work, and the specific needs of the Sheriff's Office, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Sheriff's 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.

The individual employee may request compensatory time in lieu of receiving overtime payment, in compliance of the employees bargaining group MOU.

### 1038.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime payment request forms for verification by their immediate supervisor and then forward them to Station Commander as soon as practical. Failure to submit a request for overtime payment in a timely manner may result in a denial of compensation.

#### 1038.2.1 EMPLOYEES RESPONSIBILITY

Employees shall complete the requests immediately after working the overtime and turn them in to their immediate supervisor or Station Commander. Employees submitting overtime cards for on-call pay when off duty shall submit cards to their supervisor the first day after returning for work.

#### 1038.2.2 SUPERVISORS RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

After the entry has been made on the employee's time sheet the overtime payment request form is forwarded to the employee's Station Commander or Correctional Lieutenant for final approval.

#### 1038.2.3 STATION COMMANDER RESPONSIBILITY

Station Commander, after approving payment, will forward the overtime request form to Headquarters where it will be retained for two years.

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### *Overtime Compensation Requests*

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#### 1038.2.4 CORRECTIONAL LIEUTENANT RESPONSIBILITY

Correctional Lieutenant, after approving payment will forward the overtime request form to Custody Administration Office where it will be retained for two years.

#### **1038.3 ACCOUNTING FOR OVERTIME WORKED**

Employees are to record the actual time worked in an overtime status. In some cases, the Memorandum of Understanding provides that a minimum number of hours will be paid, (e.g., two hours for Court, two hours for call out). The supervisor will enter the actual time worked.

##### 1038.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest half of an hour as indicated by the following chart:

<u>TIME WORKED</u>	<u>INDICATE ON CARD</u>
1 to 15 minutes	1/2 hour
16 to 30 minutes	1/2 hour
31 to 45 minutes	1 hour
46 to 60 minutes	1 hour

##### 1038.3.2 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 Station Commander or other approving supervisor may require each employee to include the reason for the variation on the back of the overtime payment request.

## Employee Leave Time Other Than Sick Leave

### 1039.1 PURPOSE AND SCOPE

This policy outlines how employees shall request leave time. Needs of the Sheriff's Office and the employee shall be taken into consideration. The order of consideration will be Sheriff's Office needs, division needs, individual preference and seniority.

#### 1039.1.1 VACATION LEAVE

Vacation requests will be submitted in a timely manner to the employee's supervisor unless otherwise directed. The supervisor or his designee will review schedules to determine if the request can be granted following the purpose and scope of this policy. Employees will be notified as soon as practical as to approval or disapproval of request. Employees will not use vacation leave during their probationary period.

#### 1039.1.2 COMPENSATORY, ADMINISTRATIVE AND PERSONAL LEAVE TIME

Compensatory, Administrative and Personal Leave requests will be submitted in a timely manner to the employee's supervisor unless otherwise directed. The Supervisor or his designee will review schedules to determine if the request can be granted following the purpose and scope of this policy. Employees will be notified as soon a practical as to approval or disapproval of request.

#### 1039.1.3 ANNUAL LEAVE PROGRAM

- (a) For employees opting to participate in this program, holidays will be considered as a regular workday and an equal number of hours accrued to the employee as annual leave balance. The Sheriff must approve participation.
- (b) Requests to participate or withdraw from the program shall be made during the month of August, or as otherwise directed.

#### 1039.1.4 MILITARY LEAVE

- (a) Paid military leave, not to exceed 30 calendar days per fiscal year, shall be granted to employees who have completed any combination of military and County service totaling one year prior to the day leave begins. All benefits, such as vacation and sick leave accruals, shall continue during the first 30 calendar days of military leave per fiscal year. Thereafter, employees on military leave are to be placed on leave of absence without pay upon the following condition: A copy of military orders, or an official statement from their commanding officer, stating that they have been on active duty is submitted to the Auditor's Office.
- (b) Leave of absence without pay shall be granted to employees required to attend scheduled reserve drills during a time when the employees would be employed in a regular work shift (e.g., weekend drills). An employee may not be required to use compensatory or vacation time for such purposes. Provided that reasonable notice is

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### *Employee Leave Time Other Than Sick Leave*

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given to the employee, their supervisor may adjust the employee's work week so as not to conflict with reserve drills.

- (c) Employees ordered to military duty shall provide a copy of those orders, or an official statement from their commanding officer, to Sheriff's Administration for inclusion in their personnel file.

## Outside Employment

### 1040.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for Sheriff's Office employees engaging in outside employment, all employees shall obtain written approval from the Sheriff prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Sheriff in accordance with the provisions of this policy.

#### 1040.1.1 DEFINITIONS

**Outside Employment** - Any member of the Sheriff's Office who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with the Sheriff's Office for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with the Sheriff's Office for services, product(s) or benefits rendered.

**Outside Overtime** - Any member of the Sheriff's Office who performs 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 the Sheriff's Office so that the Sheriff's Office may be reimbursed for the cost of wages and benefits.

### 1040.2 OBTAINING APPROVAL

No member of the Sheriff's Office may engage in any outside employment without first obtaining prior written approval of the Sheriff. 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 employee must complete an Outside Employment Application which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Sheriff for consideration.

If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the odd numbered calendar year (2013,2015,2017, etc..). Any employee seeking to renew a permit shall submit a new Outside Employment Application in a timely manner.

Any employee 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)).

#### 1040.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or withdrawn by the Sheriff's Office, the employee may file a written notice of appeal to the Sheriff within ten days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the current Memorandum of Understanding (MOU).

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#### 1040.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended under the following circumstances:

- (a) Should an employee's performance at the Sheriff's Office decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Sheriff may, at his or her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee'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
- (c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of Sheriff's Office policy, the permit may be suspended or revoked
- (d) When an employee 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 employee's full time duties until the employee has returned to a full duty status

#### 1040.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of Government Code § 1126, the Sheriff's Office expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

- (a) Involves the employee's use of Sheriff's Office work time, facilities, equipment or supplies, the use of the Sheriff's Office badge, uniform, prestige or influence for private gain or advantage
- (b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than the Sheriff's Office for the performance of an act which the employee, 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 employee's duties as a member of this Sheriff's Office
- (c) Involves the performance of an act in other than the employee's capacity as a member of this Sheriff's Office that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this Sheriff's Office
- (d) Involves time demands that would render performance of the employee's duties for this Sheriff's Office less efficient

#### 1040.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Consistent with the provisions of Penal Code § 70, and because it would further create a potential conflict of interest, no member of the Sheriff's Office may engage in any outside or secondary

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employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of the Sheriff's Office must submit a written request to the Sheriff in advance of the desired service. Such outside extra duty overtime assignments will be assigned, monitored and paid through the Sheriff's 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 employees requested for such outside security services.
- (c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:
  - 1. The deputy(s) shall wear the Sheriff's Office uniform/identification.
  - 2. The deputy(s) shall be subject to the rules and regulations of this Sheriff's 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. Outside security services shall not be subject to the collective bargaining process.
  - 6. No deputy may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Sheriff.

#### 1040.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee 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 Sheriff's Office policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

#### 1040.3.3 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.

#### 1040.4 DEPARTMENT RESOURCES

Employees are prohibited from using any Sheriff's 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

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records or databases of this Sheriff's Office or other agencies through the use of the employee's position with the Sheriff's Office.

#### **1040.4.1 REVIEW OF FINANCIAL RECORDS**

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest (Government Code § 3308; Government Code § 1126). Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to § 1040.2.2(c) of this policy.

#### **1040.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS**

If an employee terminates his or her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Sheriff through the chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Sheriff any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

#### **1040.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY**

Sheriff's 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 immediate supervisor 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 determines that the outside employment should be discontinued or if the employee 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 employee, 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.

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(b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.

(c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the San Luis Obispo County Sheriff's Office, a request (in writing) may be made to the Sheriff to restore the permit.

## On Duty Injuries

### 1042.1 PURPOSE AND SCOPE

The purpose of this policy is to provide for the reporting of on-duty injuries, occupational illnesses, or deaths to Risk Management, to ensure proper medical attention is received, and document the circumstances of the incident.

#### 1042.1.1 DEFINITIONS

Definitions related to this policy include:

**Occupational disease or work-related injury** - An injury, disease, or mental health issue arising out of employment (Labor Code § 3208; Labor Code § 3208.3; Labor Code § 3212 et seq.).

### 1042.2 WORKER'S COMPENSATION FUND REPORTS

#### 1042.2.1 INJURIES REQUIRING MEDICAL CARE

All work related injuries and work related illnesses requiring medical care must be reported to the Risk Management and a claim form shall be provided to the injured employee within 24 hours from the time the injury was discovered, excluding weekends and holidays.

#### 1042.2.2 ACCIDENT DEFINED

**Accident** - is defined as any occurrence from which bodily injury or property damage may result, regardless of whether any injury or damage actually does occur (e.g., exposure where no immediate injury is apparent).

#### 1042.2.3 EMPLOYEE'S RESPONSIBILITY

Any employee sustaining any work-related injury or illness, as well as any employee who is involved in any accident while on duty shall report such injury, illness or accident as soon as practical to his/her supervisor. In the absence of an immediate supervisor, the employee shall forward the report to the Watch Commander.

Any employee observing or learning of a potentially hazardous condition is to promptly report the condition to his/her immediate supervisor.

Any employee sustaining a work-related injury or illness that requires relief from duty is required to be examined/treated by a doctor.

Any employee sustaining a work-related injury or illness that requires relief from duty is also required to comply with Sheriff's Office policies and directives relating to the duty to periodically call in during absences, as well as the duty to notify the Sheriff's Office of any change in condition or anticipated duration of the absence.

When appropriate, an employee being treated for an on-duty injury should inform the attending physician that a modified duty assignment may be available at the Sheriff's Office. Limited-service duty may be available for the employees whose injuries prevent resumption of regular duties.

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### *On Duty Injuries*

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An injured employee or employee who has suffered a work-related illness shall report as soon as practical to his/her immediate supervisor the medical findings concerning the injury and the extent and duration of any work restrictions if they are known. In addition, such employees are required to promptly submit all medical releases, whether partial or full releases, to their supervisor.

#### **1042.2.4 SUPERVISOR'S RESPONSIBILITY**

A supervisor learning of any work-related injury, illness or accident shall promptly prepare the appropriate forms as outlined under Policy Manual § 1042.2 and county policy. Updated copies of forms with instructions for completion provided by Risk Management are kept online or in a designated file. All work-related accidents, injuries or illness are to be reported and all requested county paperwork will be completed including the State of California Employer's Report of Occupational Injury or Illness form (DWC-1). All copies of the completed forms shall be forwarded to the Support Services Chief, through the chain of command.

If the injured employee is incapacitated, the employee injury report will be completed by the supervisor.

Every injured employee must be provided with an Employee's Claim for Workers' Compensation Benefits Form (DWC-1) within 24 hours, regardless of the nature of illness or injury and the complete county employee injury packet.

Copies of any reports documenting the accident or injury should be forwarded to the Support Services Chief as soon as they are completed.

#### **1042.2.5 BUREAU CHIEF RESPONSIBILITY**

The Support Services Chief receiving a report of a work-related accident or injury should review the report for accuracy and determine what additional action should be taken. A copy of the report shall then be forwarded the employee's Bureau Chief and the Undersheriff. The Support Services Chief will insure that the injury paperwork has been forward to Risk Management

#### **1042.2.6 SHERIFF RESPONSIBILITY**

The Sheriff or his designee shall review and forward copies of the report to the Department of Human Resources/Risk Management. Any copies of the report and any related documents retained by the Sheriff's Office shall be filed in the employee's confidential medical file and not in the employee's personnel file (see Policy Manual § 1026).

#### **1042.3 INJURY NOT REQUIRING MEDICAL ATTENTION**

Those injuries and illnesses not requiring medical attention shall be recorded as if the injury required medical attention. Supervisors are to encourage employees to seek medical attention even for slight injuries.

#### **1042.4 SETTLEMENT OF INJURY CLAIMS**

Occasionally, an employee's work-related injury results from the negligent or wrongful acts of another, for which the employee, the County, and/or other insurers are entitled to recover civilly.

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### *On Duty Injuries*

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To ensure that the County's interests are protected and that the employee has the benefit of the County's experience in these matters, the following procedure is to be followed:

#### 1042.4.1 EMPLOYEE TO REPORT INITIAL CONTACTS

When an employee sustains work-related injuries caused by another person and is then approached by such person or an agent, insurance company, or attorney and offered a settlement of claims, that employee shall take no action other than to make a written report of this contact to his/her supervisor as soon as possible.

#### 1042.4.2 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than ten (10) days prior to accepting and finalizing the settlement of any third party claim arising out of or related to an on duty injury, the employee shall provide the Sheriff with written notice of the proposed terms of such settlement. In no case shall the employee accept a settlement without first providing such written notice to the Sheriff. The purpose of such notice to permit the County to determine whether or not the offered settlement will affect any claim the County may have regarding payment for damage(s) to equipment or reimbursement for wages against the person who caused the accident or injury and to protect the County's right of subrogation, while ensuring that the employee's rights to receive compensation for injuries are not affected.

## Personal Appearance Standards

### 1044.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the Sheriff's Office, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for the Sheriff's Office and for their assignment.

### 1044.2 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.

#### 1044.2.1 HAIR

Hairstyles of all members shall be neat in appearance. Hair color shall be a natural human hair color. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, worn up or in a tightly wrapped braid or ponytail.

#### 1044.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

#### 1044.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

#### 1044.2.4 FACIAL HAIR

Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Sheriff or his or her designee.

#### 1044.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to deputies or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

#### 1044.2.6 JEWELRY AND ACCESSORIES

No jewelry or personal ornaments shall be worn by uniform deputies on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

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### *Personal Appearance Standards*

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Only one single stud (small diameter) ear ring may be worn in each ear by sworn employees while in uniform or performing duties involving public contact. Only one ring may be worn on each hand of the employee while on-duty.

#### **1044.3 TATTOOS**

While on duty or representing the Sheriff's Office in any official capacity, every reasonable effort should be made to conceal tattoos or other body art. At no time while on duty or representing the Sheriff's Office in any official capacity, shall any offensive tattoo or body art be visible (examples of offensive tattoos would include, but not be limited to those which depict racial, sexual, discriminatory, gang related, or obscene language).

#### **1044.4 BODY PIERCING OR ALTERATION**

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited. 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.

## Uniform Regulations

### 1046.1 PURPOSE AND SCOPE

The uniform policy of the San Luis Obispo County Sheriff's Office is established to ensure that uniformed deputies will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated Policy Manual Sections and/or Operational Directives:

Section 700 - Sheriff's Office Owned and Personal Property

Section 1024 - Body Armor

Section 1044 - Grooming Standards

Operational Directive U1 - Uniform Specifications

The Uniform and Equipment Specifications Operational Directive is maintained and periodically updated by the Sheriff or his/her designee. That directive should be consulted regarding authorized equipment and uniform specifications.

### 1046.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Sheriff's employees wear the uniform to be identified as the 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 peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Personnel 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 department's uniform specifications that are maintained separately from this policy.
- (e) All supervisors will perform periodic inspections of their personnel 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 department 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 employee while he/she is off-duty.

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### *Uniform Regulations*

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- (i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.
- (j) Mirrored sunglasses will not be worn with any Department uniform.
- (k) 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. Only one single stud (small diameter) ear ring may be worn in each ear by uniformed female employees
  - 4. Medical alert bracelet

#### 1046.2.1 DEPARTMENT ISSUED IDENTIFICATION

The Sheriff's Office issues each employee an official Sheriff's Office identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their Sheriff's 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 Sheriff's Office, employees shall display their Sheriff's 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 Bureau Chief.

#### **1046.3 UNIFORM CLASSES**

Refer to Operational Directive U1 for uniform specifications for each class of uniform.

##### 1046.3.1 CLASS A INSPECTION UNIFORM

The Class A inspection uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Class A inspection uniform is required for all sworn personnel.

##### 1046.3.2 CLASS A FIELD UNIFORM

The Class A field uniform is the standard uniform for deputy sheriff's, correctional deputy, and dispatchers.

All deputy sheriff's, correctional deputies and dispatchers will possess and maintain a serviceable Class A field uniform at all times.

##### 1046.3.3 CLASS B FIELD UNIFORM

The Class B field uniform is an optional uniform worn by Deputy Sheriff's, Correctional Deputies, and Dispatchers whenever performing uniformed field duties. The Class B uniform is not authorized for assignments at the Superior Court.

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#### 1046.3.4 CLASS C FIELD UNIFORM

The Class C uniform is a optional uniform that may be worn by Deputy Sheriff's, Correctional Deputies and Dispatchers to training classes, during inclement weather, and other special assignments when approved by a Division Commander or Watch Commander.

Correctional Deputies may wear the Class C uniform in the security area in the jail as approved by the Custody Bureau Chief Deputy.

#### 1046.3.5 FOUL WEATHER GEAR

The Uniform and Equipment Specifications lists the authorized uniform jacket and rain gear. Refer to Operational Directive U1.

#### 1046.3.6 SPECIALIZED UNIT UNIFORMS

The Sheriff may authorize special uniforms to be worn by deputies in specialized units such as Canine Team, SED, SOU, Bicycle Patrol, and other specialized assignments.

### **1046.4 INSIGNIA AND PATCHES**

- (a) Shoulder Patches - The authorized shoulder patch supplied by the Sheriff's 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. Each stripe will represent 4 years of law enforcement service. 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.
- (c) The regulation nameplate, or an authorized sewn on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee's first name initial and last name. 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.
- (d) 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.
- (e) Assignment Insignias - Assignment insignias, (SED, Dive, etc.) may be worn as designated by the Sheriff.
- (f) 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.
- (g) Rank Insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Sheriff may authorize exceptions.
- (h) Medal of Valor Pin- Shall be centered above the nameplate above the right breast pocket of the Class A Inspection jacket or the Class A and Class B uniform shirt.
- (i) Life Saving Award Pin - Shall be centered above the nameplate above the right breast pocket of the Class A Inspection jacket or the Class A and Class B uniform shirt.

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- (j) Medal of Valor and Life Saving Pin- When worn together, They shall be centered above the nameplate, above the right breast pocket, with the Medal of Valor located above the right side of the nameplate and the Life Saving Medal located to the left side of the nameplate,
- (k) Shooting Qualification Medal- Shall be centered between the button and the left edge of the right breast pocket of the Class A Inspection jacket or the Class A and Class B uniform shirt.
- (l) Crisis Intervention Training Pin (CIT)- Shall be centered above the button of the right breast pocket of the Class A Inspection jacket or the the Class A and Class B uniform shirt.
- (m) Other approved pins or medals- Shall be centered between the button and the left edge of the right breast pocket of the Class A Inspection jacket or the Class A and Class B uniform shirt.

#### **1046.4.1 MOURNING BADGE**

Uniformed employees 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 the Sheriff's 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 Day (May 15th) - From 0001 hours until 2359 hours.
- (e) As directed by the Sheriff.

#### **1046.5 CIVILIAN ATTIRE**

There are assignments within the Sheriff's Office that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

- (a) All employees 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, tie, slacks, sportcoat or suits that are moderate in style. Employees working in a custody environment are not required to wear a tie for safety reasons.
- (c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.
- (d) The following items shall not be worn on duty:

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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
- (e) Variations from this order are allowed at the discretion of the Sheriff or designee when the employee's 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 San Luis Obispo County Sheriff's Office or the morale of the employees.

#### **1046.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS**

Unless specifically authorized by the Sheriff, San Luis Obispo County Sheriff's Office employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a Sheriff's Office badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the San Luis Obispo 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.

#### **1046.7 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT**

- (a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Sheriff's Office for the cost of providing the Sheriff's Office issued item.
- (b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. 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 employee bears the full cost of replacement.

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2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (Policy Manual § 700).

#### **1046.7.1 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 San Luis Obispo County Sheriff's Office. (This identification is separate and distinct from the identification authorized by Penal Code § 12027 and referenced in the Retired Deputy CCW Endorsement Policy in this manual).

A badge issued to an honorably retired peace officer that is not affixed to a plaque or other memento will have the words "Honorably Retired" clearly visible on its face. A retiree shall be instructed that any such badge will remain the property of the San Luis Obispo County Sheriff's Office and will be revoked in the event of misuse or abuse (Penal Code § 538d).

#### **1046.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES**

San Luis Obispo County Sheriff's Office employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Sheriff or designee.

San Luis Obispo County Sheriff's Office employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Sheriff or designee.

## Sheriff's Explorers

### 1048.1 PURPOSE AND SCOPE

Explorers work under direct supervision, perform a variety of routine and progressively more advanced tasks in an apprenticeship program in preparation for a career in law enforcement.

### 1048.2 EDUCATION REQUIREMENTS

Explorers shall be enrolled in high school or college in furtherance of their education while in the program. Explorers are required to maintain a minimum grade point average of 2.0 ("C" grade) for all courses taken.

### 1048.3 PROGRAM COORDINATOR

A sergeant will serve as the Program Coordinator. This supervisor will be responsible for tracking the educational and job performance of explorers as well as making their individual assignments throughout the Sheriff's Office. He/she will also monitor the training provided for all explorers and review all decisions affecting job assignments, status for compensation, school attendance and performance evaluations.

#### 1048.3.1 PROGRAM ADVISORS

The Program Coordinator may select individual deputies to serve as advisors for the Explorers Program. These deputies will serve as mentors for each cadet. Explorers will bring special requests, concerns, and suggestions to their program advisor for advice or direction before contacting the Program Coordinator. One advisor may be designated as the Coordinator's assistant to lead scheduled meetings and training sessions involving the explorers. Multiple cadets may be assigned to each program advisor. Program advisors are not intended to circumvent the established chain of command. Any issues that may be a concern of the individual's supervisor should be referred back to the Program Coordinator.

### 1048.4 ORIENTATION AND TRAINING

Newly hired explorers will receive an orientation of the organization and facilities before reporting to their first assignment. On-the-job training will be conducted in compliance with the Explorer Training Manual. Training sessions will be scheduled as needed to train explorers for as many assignments as possible. In addition to job-specific training, information will be offered to prepare explorers to compete successfully in the sheriff's deputy selection process, as well as the academy training. All training will focus on improving job performance, as well as preparation to become sheriff's deputies. These meetings will also offer an opportunity to receive continuous feedback regarding progress of the program.

### 1048.5 EXPLORER UNIFORMS

Each explorer will be provided two uniforms meeting the specifications described in the Uniform Manual for non-sworn employees.

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### *Sheriff's Explorers*

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#### **1048.6 ROTATION OF ASSIGNMENTS**

Rotating job assignments should occur on a regular basis to enhance the career development for each explorer. Sheriff's Office needs and concerns will take precedence over individual considerations with the final decision resting with the Program Coordinator.

In general, senior explorers will be assigned to positions requiring more technical skill or responsibility, as well as serving to train cadets for new assignments or those newly hired.

#### **1048.7 RIDE-ALONG PROCEDURES**

All explorers are authorized to participate in the Ride-Along Program on their own time and as approved by their immediate supervisor and the appropriate Station Commander. Applicable waivers must be signed in advance of the ride-along. Explorers shall wear their uniform while participating on a ride-along.

#### **1048.8 PERFORMANCE EVALUATIONS**

Performance evaluations for all explorers shall be completed monthly during their first year on probation. Upon successful completion of probation, explorers and senior explorers will be evaluated on a yearly basis to assess their current job performance and their potential as sheriff's deputies.

## Nepotism and Conflicting Relationships

### 1050.1 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 Sheriff's 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.

#### 1050.1.1 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 Sheriff's 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 Sheriff's Office 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.

### 1050.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Sheriff's 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)):

- (a) Employees are prohibited from directly supervising 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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### *Nepotism and Conflicting Relationships*

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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. The timeframe for temporary is at the discretion of the Sheriff's Office but should not exceed more than 14 consecutive days.
2. When personnel and circumstances permit, the Sheriff's Office will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Sheriff's 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 Sheriff's 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.

#### 1050.2.1 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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### *Nepotism and Conflicting Relationships*

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#### 1050.2.2 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.

## Sheriff's Office Badges and Identification Cards

### 1052.1 PURPOSE AND SCOPE

The San Luis Obispo County Sheriff's Office badge, identification card and uniform patch as well as the likeness of these items and the name of the San Luis Obispo County Sheriff's Office are property of the Sheriff's Office and their use shall be restricted as set forth in this policy.

### 1052.2 POLICY

The uniform badge shall be issued to Sheriff's Office members as a symbol of authority and the use and display of Sheriff's Office badges shall be in strict compliance with this policy. Only authorized badges issued by this Sheriff's Office shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity. Employees shall have in their possession their Sheriff's Office identification card while on duty. Sworn members shall have their Sheriff's Office identification card in their possession whenever carrying a concealed firearm, whether they are on or off duty. Sworn members may be excused from the requirement to carry their Sheriff's Office identification card when working in an undercover capacity with the prior approval of their supervisor.

#### 1052.2.1 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 with their Sheriff's Office identification card. The use of the flat badge is subject to all the same provisions of Sheriff's 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 San Luis Obispo 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 Policy Manual section 700.
- (c) An honorably retired deputy may keep his/her flat badge upon retirement.
- (d) With the approval of the Sheriff an honorably retired deputy may purchase a flat badge with a "retired" banner for use with their retired identification card issued pursuant to Policy Manual section 220.
- (e) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

#### 1052.2.2 NON-SWORN PERSONNEL

Badges and Sheriff's Office identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Property Officer, Dispatcher).

- (a) Non-sworn personnel shall not display any Sheriff's Office badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.

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### *Sheriff's Office Badges and Identification Cards*

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- (b) Non-sworn personnel shall not display any Sheriff's 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.
- (c) Non-sworn personnel shall not display their Sheriff's Office identification card in any secured facility if its display creates a safety or security hazard.

#### 1052.2.3 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.

#### 1052.3 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.

Sheriff's Office badges are issued to all sworn employees and non-sworn uniformed employees for official use only. The Sheriff's Office badge, shoulder patch or the likeness thereof, or the Sheriff's 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 Sheriff's Office name for all material (printed matter, products or other items) developed for Sheriff's Office use shall be subject to approval by the Sheriff.

Employees shall not loan his/her Sheriff's Office badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

#### 1052.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department 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 department badge for merchandise and official association business provided they are used in a clear representation of the association and not the San Luis Obispo 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 department badge for endorsement of political candidates shall not be used without the expressed approval of the Sheriff.

#### 1052.5 SYMBOLIC ITEMS RELATED TO THE SHERIFF'S OFFICE

Any Bureau, Division, Specialty Unit or employee that desires to create a symbolic item related in any way to the Sheriff's Office for their team or unit, such as, but not limited to challenge coins,

# San Luis Obispo County Sheriff's Office

## San Luis Obispo County SO Policy Manual

### *Sheriff's Office Badges and Identification Cards*

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patches, hats, t-shirts or other insignia, whether for on duty or off duty must submit a request through the chain of command.

The request shall include the design of the symbolic item, the intended use of the item and how the item will be paid for. If the symbolic item has specific images or statements in the design that are not clear the meaning must be clearly explained in the request.

No symbolic item shall be created, procured, ordered, purchased or distributed without the permission of the Sheriff through this approval process.

## Temporary Modified-Duty Assignments

### 1054.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees 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 Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

### 1054.2 POLICY

Subject to operational considerations, the San Luis Obispo County Sheriff's Office may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

### 1054.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the California Fair Employment and Housing Act (Government Code § 12940 et seq.) shall be treated equally, without regard to any preference for a work-related injury.

No position in the San Luis Obispo County Sheriff's Office shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Sheriff or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

### 1054.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

# San Luis Obispo County Sheriff's Office

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### *Temporary Modified-Duty Assignments*

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Employees seeking a temporary modified-duty assignment should submit a written request to the Bureau Chief or Correctional Captain via the chain of command or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Bureau Chief or Correctional Captain will make a recommendation through the chain of command to the Undersheriff regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Sheriff or the authorized designee shall confer with the Department of Human Resources or the County Counsel as appropriate.

#### **1054.5 ACCOUNTABILITY**

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Bureau Chief.

##### **1054.5.1 EMPLOYEE RESPONSIBILITIES**

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the Bureau Chief that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

# San Luis Obispo County Sheriff's Office

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### *Temporary Modified-Duty Assignments*

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#### 1054.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

- (a) Periodically apprising the Bureau Chief of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the Bureau Chief and ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

#### 1054.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The [Department/Office] may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

#### 1054.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment. Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under Government Code § 12945.

##### 1054.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the County's personnel rules and regulations regarding family and medical care leave.

#### 1054.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

#### 1054.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees 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. Employees

# San Luis Obispo County Sheriff's Office

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### *Temporary Modified-Duty Assignments*

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who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

# Employee Speech, Expression and Social Networking

## 1058.1 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 Department.

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.

### 1058.1.1 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.

## 1058.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the Sheriff's Office. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of the Sheriff's Office be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the San Luis Obispo County Sheriff's Office will carefully balance the individual employee's rights against the Sheriff's Office needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

## 1058.3 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 San Luis Obispo 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:

# San Luis Obispo County Sheriff's Office

## San Luis Obispo County SO Policy Manual

### *Employee Speech, Expression and Social Networking*

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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.

#### **1058.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT**

To meet the department'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 San Luis Obispo 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 San Luis Obispo County Sheriff's Office and tends to compromise or damage the mission, function, reputation or professionalism of the San Luis Obispo 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 Department. 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 San Luis Obispo 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 Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Sheriff or the authorized designee.

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### *Employee Speech, Expression and Social Networking*

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- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the San Luis Obispo County Sheriff's Office on any personal or social networking or other website or web page, without the express authorization of the Sheriff.
- (h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:
  - 1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
  - 2. During authorized breaks such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

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).

#### 1058.4.1 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 San Luis Obispo County Sheriff's Office or identify themselves in any way that could be reasonably perceived as representing the San Luis Obispo 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 department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the San Luis Obispo 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

# San Luis Obispo County Sheriff's Office

## San Luis Obispo County SO Policy Manual

### *Employee Speech, Expression and Social Networking*

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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).

#### **1058.5 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, MySpace) that is accessed, transmitted, received or reviewed on any department technology system.

The Department reserves the right to access, audit and disclose for whatever reason any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department. This includes the department e-mail system, computer network or any information placed into storage on any department system or device.

It also includes records of all key strokes or web-browsing history made at any department computer or over any department network.

The fact that access to a database, service or website requires a user name or password will not create an expectation of privacy if it is accessed through a department computer or network. However, the Department may not require an employee to disclose a personal user name or password or open a personal social website, except when access is reasonably believed to be relevant to the investigation of allegations of work related misconduct (Labor Code § 980).

#### **1058.6 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 Department or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Department.
- (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 Department.

# San Luis Obispo County Sheriff's Office

## San Luis Obispo County SO Policy Manual

### *Employee Speech, Expression and Social Networking*

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#### **1058.7 TRAINING**

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

## Facial Coverings

### 1061.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for all sworn personnel regarding the restriction of facial coverings when performing their duties except in limited specific circumstances (Government Code § 7289).

This policy also serves as a declaration that the San Luis Obispo County Sheriff's Office is committed to transparency, accountability, and public trust. Facial coverings are restricted as set forth in this policy.

#### 1061.1.1 DEFINITIONS

Definitions related to this policy include:

**Facial covering** - Any opaque mask, garment, helmet, headgear, or other item that conceals or obscures the facial identity of an individual, including but not limited to a balaclava, tactical mask, gaiter, ski mask, and any similar type of facial covering or face-shielding item.

Facial covering does not include:

- A translucent face shield or clear mask that does not conceal the wearer's facial identity and is used in compliance with this policy.
- A N95 medical mask or surgical mask to protect against transmission of disease or infection or any other mask, helmet, or device, including but not limited to air-purifying respirators, full or half masks, or self-contained breathing apparatus necessary to protect against exposure to any toxin, gas, smoke, inclement weather, or any other hazardous or harmful environmental condition.
- A mask, helmet, or device, including but not limited to a self-contained breathing apparatus, necessary for underwater use.
- A motorcycle helmet when worn by a deputy utilizing a motorcycle or other vehicle that requires a helmet for safe operations while in the performance of their duties.
- Eyewear necessary to protect from the use of retinal weapons, including but not limited to lasers.

### 1061.2 POLICY

It is the policy of the San Luis Obispo County Sheriff's Office that facial coverings shall not be worn by deputies in the performance of their duties except as set forth in this policy.

Generalized and undifferentiated fear and apprehension about deputy safety shall not be sufficient to justify the use of facial coverings.

### 1061.3 FACIAL COVERINGS

Facial coverings shall not be worn by deputies when performing their duties except under the following conditions:

- (a) Active undercover operations or assignments authorized by a supervisor or court order

# San Luis Obispo County Sheriff's Office

## San Luis Obispo County SO Policy Manual

### *Facial Coverings*

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- (b) Tactical operations where protective gear is required for physical safety
- (c) Applicable law governing occupational health and safety authorizes such use (e.g., N95 masks against transmission of disease or infection, self-contained breathing apparatus against exposure to hazardous conditions)
- (d) Protection of identity during a prosecution proceeding
- (e) Applicable law governing reasonable accommodations authorizes such use

Facial coverings shall only be used when no other reasonable alternative exists, and with the approval of a supervisor. The supervisor shall document the necessity of facial coverings in the appropriate report.

A supervisor shall not knowingly allow a deputy to violate state law or [department/office] policy limiting the use of a facial covering.

#### **1061.4 POSTING OF POLICY**

The Sheriff or the authorized designee shall make this policy publicly available on the [department/office] website.

A written challenge regarding this policy shall be forwarded to the Sheriff or the authorized designee, who shall then have 90 days to address or correct any alleged deficiencies. Court proceedings may not be initiated by the challenging party until this 90-day period has been completed.

## Attachments

## Peer\_Counselor\_Program (2).pdf

## Peer Counselor Program

### 330.1 PURPOSE AND SCOPE

The purpose of a Peer Counselor Program is to provide employees with the opportunity of peer counseling during times of personal and professional crisis. The assistance is confidential and will be a support network for employees wishing to participate in the program.

### 330.2 POLICY

It is the policy of this office that Peer Counselors will provide an accessible support network for employees and willing to be of service to employees who express a need for assistance. Peer Counselors will promote trust, appropriate anonymity and confidentiality for employees participating in peer counseling efforts. Peer Counselors will provide services, upon request, to employees off-duty due to injury or illness and support those who have had family tragedies.

### 330.3 SELECTION REQUIREMENTS

Employees requesting to become Peer Counselors will submit a memorandum of interest and be subject to the following selection criteria:

- (a) Have no work restrictions involving psychological stress
- (b) Is not the subject of a serious investigation
- (c) Participate in an oral interview by a panel of current Peer Counselors
- (d) Receive a positive recommendation by the panel based upon a majority vote of those present
- (e) Receive an endorsement from both the Correctional Lieutenant and Correctional Captain
- (f) Agree to maintain confidentiality with the guidelines of the policy
- (g) Attend necessary on-going training

### 330.4 RESPONSIBILITIES

Any employee who requests and is assigned as a Peer Counselor will be subject to the following responsibilities:

- (a) Shall work to develop a sincere rapport and maintain confidentiality as defined in the Program.
- (b) Shall maintain a reasonable attempt to remain available to the individual and offer additional support, if necessary.
- (c) Shall promote trust, anonymity and confidentiality for employees who seek the assistance of the Peer Counselor Program. Communications between a Peer Counselor and an employee shall be considered confidential by the Sheriff's Office with the following exceptions:

# San Luis Obispo County Sheriff's Office

San Luis Obispo County SO Custody Manual

## *Peer Counselor Program*

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1. When there is reason to believe that the employee intends to injure another person.
  2. When there is cause to believe the employee is or has been a participant in any crime.
  3. When there is a clear and present danger to self, citizens or co-workers.
  4. When violations of directives or policies are violated.
  5. When the Peer Counselor has reason to fear the employee is not fit for duty.
- (d) Peer Counselors may need to speak to a co-worker off-duty. Any time spent off-duty is on a voluntary basis and both overtime or adjustment time will not be accrued. If a Peer Counselor responds to a critical incident while they are off-duty, it is on a voluntary basis.
- (e) Peer Counselors agree to be contacted and, if available, may need to respond at any hour.

### **330.5 TRAINING**

Peer Counselor's will be provided training consistent with the need to fulfill their responsibilities. It is the responsibility of the Training Coordinator to provide Peer Counselors with initial and continued training that covers the following subjects:

- (a) Initial Peer Counseling Seminar
- (b) Crisis identification
- (c) Crisis intervention and counseling
- (d) Listening skills
- (e) Assessment skills
- (f) Suicide assessment
- (g) Alcohol and substance abuse

### **330.6 USE OF OFFICE EQUIPMENT AND FACILITIES**

Peer Counselors may seek the use of available office resources, including the officer facilities while assisting employees. Office facilities will be used with the knowledge and approval of the immediate supervisor responsible for the involved equipment or facility.

### **330.7 INTERNAL OR CRIMINAL INVESTIGATIONS**

A Peer Counselor assisting an individual, who becomes the subject of a disciplinary or internal investigation, may not hamper or impede the actual investigation, nor may they attempt to shelter the individual from the investigation.

If a Peer Counselor has prior involvement or knowledge of an incident which would likely result in them being a witness in an internal or criminal investigation, the Peer Counselor shall not enter

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## *Peer Counselor Program*

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into a peer support relationship with the involved employee, but should refer the employee to an uninvolved Peer Counselor.

The Peer Counselor's role in disciplinary situations should be one of support and assisting the employee through any stress faced after the disciplinary process.

## 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> <hr/> <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>
--	--

<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>	Paramedics at scene? <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

## **Statutes and Legal Requirements.pdf**

---

## 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.

## **Supplemental Hate Crime Report-Agency.pdf**

**SUPPLEMENTAL HATE CRIME REPORT**

Hate incident (No Crime Committed)

Hate Crime (422.6 PC, 51.7 CC, 52.1 CC)

<b>VICTIM</b>				
<b>VICTIM TYPE</b>			Date and time of incident: _____	
<input type="checkbox"/> <b>Individual</b> Legal name (Last, First): _____			Location of incident: _____	
Date of Birth	Age	Sex	Date and time of report: _____	
			Location of report: _____	
<input type="checkbox"/> <b>School, business or organization</b> Name: _____ Type: _____ <i>(e.g., non-profit, private, public school)</i>			Agency Case #: _____	
<input type="checkbox"/> <b>Faith-based organization</b> Name: _____ Faith: _____			<b>NATURE OF CALL FOR SERVICE (check all that apply)</b>  <input type="checkbox"/> Crime against persons  <input type="checkbox"/> Crime against property  <input type="checkbox"/> Gang activity  <input type="checkbox"/> Other _____	
<input type="checkbox"/> <b>Other</b> Name: _____ Type: _____ Address: _____				

<b>BIAS</b>	
<p style="text-align: center;"><b>TYPE OF BIAS</b> <i>(Check all characteristics that apply)</i></p> <input type="checkbox"/> Disability <input type="checkbox"/> Gender <input type="checkbox"/> Gender identity/expression <input type="checkbox"/> Sexual orientation <input type="checkbox"/> Race <input type="checkbox"/> Ethnicity <input type="checkbox"/> Nationality <input type="checkbox"/> Religion <input type="checkbox"/> Significant day of offense <i>(e.g., 9/11, holy days)</i> <input type="checkbox"/> Association with a person or group with one or more of these characteristics (actual or perceived) <input type="checkbox"/> Other: _____	<p style="text-align: center;"><b>ACTUAL OR PERCEIVED BIAS – VICTIM’S STATEMENT</b></p> <input type="checkbox"/> Actual bias [Victim has the indicated characteristic(s)]. <input type="checkbox"/> Perceived bias [Suspect believed victim had the indicated characteristic(s)].
	<p style="text-align: center;"><b>REASON FOR BIAS:</b></p> Do you feel you were targeted based on one of these characteristics? <input type="checkbox"/> Yes <input type="checkbox"/> No  Do you know what motivated the suspect to commit this crime? <input type="checkbox"/> Yes <input type="checkbox"/> No  Do you feel you were targeted because you associated yourself with an individual or a group? <input type="checkbox"/> Yes <input type="checkbox"/> No  Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)? <input type="checkbox"/> Yes <input type="checkbox"/> No  Are there Indicators the suspect is affiliated with a criminal street gang? <input type="checkbox"/> Yes <input type="checkbox"/> No
<p style="text-align: center;"><b>BIAS INDICATORS (CHECK ALL THAT APPLY):</b></p> <input type="checkbox"/> Hate speech <input type="checkbox"/> Acts/gestures <input type="checkbox"/> Property damage <input type="checkbox"/> Symbol used <input type="checkbox"/> Written/electronic communication <input type="checkbox"/> Graffiti/spray paint <input type="checkbox"/> Other: _____	

# SUPPLEMENTAL HATE CRIME REPORT

Page 2 of 2

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	
_____	_____	_____	_____	
Relationship to Victim: _____			Length of relationship: _____	
			<input type="checkbox"/> Prior reported incidents with suspect: <i>Total #</i> _____	
			Prior unreported incidents with suspect: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	

WEAPONS/FORCE				
Weapon(s) used during incident?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Type:	_____
Force used during incident?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Type:	_____

EVIDENCE				
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/video <input type="checkbox"/> Known

RESOURCES				
Resources offered at scene:	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
<input type="checkbox"/> Marsy's Law Handout	<input type="checkbox"/> Hate Crimes Brochure	<input type="checkbox"/> Other:	_____	

MEDICAL				
<b>Victim</b>	<b>Suspect</b>			
<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	
_____	

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